



Working Towards 2015: Adopting a housing solutions approach to homelessness

Toolkit One

Resources for delivering a housing solutions approach to homelessness

Contact

Welsh Local Government Association

The WLGA's primary purposes are to promote a better local government, its reputation and to support authorities in the development of policies and priorities which will improve public service and democracy.

It represents the 22 local authorities in Wales with the 3 fire and rescue authorities and 3 national park authorities as associate members.

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INTRODUCTION

The new homelessness legislation that will be introduced in April 2015 will focus on homeless prevention and place a statutory duty on local authorities to take reasonable steps to prevent homelessness for anyone at risk of losing their home within 56 days.

The purpose of this toolkit is to help local authorities 'begin the journey' to 2015 by adopting a 'Housing Solutions' approach. In the transition period there is an opportunity for local authorities to pilot and trial the new approach so that they have a tried and tested model ready for 2015.

This toolkit has been produced as part of the WLGA 'Prevention of Homelessness Improvement Project' and has been designed to help authorities refocus their services on preventing homelessness and begin to work to the 'spirit' of the new legislation. The project has been funded by Welsh Government, directed by a steering group of representatives from Local Government, Welsh Government and Shelter and the work undertaken by consultant Andy Gale.

The steering group recognized that authorities are facing considerable resource constraints which are affecting all services including homelessness prevention. It may therefore be difficult for Authorities to introduce all the changes before the necessary additional resources are introduced in April 2015. However that should not prevent an authority from moving towards a 'Housing Solutions' approach and working in the spirit of the 2015 legislation as far as resources allow.

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The Housing (Wales) Bill

The bill was launched on 18th November 2013 and subject to passing all the stages it will receive royal assent in summer 2014 and will be implemented in April 2015.

The prime purpose of the new homelessness legislation is to reduce homelessness by placing greater emphasis on homelessness prevention and improving the safety net for people not in a priority need category. It will also increase the range of housing options by giving authorities the power to use the private rented sector to discharge their homeless duty.

It is proposed that there will be a local authority duty to 'take reasonable steps' to prevent homelessness for anyone (and those they normally live with) at risk of homelessness within 56 days. However this duty will be subject to the availability of resources. The 'reasonable steps' will need to ensure the applicant has suitable accommodation that is available for occupation for a period of at least 6 months.

The bill proposes that local authorities will have a duty to assess anyone who is homeless or at risk of homelessness within 56 days or if someone has applied to the authority for help in retaining accommodation. This duty will apply to anyone irrespective of their local connection or intentionality. Authorities will be required to assess the circumstances leading to the person being homeless or at risk of homelessness and the housing needs of the household. The applicant must be informed of the outcome of the assessment.

Toolkit 1: Overview

The toolkit is divided into 4 sections:

Section 1 – Encourages authorities to adopt a housing solutions approach within the constraints of current resources. It suggests an approach for single person households and for families

Section 2 – Provides a framework for the interview including a suggested approach, what to include and how to communicate information. This section should be used in conjunction with section 4 that provides a diagnostic toolkit for the prevention actions.

Section 3 – Provides the templates to be used following the interview. They include confirmation of advice and actions template; housing prospects templates and information template to give to a person to help them search for a home to rent privately.

Section 4 – Is the diagnostic checklist to be used during a Housing Solutions interview to diagnose why an applicant is at risk of homelessness and lists all the possible actions and options available to you to help the person resolve their housing problem.

Getting started

Authorities can start by:

- Checking section 1 and deciding what approach you want to adopt, taking into account the available resources
- Checking the suggested 'Housing Solutions' interview in section 2 and adapting it to help develop your current approach to prevention
- Checking the templates to see how they can be useful in developing a 'Housing Solutions' approach and support your existing housing options interviews
- Finally go through the diagnostic checklist in section 4 and adapt this to your local circumstances. This will help you to diagnose why an applicant is at risk of homelessness and lists possible actions and options available to you to help the person resolve their housing problem

You will probably also need to adopt new processes and new ways of working. This isn't covered in the toolkit, but developing new ways of delivering the help that you give is going to be essential given the resource constraints that every local authority is operating under. You should consider:

- Delivering more help through self-help on-line and bespoke housing advice software systems
- Delivering more of the routine work at the point a person contacts the service for help, freeing up more time for effective casework for the cases that need prevention help
- Delivering more of the work through structured telephone interviews where this is appropriate, as these take up less time than a face to face interview
- Confirming actions or decisions by adapting the set of templates for advice and decisions, again saving you time

SECTION 1

Adopting the New Housing Solutions Approach

The Housing Solutions Approach

The housing solutions approach promoted by this toolkit encourages local authorities to work towards the proposed 2015 changes to legislation by taking earlier action to prevent homelessness for anyone at risk of homelessness within 56 days.

It is important that all applicants are informed that if at the point of presentation they are likely to become homeless within the next 28 days a homeless application under the current legislation will be triggered.

Applicants who are not at risk of losing their home within the next 28 days should be advised that if they become threatened with homelessness within the next 28 days they should contact the housing options service and a homeless application will then be triggered.

All Local Authorities are encouraged to:

- Adopt a 'housing solutions' approach for all households in housing need who are at risk of losing their home within 56 days, regardless of whether the person is likely to be in priority need
- Provide written advice to all households that approach the service on the actions that both the local authority and the person can take to remove or reduce the risk of them losing their home in the next 56 days
- Develop pathways targeted at preventing homelessness and seeking appropriate accommodation with support, in partnership with key relevant statutory and voluntary sector that cover all key vulnerable groups
- Develop a private rented sector 'offer' for all households who are at risk of losing their home

However given the resource constraints on local government it is inevitable that not all authorities will have the resources to extend their prevention work as suggested until further resources come available to implement the legislation.

The Housing Solutions Approach for Single People

General Help and Advice

- Everyone should be offered a housing options interview if they approach the authority for help and may lose their home in the next 56 days
- Provide written advice on the actions both the local authority and the person can take to remove any risk of losing their home within 56 days
- Provide a written decision if a homeless application has been triggered
- Check whether they have any support needs which are not being met and make a referral to appropriate supporting people funded service or voluntary sector body
- Undertake a basic income and expenditure check if debt has contributed to the threat of homelessness

Help to remain in the home that they live in

- Offer to help the person obtain reasonable notice and resolve any disputes if a relative or friend asking them to leave
- Offer to discuss and negotiate with a landlord who has issued notice terminating a tenancy or licence, including checking the validity of any notice and seeking a resolution to the problem that has led to the notice
- Offer to make a referral to an appropriate money or debt advice service to help the person resolve money problems which may be the reason why they are at risk of losing their home
- Offer help from the homeless prevention fund or where appropriate a discretionary housing payment (DHP)
- Ensure any applicant is informed that if they are still likely to become homeless within 28 days, Part 7 and its attendant services will be triggered and they should come back to the authority (or any other LA for that matter)

Help where homelessness cannot be prevented

- Take a homelessness application
- If following enquiries into a homeless application the authority is satisfied the person does not have a priority need, offer to contact any relatives or friends to explain that no accommodation duty is owed and ask if they are willing to let the person stay on a temporary basis or longer term.
- Offer information on how and where to look for PRS accommodation
- Offer a rent deposit guarantee from the local authority or a voluntary sector partner, subject to meeting local criteria (such as no former arrears or anti-social behaviour) and subject to the person finding accommodation themselves

The Housing Solutions Approach for families

General Help and Advice

- Everyone should be offered a housing options interview if they approach the authority seeking help and may lose their home in the next 56 days.
- All who want a housing options interview should be given written advice on the actions both the local authority and the person can take to remove any risk of losing their home within 56 days
- Where a homeless application has been triggered under the current Legislation provide a written decision
- Undertake a full diagnostic check using the housing solutions prevention toolkit and take appropriate action to resolve the problem or problems that place the family at risk of becoming homeless.
- Assess whether the family have any support needs which are not being met and may be contributing to the risk of them becoming homeless. If appropriate make a referral to an appropriate supporting people funded service, family help or intervention service or voluntary sector body.
- Undertake a basic debt and income check if there are debt problems which may in the immediate or longer term contribute to the family losing their home.

Help to remain in the home that they live in

- Help to resolve any problems or disputes that have led to the family being asked to leave
- Ensure the friends/relatives who are asking a person to leave to give reasonable notice
- Seek a housing solution with a landlord who has issued notice terminating a tenancy or licence, including checking the validity of any notice and seeking a resolution to the problem that has led to the notice
- Make a referral for help to an appropriate money or debt advice service to help resolve money or debt problems where that is the reason they are at risk of losing their home
- Provide help from the homeless prevention fund or a discretionary housing payment to prevent the family losing their home
- Ensure the applicant is informed that if they are still homeless within 28 days, a part 7 homelessness application will be triggered

Help where homelessness cannot be prevented

- Take a homelessness application
- Help the family to access private rented accommodation if this is what they want. This may be sourced by the local authority or you can provide information on how

and where to look for accommodation in the private rented sector where there is a possibility that homelessness may not be able to be prevented

- Provide of a rent deposit guarantee and access to the full landlord guarantee package provided by the local authority, subject to meeting local criteria (such as no former arrears or anti-social behaviour)

SECTION 2

The Housing Solutions Interview

This section of the toolkit outlines how to approach the interview and what to include. It should be used in conjunction with section 4 which provides a diagnostic toolkit for homelessness prevention. It includes six stages:

- The starting point
- The reality check
- Finding a solution using the housing solutions checklist
- Assessing underlying needs
- Checking if a homelessness applications has been made
- Completing the interview

The interview should focus on finding a solution to a person's housing problem. However, it is important to remember that where a homeless application has been lawfully triggered the local authority has a duty to investigate that application, regardless of any work undertaken in parallel with the application to prevent a person from becoming homeless.

It is also important to inform the applicant about homelessness services under Part 7 of the Homeless legislation and what they might be entitled to under that legislation.

Overview of the six stages of the interview

Stage 1: The starting point

The start of the interview should include collecting:

- Personal details
- A summary of the housing problem
- Making it clear what is going to be covered in the interview and what the person can expect
- Telling the person that you will do everything you can to help them sort out their housing problem
- Information on any support needs

There may be a simple solution and advice can be given there and then, but for others there will be a problem or several problems that you are going to need to help the person sort out.

Stage 2: The reality check

Many people can have an unrealistic picture of how you can help, and think you can provide a social housing property in the place they would like to live. There needs to be a discussion with the person to provide a reality check. There are 4 things to get across:

- You are here to help sort out their housing problem so there is no risk that they might lose their home. It's really important to explain that you expect them to help to sort out the problem with your help
- You will need to spend some time talking to them about the lack of social housing and their prospects of getting social housing
- if it looks likely they might lose their home its best to talk through how they feel about renting somewhere in the private sector and how you can help them with this if they do lose their home
- You will need to inform them about the statutory, legal homelessness service Part 7

Stage 3: Finding a solution

Having made them aware of the limited supply of council or housing association property you can concentrate on the main purpose of the interview which is to help them sort out their housing problem. You already know a little from the description of their problem they gave you at the start of the interview. Now start to get to the bottom of the problem and what actions you might be able to take to help. You will find the Housing Solutions diagnostic toolkit (section 4) really helpful as it takes you through all the possible problems and lists the actions against each problem.

Stage 4: Assessing underlying needs

There may be a number of underlying issues that have contributed to their housing problems, including unmet support needs or financial difficulties. These will need to be explored.

Stage 5: Has a homelessness application been triggered?

The next stage is to check whether a homelessness application has been triggered. Although the interview is focusing on how you can solve their problem, you still need to check whether a homeless application is triggered if you 'have reason to believe the person may be homeless or 'threatened with homeless in the next 28 days'. If this is the case you need to make enquiries about homelessness and apply the tests of eligibility, priority need and intentional homelessness. Remember the initial requirement once a homeless application is triggered is two-fold: to consider whether the applicant is entitled

to accommodation pending enquiries and carry out enquiries

Stage 6: Concluding the interview

At the end the housing solutions interview you should give them a short letter outlining their housing problem and how you can help to sort it out. They can then show the letter to relatives/friends and other agencies that might be able to help them resolve their housing problem. **See Template Letter 1 on Page 25**

The six stage Housing Solutions Interview

The sections below cover the 6 stages of the interview in more detail. You will also need to ask the person to sign a consent form for you to speak to other agencies in order to help them resolve their problem:

1. The starting point: Gathering details of the problem and explaining what the interview will cover

First ask some open questions to help the person tell you about their housing problem such as 'Tell me how we can help you' or 'what would you like us to do for you today'. Encourage the person to talk openly about their housing problem and explain how you can help. There are some key things you might want to get across:

- We are here to help you sort out your housing problem
- We offer help to anyone with a housing problem, whether they are single or a family
- We can talk to you about your chances of getting a council or housing association property, but you need to be realistic about your chances. We will show you all the information we have to help you understand just how difficult it is to get social housing
- We can help you fill out the forms to go onto the housing register if that is what you want to do
- We can talk to you about how to find a property to privately rent, the type of property that might be available, the area and how much you can afford to pay in rent. Plus we can work out whether you might qualify for any help from us to find a place like our bond guarantee
- If you have problems like debts, or you need some support to keep your home we can refer you to other agencies that can help you such as people to help you sort out your debts or provide you with some extra support

- We will give you a letter at the end of the interview that sets out all the things we have discussed, and how we can help you to sort out your housing problem. This letter will also have any details of any follow up appointments with other agencies
- We will expect you to follow the advice we give you and do everything you can to resolve your housing problem
- If you might be homeless in the next 28 days we will take a homeless application from you and explain what that means and what will happen next

2. The reality check: Explaining how difficult it is to get a council or housing association home and the prospects of getting one.

It is sensible to make the person aware of how difficult it is to get a Council or Housing Association home. They may believe that getting a Council house is the only solution to their problem and may be unlikely to consider what they need to do to keep their accommodation or consider looking for a privately rented home. Once they are aware of the options they are more likely to think about the advice you are giving.

Don't just say there are no council homes available. You will need to show them the facts and figures to back up the lack of homes so they understand the problem and fully believe what you say. In the toolkit there is a summary sheet you can give them that confirms how difficult it is to get a social home locally. **See Template Letter 2 on Page 32**

Their prospects will depend on a number of factors including the number of Council / Housing Association homes that become vacant, whether the person is single or if it's a family and where they are prepared to live. Their chances will range from no prospect at all for many single people or no prospects or some limited prospects for families willing to accept a lower demand area. Set it all out for them in the interview and make the position absolutely clear.

Advice for single people:

Below are some tips in the form of a conversation you might look to have with the person, so they understand how difficult it is to get a social home:

- *I'm really sorry, I know you would like social housing but we have virtually nothing. In the last 6/12 months we have only had x bed sits and one bedroom properties available*
- *The few bed sit and 1 bed homes that do come up are likely to be allocated to people affected by the bedroom tax or other single people who may have a very urgent need for a home*

- *Let me take you through the figures - the position in this area for single people has been made a lot worse by something called the bedroom tax which you may have heard of*
- *We have got x hundred single people on the register and only x homes. That's x people chasing every home that becomes empty*
- *We have got a lot of single people who will lose their home because of the bedroom tax or urgently need a home because of their urgent problems and very few of these cases are going to be able to get one of these homes*
- *In the past we were able to house people with housing problems like yours into 2 and sometimes 3 bedroom social housing homes. We can't do this anymore because you wouldn't be able to afford the rent because of the 'bedroom tax'*
- *Even if you become homeless and you pass all the tests so that we have a legal duty to help you, it is very unlikely we will be able to give you social housing because of the shortage of council and housing association homes available in our area*

Advice for families:

There are more Council and Housing Association homes available for families than single people, but there are still not enough in most areas of Wales. The prospects of a family getting a social home will depend on how many family homes for their size family become available every year and where the family are prepared to live.

What and how you tell people is going to depend on whether there is any realistic prospect of the family getting a social home so adapt your script according to your local prospects. In a number of authorities there are still areas of lower demand where a family might have a reasonable prospect of being housed quickly or within a relatively short timescale.

Give the family the facts so that they understand how difficult it is to get a social home. There are some suggestions below of a conversation you might have.

- *I'm really sorry I know you would like social housing but we have virtually nothing. In the last 6/12 months we have only had x properties suitable for the size of your family becoming empty.*
- *Let me take you through the figures - We have got x hundred families on the register and only x homes a year. That's 25 (put the figure in) families chasing every home that becomes empty. We have got lots of families who urgently need a home because of their urgent problems and very few even of these cases are going to be able to get one of these homes.*
- *We have a few areas where not so many families are chasing homes so there may*

be a chance of getting a home and let me take you through these and whether you are prepared to live in any of these areas. Even then there may be quite a wait (estimate).

- *If you are interested we can get you registered or if you are already registered I can check to make sure your housing problem has been assessed in your points/banding and can change your choice of areas to make sure we have these down for you.*
- *Even if you become homeless and you pass all the tests so that we owe you a duty to help you we won't be able to let you restrict the areas you want to live in because we can't afford to keep you in temporary accommodation waiting for an empty home to come up in the areas you want to live in. Plus someone else who is homeless may desperately need the temporary accommodation home we would have given you whilst we sought something out.*
- *I can give you a note that sets all this out*

3. Finding a solution:

When you have made the person aware of their chances of getting a social home the next step is to give them advice and take action to help them keep the accommodation that they have. Your aim must be to do your best to find a solution and help them to solve their housing problem.

Some suggestions for the conversation:

"Let me help you sort out the problem which might mean losing your home. I'm also going to tell you about the help we may be able to provide to help you find a place to rent privately if you have to leave your home".

Some people will just need some basic advice, but for others they will have a housing problem that could mean they lose their home so you need to get to the bottom of the problem.

The questions you ask are going to be really important and you might have to ask the same question several times and in several different ways to get all the information you need. The person may be nervous or worried or distracted and you need to get them back to their housing problem.

- *"Tell me how we can help you today" or*
- *"What would you like us to do for you today" or*

- *“You have come to me with a problem with your housing tell me about it”*

When you have the basic story then you will need to get more specific facts by asking questions that get the most information you will need.

- *“When did that happen”?*
- *“Where did it happen”?*
- *“What did he say Try and remember exactly what he said”?*
- *“Why did the landlord say that”?*

Use the solutions checklist to work through the options. This sets out possible housing problems that place a person at risk of losing their home and suggests the actions you or they can take to help resolve the problem.

Finding accommodation in the private rented sector

The next step is to talk through whether they are interested in finding a privately rented home and explain the help you can offer.

“Let’s talk now about finding somewhere to rent privately. Realistically, if you are unlikely to get a social home for a long time, you cannot afford to buy somewhere or you have no relatives or friends to stay with; this might be your only option”.

“You can look for home to rent privately and we can tell you where best to look. We are going to do everything we can to help you to keep the accommodation where you currently live. However, if it looks likely that despite this help you might have to leave, I can find out if you would qualify for our scheme to help you find a home to rent”.

Many authorities have a private rented sector access scheme including a deposit bond guarantee scheme and criteria for who might qualify. Some suggested criteria are included in Toolkit 2. Eligibility might be affected by whether they are a family or single person or whether there have been previous behaviour problems renting or rent arrears. Even if your decision is that they can’t be considered for a deposit bond guarantee unless they are likely to become homeless, it would be best to check at this stage to see if they would qualify and give them the pack so they can try and find a place before they become homeless.

Check if they work or are on benefits. If they work and are on a low income you could do a quick estimate of the amount they would have to contribute to the rent if they claim

local housing allowance. Stress this is only an estimate, but it will help them understand how much rent they are likely to have to pay. Your own authority might have its own benefits 'ready reckoner'. There are several around and below is a link to Teignbrige Council's on-line calculator which is clear and easy to use. You might want to ask someone from the Housing Benefit Department to take the team through filling out your own or this on-line calculator.

<https://eforms.teignbridge.gov.uk/BenefitsCalculators/2013/Calculator.htm>

Accommodation options differ considerably for single people and families due to the benefit restrictions, so below you will find a suggested framework for a conversation with a single person and one for families.

Single People: Suggested conversation you could have about finding accommodation in the private sector

"I'm afraid the housing benefit system has rules about how much you can get to help with the rent that are based on how old you are. There are a few exceptions, which I will check but generally the amount of housing benefit you get depends on whether you are under 35 or 35 and over".

For those who are 35 or over or under 35, but exempt from the shared accommodation rate

"You are 35 or over or under 35 but one of the exemptions (explain i.e. former care leaver who qualifies or former rough sleeper who has spent a certain amount of time in a hostel) so you are likely to be able to rent a 1 bedroom place if you can find one as they are in short supply."

For under 35's that are not exempt

"Unfortunately as you are under 35 the only accommodation you will be able to afford if you are on benefits is a room in a shared house; or a room in something called a House in Multiple Occupation; or a room lodging in a landlord's home; or a hostel room for a short time, but there are very few of these"

Continue on conversation for under and over 35s.

"If this is not what you want or you don't have somewhere to stay now, I'm happy to ring any relative or friend you would like me to and explain your problem. If they know how difficult it is going to be to find somewhere to live they may be willing to put you up for a while whilst you look for something else".

Clearly, if the person might be homeless and in priority need, you must explain the authority's duties under the homelessness legislation.

Families: Suggested conversations you could have about finding accommodation in the private sector

"Let me explain how it works – the number of people in your family and their ages and whether they are male or female affects the amount of housing benefit a family can get to rent a home." If they work or there are non-dependents in the family let them know how much is likely to be taken off any benefit. The on-line calculator can help you do this:

<https://eforms.teignbridge.gov.uk/BenefitsCalculators/2013/Calculator.htm>

"I've checked the Local Housing Allowance rate that you are likely to get for the size of your family and this is £xxx.xx a week. Let's talk about where you could look to live in this area for that amount of rent."

"If this is not what you want, I'm happy to ring any relative or friend you would like me to and explain your problem. If they know how difficult it is going to be to get a Council property in the area you want to live or to find someone to rent privately in the area you want to live they may be willing to put you up for a while whilst you look for something else".

Clearly if the family might be homeless and in priority need you must explain the authorities duties under the homelessness legislation.

To summarize this section of the housing options interview – if they are a single person or a family and they want to look for accommodation in the private rented sector you will have:

- Action 1 - Check whether they would qualify under your criteria for a bond guarantee
- Action 2 - If they would qualify for the bond guarantee, give them the 'How to Find Privately Rented Accommodation Guide' which is in this toolkit **See Template Guide 4 on Page 37** which explains to any private landlord how the Council's bond guarantee and landlord package works
- Action 3 - Issue them with a local leaflet or note on where to look for accommodation

Remember you won't need to talk about finding a home to rent privately with everyone. Some may only need basic housing advice and for others you may be so confident that

their housing problem can be sorted out and they won't need a bond guarantee.

4. Sorting out any underlying problems such as debt or need for support

You might have got a good understanding of their housing problem and be confident of the actions that can be taken to sort the immediate housing problem out. However there will be some people who need longer term help to sort out their underlying problems which if are not tackled could lead them to be at risk of becoming homelessness again. The housing solutions interview cannot solve every possible underlying problem a person may have but there are two common ones which contribute to a person having a housing problem

- Problems with debt or managing their money and
- Problems in needing some extra support because they are not coping very well due to substance problems, mental health issues or other support needs

Your authority may wish to take things a step further and check on other underlying problems such as employment, training and health. However the core issues are debt and support.

Example Conversation about debt problems

"Let's have a chat about any money problems you might have".

"So let's use this short form to see where your money is going. The income you have each week is £xxx and what seems to be happening is you are spending more than you have got".

"I can help work out if you are getting all the help in benefits you are entitled to".

"Do you have any credit cards or have you taken out any payday loans"?

And if there are debts that need to be sorted:

"I'm going to make an appointment/referral to CAB/Money Advice/The council's own debt service (if there is one) and they can help you sort these debt problems out. Your appointment is on xxx at xx".

Conversation about checking whether they might need extra support

“From what you have told me I think you might need a bit of extra help and support because of your (list the issue drink, drugs, depression, mental health, etc. I want to make sure we can help you cope with all the things you need to do to keep your home. Let’s have a chat about how a bit of extra support might help you to make sure you don’t get into any more housing problems”.

“I’m going to make an appointment/referral to specific or general support service either directly or via a council SP gateway and they will assess what help you might need. Your appointment is on xxx at xx”.

5. Has a Homelessness Application been made?

You need to check if there has been a homeless application triggered and ask questions to help you make a decision or to carry out further investigations in relation to the homeless application tests (Eligibility, homelessness, intentional homelessness, priority need and local connection).

Remember the tests that trigger a homeless application:

Test 1; you need to check whether the person is “applying for accommodation or assistance in obtaining accommodation”

and if they are, you need to carry out

Test 2 and decide “whether you have reason to believe that the person or family may be homeless today or in the next 28 days”. If on the information from the interview and any immediate investigations they do not pass this test explain this to the person and confirm this in the relevant section of the confirmation of advice and actions letter **See Template Letter 1 on Page 25**

If a homeless application has been triggered you must take a homelessness application. If they may be homeless, may be eligible and may be in priority need, the Council’s duty is to provide emergency interim accommodation and their homelessness application will then be investigated. The person or family can still be looking for their own accommodation. If they find a place you can make a not homeless decision if a decision hasn’t yet been made or you can end the duty by making this a ‘qualifying offer’ if the person is happy to accept this form of accommodation.

6. Completing the Interview

Finish the interview by filling out the short 'Confirmation of our advice to you' template letter (Prevention resource number x). It is easy and quick to fill out and should be no more than 1 or 2 pages. Bullet point the actions or advice to make it easier to write and easier for the applicant to understand. If any referrals or appointments have been made with other agencies, or if a follow up appointment is needed then put the details of these in the letter.

Realistically you won't always be able to do this at the interview and may need to send it to them or e mail it, but wherever possible give them it at the end of the interview.

You should also issue

- 'How to look for a home to rent privately guide' if that is appropriate, and
- 'Your prospects of social housing note'
- Anything else your council has produced locally to help.

It might be best to put all of these together in a pack. (see section 3)

Finally, if a homelessness application has been triggered explain to the person what will happen next i.e. that their application is going to be investigated and if any interim duty to provide any accommodation has been triggered and what this will be if it has.

SECTION 3

The Housing Solutions Interview – key templates

Section 3 contains the information you may wish to give at the end of the interview. There are 6 resources in this section which are:

1. Information to be provided in the single persons and families pack
2. The confirmation of Advice and Actions Letter
3. The confirmation of Advice and Actions Letter - Example
4. Prospects for being offered a Council or Housing Association Home – Single People (Template letter 2)
5. Prospects for being offered a Council or Housing Association Home – Families (Template letter 3)
6. Finding accommodation in the private rented sector information guide (Template 4)

Information to be provided in the information packs

Information pack for single people

- Confirmation of advice letter setting out the advice and assistance discussed to resolve the person's housing problem. This includes any referrals made and details (date and time) of any appointments made with other services and agencies **(Section 3: Template Letter 1 – Page 25)**
- 1 Page information sheet on social housing prospects **(Section 3: Template Letter 3 – Page 34)**
- Where a homeless application has been triggered, but the person has been found not to be in priority need – the section 184 eligible, homeless but not in priority need decision letter
- Guide for single people on how and where they can find accommodation in the private rented sector which explains for any landlord the local authority landlord package including the deposit guarantee scheme **(Section 3: Template Guide 4 – Page 37)**

Information pack for families

- Confirmation of advice letter setting out the advice and assistance discussed and the actions to be taken by the authority and the family to resolve the housing problem. This will include any referrals made and to whom and details (date and time) and any appointments made with other services and agencies **(Section 3: Template Letter 1 – Page 25)**
- 1 Page information sheet on social housing prospects **(Section 3: Template Guide 4 – Page 37)**
- Where a homeless application has been triggered, a copy of the section 184 decision letter if a decision has been reached on the application (use your own or adapt from the template section 184 letters set). Where no decision has been reached, the confirmation of advice letter will set out what will happen next
- Guide for families on how and where they can find accommodation in the private rented sector which explains also explains to the local authority offer guarantee including the deposit guarantee scheme **(Section 3: Template Guide 4 – Page 37)**

**Template 1:
Confirmation of Advice and Actions Letter**

Date:
Reference number:
Dear

We saw you or spoke to you today because you have a housing problem and asked for our help. This short note confirms how we can help you sort things out.

Everything we discussed are listed below in section 1 and what we both agreed to do to help sort out your housing problem are listed in section 2. Keep this note with you and show it to any other agencies or relatives or friends who are helping you so they are aware of your housing problem and how we are trying to help.

Your situation

Your Housing Problem is:

*Record the Housing problem using bullet points or write a brief description.
Record the Housing problem using bullet points or write a brief description.*

Helping you to sort out the housing problem you told us about.

The things that the Council and you agreed to do to help sort out your housing problem are listed below.

Problem and Action to be taken	Comments
<p><i>Briefly bullet point the actions. The preventing homelessness diagnostic in section 4 should be used to make sure you have included all the possible actions.</i></p> <p><i>There might be more than one problem so list each one followed the actions the Council will take and the actions the person has been advised to take.</i></p>	

I also confirm that you have given us consent to contact other agencies on your behalf to help sort your problem out.

Help with other problems that might be causing your housing problem.

The actions listed in section 2 above will hopefully help you to sort out the housing problem you came to see us about. You might also need some help with managing 1) debt or managing their money or 2) some extra support. If we have agreed you need help with any of these problems I have included the actions to help you below.

Problem and Action to be taken	By whom	Other Agency actions
Actions to help you sort out any debts you may have or help you to manage your money		
Actions to assess whether you have any support needs you need help with		

Confirming whether you need to make a homeless application

Whenever someone has a housing problem we need to talk to them to see if they may be homeless or are at risk of homelessness in the near future so we can help them to make a homeless application.

Outcome 1: We considered whether we need to take a homeless application from you but have decided we don't because we don't have a 'reason to believe' that you may be homeless today or in the next 28 days.

Or

Outcome 2: We have considered a homelessness application from you because your housing problem has triggered one. I will investigate your homeless application and will write to you with a decision as soon as we have completed our inquiries. I have let you know whether we have a duty to provide you with accommodation while we complete our inquiries.

Give any reasons for outcome 1 above as to why an application hasn't been triggered or any other information here

I hope we have been able to help you today. Remember we are here to help so don't hesitate to contact us again. We will keep a copy of this note in case you lose this copy or you need help again.

Yours sincerely,

Template letter 1:

Worked example - Confirmation of Advice and actions letter

Date:

Reference number:

Dear

We saw you or spoke to you today because you have a housing problem and asked for our help. This short note confirms how we can help you sort things out.

Everything we discussed is listed below in section 1 and what we and you agreed to do to help sort out your housing problem are listed in section 2.

Keep this note with you and show it to any other agencies or relatives or friends who are supporting you so they are aware of your housing problem and how we are trying to help.

They may be able to help you.

Your situation

Your Housing Problem is:

Your landlord has issued you a section 21 notice asking you to leave

He has issued the notice because he is looking to sell his property

You say you will have nowhere else to stay if you have to leave

He has issued the notice because he is looking to sell his property

You say you will have nowhere else to stay if you have to leave

Helping you to sort out the housing problem you told us about.

The things that the Council and you agreed to do to help sort out your housing problem are listed below.

Problem and Action to be taken	Comments
<p>The notice issued by the landlord is not a correct notice. I've telephoned the landlord to let him know and written to him</p> <p>He says that he may be willing to let you stay there until he definitely has a buyer for his property, but will still have to issue a notice.</p> <p>He says if he cannot get a buyer within 2 months he may continue to rent the property to you.</p> <p>He has confirmed that he had no problems with you as a tenant.</p>	<p>A landlord has to issue a notice in the right way.</p>
<p>We talked about your chances of getting a Council or Housing Association place and we showed you all the information we have to help you understand how difficult it is to get a place.</p> <p>You wanted to go on the Housing Register and I helped you fill out the form and told you what your chances are of getting a house or flat.</p> <p>I issued you our confirmation note which sets out your chances of getting a social home</p> <p>We talked about how we can help</p>	<p>There may be a possibility that you can stay in your home especially if your landlord is not able to sell it. You are not under any immediate threat of having to leave but it might be best for you to look for something else in case he sells the property.</p> <p>I've given you our guide to finding a home to rent privately and you should show this to any landlord you contact.</p>

<p>you look for a place to privately rent. We talked about the type of property you may be able to get; the area and how much you can afford to pay in rent.</p> <p>I checked that you qualify for our Bond Guarantee to help you find a place and I gave you our guide to help you find somewhere and to show a landlord</p>	
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I also confirm that you have given us consent to contact other agencies on your behalf to help sort your problem out.

Helping you to sort out any other problems which might be causing your housing problem.

The actions listed above will hopefully help you to sort out the housing problem you came to see us about. You might also need some help with managing 1) debt or managing their money or 2) some extra support if you need it. If we have agreed together that you need help with any of these problems, the actions we agreed are below.

Problem and Action to be taken	Other Agency actions
<p>Actions to help you sort out any debts you may have or help you to manage your money</p> <p><i>Debt advice appointment made for ...</i></p>	<p><i>We spoke about the fact that you are finding it difficult to pay the rent although you are not in rent arrears now. You have credit card and 3 payday loans that you have not been able to pay back. I've made an appointment with a debt advisor at the following time/place</i></p>
<p>Actions to assess whether you have any support needs you need help with</p>	

Confirming whether you need to make a homeless application

Whenever someone has a housing problem we need to talk to them to see if they may be homeless or at risk of homelessness in the near future

Outcome 1: We have considered whether we need to take a homeless application from you but have decided we don't because we don't have a 'reason to believe' that you may be homeless today or in the next 28 days.

Or

Outcome 2: We have considered a homelessness application from you and I will write to you with a decision as soon as we have completed inquiries. I have confirmed with you whether we have a duty to provide you with accommodation while we complete our inquiries.

Give any reasons for outcome 1 above as to why an application hasn't been triggered or any other information here

I hope we have been able to help you today. Remember we are here to help so don't hesitate to contact us again. We will keep a copy of this note in case you lose this copy or you need help again.

Yours sincerely,

Template Letter 2:

Prospects for being offered a Council or Housing Association Home – Single People

We spoke today about how difficult it is to get a Council or Housing Association home. This note confirms our conversation about the likelihood of you being offered one of these homes.

The Council and local Housing Associations let any available properties to people who need housing. The rents are low and the tenancy offered is normally for a very long time, so many people not surprisingly want to live in these homes.

We discussed how difficult it is to get one of these homes and gave you advice on how you can help keep the accommodation you live in now and about renting a home privately.

Facts and figures on your prospects of getting a social home

These are the facts we talked to you about:

- we have virtually nothing available for single people who are not elderly. In the last 6/12 months we have only had x bed sit and 1 bedroom properties becoming empty.
- The few bed sit and 1 bed homes that do come up are likely to be allocated to people affected by the bedroom tax or other single people who may have a very urgent reason to get a home.
- At the interview we went through the facts and figures - the position in this area for single people has been made a lot worse by the bedroom tax which you may have heard of. We have got xxx hundred single people on the register and only x homes for single people who are not elderly every year. That's 25 (put the right figure in) people chasing every home that becomes empty. A lot of single people who will lose their home because of the bedroom tax or urgently need a home but very few even of these people are going to be able to get one of these empty homes.
- In the past we were able to house people with housing problems like yours into 2 and sometimes 3 bedroom social housing homes. We can't do this anymore because you wouldn't be able to afford the rent because of the 'bedroom tax'

- Even if you become homeless and we owed you a duty to help you, it is very unlikely we will be able to give you a Council home for some time and will need to offer you temporary accommodation

Here is a table that sets out how difficult it is for you to get a social home.

Total Applicants on the Register	Number of those that are single people	Number of bedsit and 1 bedroom properties which became empty last year and are not older person properties
e.g. 5000	e.g. 4000	e.g. 13

Your Position on the Housing Register	Your Prospects of getting a Social Home
<p>You have been awarded xxx Points</p> <p>You have been placed into Band x</p> <p>You are not yet registered but from the information you have given me you would be likely to be given xxx points or placed into Band x</p>	<p>Unfortunately your prospects of getting a social home are:</p> <p>There is no prospect</p> <p>Your prospects are very slim.</p>

Template Letter 3:

Prospects for being offered a Council or Housing Association Home – Families

We spoke today about how difficult it is to get a Council or Housing Association home. This note confirms our conversation about the likelihood of you being able to be offered one of these homes.

The properties owned by the Council or a local Housing Association are let to people who need housing. The rents are low and the tenancy offered is normally for a very long time so lots of people not surprisingly want to live in social housing.

We discussed how difficult it is to get one of these homes and gave you advice on what you need to do to keep the accommodation you live in now and to think about renting a home privately.

Below are the things we talked about:

- Unfortunately we have virtually no homes becoming available for families of your size. In the last 6/12 months we have only had x properties for your size family becoming empty

Or

- I know you would like social housing but we have virtually no properties available for families of your size in the areas you say you want to live. In the last 6/12 months we have only had x properties for your size family becoming empty. However we do get a few more properties coming available in the areas we discussed which are less popular. We talked about whether it would be sensible for you to consider properties in these areas as it may be your only chance of getting a social home
- At the interview we went through the facts and figures - We have got xxx families on the register and only x homes becoming empty every year. That's 25 (put your figure in) families chasing every home that becomes empty. We have got a lot of families with very urgent housing problems and very few of these families are going to be able to get one of these homes
- We have a few less popular areas where there may be a chance of getting a home and we went through these and whether you are prepared to live in any of these areas. Even then there may be quite a wait (estimate). Ring me if you would like to

consider these areas.

- Even if you become homeless and we have a duty to help you we won't be able to let you restrict the areas you want to live in because we can't afford to keep you in temporary accommodation waiting for an empty home to come up in the areas you want to live in

I've explained all this in a table below:

There are 3 examples of possible tables below. It will depend on your local information system as to which of these 3 tables you are able to provide.

Total Applicants on the Register	Number of those that need the same size accommodation as you do.	Number of properties that became empty last year for the size of home you need.
e.g. 5000	e.g. 2000	e.g. 30

And/or if your Housing Register information can be provided at this level of detail

Total Applicants on the Register	Estimate of the number of those that need the same size accommodation as you do and want to live in the areas that you want to live in.	Number of properties that became empty last year in those areas for the size of home you need.
e.g. 5000	e.g. 1000	e.g. 3

And/or if your Housing Register information can be provided at this level of detail

Letting Area	Total number of properties of the size your family needs in that area.	The number of those properties that became empty last year	% Lettings to Stock last year
New Town	15	0	0%

Old Town	70	0	0%
Apple Town	32	3	9%
Orange Town	7	0	0%

Below is a summary of your position on the housing register and your prospects of being able to get a social home.

Your Position on the Housing Register (<i>chose from 1-3 below and delete those that are not relevant for the family</i>)	Your Prospects of getting a Social Home
<p>You have been awarded xxx Points</p> <p>Or</p> <p>You have been placed into Band x</p> <p>Or</p> <p>You are not yet registered but from the information you have given me you would be likely to be given xxx points or placed into Band x</p>	<p>Unfortunately your prospects of getting a social home are:</p> <p>There is no prospect</p> <p>Your prospects are very slim.</p> <p>There is no prospect or only a very slim prospect of you getting a home in the areas you say you are only prepared to live in. However, If you select the following less popular areas the waiting time would be likely to be x months/years</p> <p>List the areas</p>

Template 4:

A Guide to finding accommodation in the private rented sector: Our Housing Solutions Service

You have been provisionally accepted onto our scheme to help people find accommodation in the private rented sector. This may mean (subject to a number of checks that will be made when you have found accommodation), that you qualify for our Bond Guarantee Scheme. This scheme can help people find accommodation if they have difficulty in raising a deposit for the first month's rent in advance.

If we find suitable private rented accommodation we will contact you using the contact details you have given us. This may take some time so we advise you to start looking for accommodation yourself.

This letter explains our Bond Guarantee Scheme and our landlord package. Please show this to any landlord that you talk to as they may be willing to consider letting their accommodation to you with the help provided through this package.

What is a Bond Guarantee?

A Bond Guarantee is a written agreement between the landlord, yourself and the council which confirms that if you and the property qualify for the scheme we will be responsible for the cost of any damage or rent loss (up to the value of one month's rent or a maximum of £xxx.00)

If you think you will need help from Housing Benefit to pay the rent we have set out below details of the benefit rates so you can get an idea of whether that you may qualify. This gives you and a landlord an estimate of help you will receive to pay the rent.

Our scheme

If you find a suitable property and the landlord is happy to let it to you, they will need to contact our private renting team on xxxxxxxxxx to discuss our landlord package. We will explain how the Bond Guarantee scheme works, answer any questions and arrange to view the accommodation to make sure it is suitable.

Alternatively, give the landlord's contact details to the officer who gave you this guide or a member of our private renting team on xxxxxxxxxx. We will then contact the landlord and let you know the outcome.

If following this conversation the landlord is interested in letting accommodation to you we

will carry out our final checks to ensure you qualify for our Tenant Ready Guarantee. This will involve a full check of your income and expenditure to establish whether you can afford to pay the rent and previous tenancy records.

If you pass our final checks and the accommodation the landlord is offering is suitable we will arrange for a formal viewing. We will also help you with the formalities such as signing the tenancy, completing paperwork and any inventory and issuing the Bond Guarantee Certificate and details of our free after care service.

Please make sure that you show any potential landlord this letter. It explains that you have provisionally have been accepted on our 'help to find accommodation' scheme and explains our Landlord Package which is free and guaranteed.

Information for Potential Landlords

This letter confirms that the person to whom this letter is addressed has been provisionally accepted onto our scheme to help people find accommodation in the private rented sector.

We have developed a comprehensive landlord package and all our letting services are completely free and guaranteed. We are able to offer free services as the scheme is backed by the council because it helps families and individuals find a home.

We will protect your investment through providing you with an excellent service that gives you a secure income and a hassle-free service. Our dedicated landlord liaison managers are highly skilled and experienced. We don't just provide a lettings service and walk away, we pride ourselves on providing a high quality letting and aftercare service that sustains long term lets and long term income.

Look at our service guarantees below to see how we can help you let your property quickly and without hassle.

At the end of this guide you will find out what we estimate the person can afford to pay in rent and if they are likely to need help through the local housing allowance system to help pay the rent.

Next Steps – It's all very easy

Contact us on our dedicated landlord line xxxxxxxxx or e mail us at xxxxxxxxxxxxxx. We will be happy to talk through our landlord package and how we can help you and can come and see your property within 24 hours. We have developed a specific landlord pack for the type of accommodation you are offering, whether this is a room in your home, a House in Multiple Occupation, a flat or a house.

We welcome you to xxxxx Lettings, providing the best local lettings service in the area.

Our service Guarantees

Viewing your property and finding you a good tenant guarantee

- We will provide a guaranteed source of suitable tenants and fill vacancies fast with no advertising costs, lettings fees, administration fees, set up fees or renewal fees
- We will view your property within one working day of you contacting us to keep the time your property is empty to a minimum
- We will inform you at the viewing whether the property meets the standard to be accepted on the scheme
- If your property is not accepted we will give you a list of any work required
- We will agree the rent with you and the rent won't change once we have agreed it.
- We will provide you with a full photographic inventory at no charge
- We will provide a suitable tenant to view your property within 48 hours of accepting the property onto the scheme
- We will accompany all prospective tenants when viewing your property
- We will provide a new tenant within 24 hours if the initial viewing is unsuccessful
- We can provide a bespoke tenancy agreement including any reasonable terms that you may wish to add, and will supervise the signing of the Assured Shorthold Tenancy Agreement between you and the tenant. Most Tenancy Agreements provided by Agents, Solicitors or through the internet provide standard terms only and agents and solicitors often make a charge for providing the agreement
- If you are renting a room in your home we can provide an occupancy agreement instead of an Assured Shorthold Tenancy

Our Tenant Ready Certificate Guarantee

We go the extra mile to ensure our tenants are checked and will make good tenants. We offer a 'tenant ready certificate' which guarantees that we have checked whether there are any previous problems with rent or behaviour and they can afford to pay the rent. Our tenant ready certificate guarantees that:

- We will interview all prospective tenants before showing them your property to ensure they are suitable
- We will check any previous tenancy record to make sure there is no history of rent arrears, antisocial behaviour or previous damage to property
- We will carry out a full detailed budget health check with the tenant
- We will carry out credit referencing checks where these are appropriate

Our Financial Guarantee Package (see below for more detail).

We offer a very comprehensive financial guarantee package and we can discuss the details with you prior to viewing your property, or at the property check appointment. Remember we charge no fees for letting your property.

- We will provide a deposit guarantee of a minimum of one month's rent to cover any rent loss or tenant damage
- We may make a rent in advance payment in addition to the deposit guarantee, alternatively you may qualify for our landlord 'goodwill' incentive payment at the commencement of the tenancy
- In the majority of cases we are able to arrange for direct Housing Benefit payments to be paid to you and not the tenant if you request this

Our Housing Benefit Tenant Checks Guarantee

Many landlords are worried about taking tenants on housing benefit. However when set up correctly this can be the safest arrangement and can pay the rent direct into your bank account on a set date every month without the hassle of having to chase up tenants. Our lettings service takes the worry out of chasing the rent.

- We will give you clear advice about the housing benefit payment system and whether the tenant is likely to qualify for full or partial housing benefit. We will provide this information prior to you signing the tenancy so you are completely clear on how the rent will be paid
- We will help the tenant to make a housing benefit application and help them provide the required information to process their Housing benefit claim before the tenancy is signed
- In the majority of cases we can arrange for direct housing benefit payments to be paid into your bank account every four weeks if you have requested this
- We will deal with any queries regarding payment of rent promptly and as a condition of being accepted onto our scheme the tenant will have consented to the

housing benefit department sharing relevant information about their housing benefit claim with ourselves

- We will help the tenant(s) to set up utility accounts for the property
- We will advise the council tax department of the new tenant's details

Our free aftercare service guarantee

Once the tenancy has been let we don't just walk away! Our free post letting aftercare service guarantee is there for you if you have any queries or problems. We also recognise that some landlords are new to letting and may need support and answers to the many confusing questions and regulations that apply to renting a property.

- We will provide you with your own dedicated tenancy manager who can help with any queries and help you to resolve any problems that occur
- We will provide you with a dedicated landlord telephone number so you can contact the team and your tenancy manager
- We will provide landlords that let through this scheme with free professional advice on all matters relating to renting a home including planning, building and private sector housing legislation, regulations and requirements
- We will arrange a telephone appointment to go through our 2 month health check: We will check with you the landlord and with the tenant that - the tenant has settled in and you are happy with how the tenant is conducting the tenancy, the tenant is looking after the property and keeping up with the rent
- If the tenant needs any additional support that can be provided through the scheme at no charge
- We will check with the housing benefit department to establish that the claim is in payment and that there is no problems relating to the claim

What we require from landlords who wish to join the scheme

We are looking for good quality properties and a list of our requirements for the different types of property is set out in the landlord pack.

There is a separate information pack for landlords wishing to rent:

- a room in their own home where they live to a lodger

- a room or rooms in a large house which is shared or in a large property with bedsits (these are commonly known as HMOs)
- A self contained house or flat

When you ring us tell us, about the accommodation you wish to let and we will explain the separate schemes and send you the relevant information pack. Our landlord package and free service guarantee is the same for all types of lettings.

As a summary – all properties or rooms must:

- be clean, well maintained and presented
- fully furnished properties should contain suitable furniture and white goods that are in reasonable condition and meet relevant fire and safety regulations
- properties should have secure and suitable light fittings, curtain tracks, carpets or laminate flooring throughout as well as vinyl / laminate in the kitchens and bathrooms
- properties must be fitted with smoke alarms that meet relevant fire and safety regulations
- have a suitable carbon monoxide alarm or alarms
- all structural elements of the property (such as rainwater goods, doors, windows) should operate and be in reasonable condition and repair
- gas safe certificate must be provided
- you will be responsible for managing all repairs and maintenance to the property
- you will be responsible for managing the tenancy

Below is a table that sets out whether we think the person will need a local housing allowance to help pay the rent or not and how much we estimate they can afford.

	Indication of whether the person will need help to pay the rent from housing benefit, and if so whether they are likely to qualify for full, partial benefit	Estimated weekly benefit entitlement
1	We have estimated that the person/household to whom this letter is addressed is unlikely to qualify for any housing benefit (local housing allowance) as they are working and their earnings are more than the maximum income level. We believe they have the income to meet the full cost of the rent from their earnings.	£000.00
2	We have estimated that the person/household	£xx.00

	to whom this letter is addressed may qualify for the full housing benefit (local housing allowance) rate set out below. If the rent is more, the prospective tenant may be able and willing to pay the difference. We can discuss this when you contact our service.	
3	We have estimated that the person/household to whom this letter is addressed may qualify for some housing benefit (local housing allowance) but because they work they will have to meet the difference from their earnings. We can discuss the likely amount of benefit they may qualify for and what we estimate they will have to pay to you directly when you contact our service.	£xx.00

Local Housing Allowance (LHA) : Rent Levels for 2013-14

Size of accommodation the person may qualify for	Weekly Local Housing Allowance Rental Rate for this Area
Single Person under 35 qualifying for a single room.	
Single person over 35 or a household that may qualify for 1 Bedroom self- contained accommodation.	
2 Bedrooms	
3 Bedrooms	
4 Bedrooms	
5 Bedrooms	

SECTION 4

How to use the diagnostic checklist and actions to prevent homelessness

This checklist is to be used during a housing solutions interview to help diagnose why an applicant is at risk of homelessness and identify the actions and options available to resolve their housing problem.

The checklist covers the following two steps:

Step 1: Identifies whether the person has a tenancy or a licence and how it should be ended lawfully. Understanding the basis of their occupancy and the notice required will let you know how much time you have to resolve the housing problem.

Step 2: Diagnoses the housing problem and sets out options. The checklist covers each of the reasons why someone might need help and sets out the actions to resolve the problems. The most common reasons are covered first. The index lists the contents of this section.

The relevant sections can also be pasted into a word document and used to record any casework notes and can be customized for your authority.

The approach you take to prevention must take into account the current homelessness legislation which sets out when a homelessness application must be taken and the duties of the authority. If you have reason to believe a person may be homeless or threatened with homelessness you are under a duty to take an application, make enquiries and issue a decision. If the person is eligible, homeless and may be priority need then emergency accommodation must be provided until your enquiries are completed and a decision issued.

Remember the threshold for triggering a homeless application is very low.

If a homelessness application is triggered and an authority is able to prevent an applicant from becoming homeless then the application can be determined with a s 184 'not homeless' decision.

<p>Part 1: Establishing the tenure status of the applicant and whether a notice is valid</p> <ul style="list-style-type: none"> - Establishing the tenure status of the applicant - Establishing if the notice is valid for a tenancy - Establishing if the notice given is valid for a licence. - Defending invalid Notices - Dealing with a Bailiff's Notice 	
<p>Part 2: Family – asking one applicant to leave</p> <ul style="list-style-type: none"> - Actions to be taken at the housing options interview when an applicant presents as homeless - The home visit or interview with the parent or person excluding the applicant - Preventing a 16/17 year old from becoming homeless 	
<p>Part 3: threat of eviction from private sector landlords – Covers actions for both general problems and Rent Arrears Cases</p> <ul style="list-style-type: none"> - General options advice on how to work with landlords to prevent homelessness - What to do if the landlord wants to sell the property - What to do if the landlord believes that they can obtain a higher rent from a working household - What to do if the landlord believes that letting to someone on benefits is too much of a risk and wants to let to a non-benefit tenant. - What to do if the landlord has issued notice as the tenant has asked them to do so. - What to do if rent arrears are due to a housing benefit problem - What to do if anti-social behaviour or criminal activity has led to possession action by the landlord - What to do if there is actual or threat of illegal Eviction 	
<p>Part 4: The applicant is claiming they are homeless as they can no longer live in their home.</p> <ul style="list-style-type: none"> - Unreasonable to occupy due to poor standards - Unreasonable to occupy due to overcrowding - Unreasonable to occupy due to fire, flood or other disaster - Unreasonable to occupy the property as the rent is not affordable - What to do if there is a breakdown in a relationship – non violent - What to do if there is a breakdown in a Relationship – Domestic Abuse or Violence - What to do if there is a threat of Violence from neighbours, ex-partner or unknown person/s 	

Part 5: leaving specialist Accommodation <ul style="list-style-type: none">- Leaving Armed Forces accommodation- Leaving Care- Leaving prison or left lawful custody- Leaving Supported Accommodation	
Part 6: Social Housing landlord is taking action to evict tenant <ul style="list-style-type: none">- Tenant at risk of Homelessness due to rent arrears- Tenant at risk of homelessness due to anti-social behaviour	

Part 1:

Establishing tenure status of the applicant and whether notice is valid

This section is concerned with the first step in every case - establishing whether the person has a tenancy or a licence and what type. Having established this you can go on to check if notice has been given; whether a notice is required in law and for tenancies and licences that are not excluded, whether a valid notice been given.

Action 1: Decide whether the person has a tenancy or a licence

Establish first if it is a tenancy or licence and then decide whether it has been lawfully terminated. In broad terms, a tenant is someone who has a legally binding right to occupy a property and to exclude other people from it. A licensee is someone who merely has the permission of the owner to be in the property. Tenants have more rights than licensees.

Is it a Tenancy?

A Tenancy can be defined as exclusive occupation for a term, certain requiring payment of rent. If it is a tenancy you will then need to check if the agreement falls under one of the following types of tenancy

The most common types of tenancy are:

- Secure Council Tenancy
- A Protected Tenancy Pre 1989
- An Assured Tenancy provided by a Housing Association
- An Assured Tenancy provided by a Private Sector Landlord
- An Unprotected Tenancy
- A Non secure Tenancy granted by a local authority
- A Contractual Tenancy
- A Tied or Agricultural Tenancy

Is it a Licence?

You should check the agreement and try to establish if the person has exclusive possession as **lack of exclusive possession** is a key feature of a licence. The agreement can be written, verbally granted or implied.

Licences are commonly used for:

- A hostel
- If someone lives with parents/relatives or friends,
- in accommodation where someone lives with a resident landlord

There are 2 important issues:

- Is it protected in some way, in which case a court order is required and if not
- Has reasonable notice has been given or is it required

First check whether the person has all the key elements of a Tenancy

Identifiable parties

There must be two separate parties; landlord and tenant, who intend to create legal relations.

Identifiable premises

The accommodation does not have to be an entire house or flat, but can be as little as a single room.

Definite period

There must be a time scale to the tenancy, this could be for a fixed term, or on a periodic basis which is automatically renewed at the end of the period (e.g. weekly, monthly or quarterly).

Exclusive possession

This is the right to exclude others (including the landlord) from at least part of the property. This is a significant element that separates tenancies from licences.

Sham licences

If the landlord has called the agreement a 'licence', check whether the accommodation is in fact a tenancy. An agreement is not a licence just because the landlord calls it a licence, it is the facts of the circumstances of occupation that determine the status, regardless of any label applied to it.

If the landlord is claiming it is a tenancy, check whether it is a sham licence. Some common examples of sham licence agreements are outlined below:

Sham 1 - The issue of exclusive possession

- The tenancy agreement states the landlord has reserved the right to move in with the occupiers, but has never done so. This suggests the occupier has exclusive possession and therefore it is a tenancy
- The landlord has allowed occupation on the grounds that he retains unlimited access to all rooms at any time. Again, on the facts, if there is no good reason for the landlord to have unrestricted access it suggests that the only reason for this restriction is to create the illusion that the occupiers do not have exclusive possession
- the landlord retains a key to the property, intending the property to be available temporarily and calling it a licence. However if the occupier has exclusive possession this is not a licence

Sham 2 - The issue of whether services are provided by the landlord

If the landlord provides attendances or services which require unrestricted access to the property, exclusive occupation is lost. Such services could include daily room cleaning, changing bed linen etc. The provision of meals however does not necessarily deny the occupier exclusive possession, and might not compromise the tenancy status.

Friends and Family arrangements

The fact that landlord and occupier are friends or relations does not prevent a tenancy being created. However, it may be the case that there is no intention to create legal relations where the agreement is between family members.

If some form of generosity or act of kindness is involved this may fail to satisfy the requirements of a tenancy because of the absence of the intention to create legal relations. Consider whether rent is being paid at a market or near market level?

Elements of an excluded tenancy or excluded licence

When you have established whether it is a tenancy or a licence the next question is whether it is an excluded tenancy or excluded licence. This is important to because if it is an excluded tenancy or licence a court order is not required to evict

the occupier.

Excluded tenants and licensees do not have the basic security of the Protection from Eviction Act 1977 and are only entitled to reasonable notice to quit the premises. The landlord does not have to get a court order to lawfully evict, although they can if they wish (for example where the landlord does not want to carry out the eviction themselves). These excluded tenants and licensees will have to rely on any protection given to them in their written or verbal contract.

The following excluded tenants and licensees are excluded from the Protection from Eviction Act and are only entitled to reasonable notice.

- Occupiers who share living accommodation with their landlord. Living accommodation is any room, excluding stairways or hallways. The accommodation must be the landlords 'only or principal home' and when considering if this test is satisfied, where the landlord sleeps is of utmost importance
- Occupiers who live in the same building (not purpose built block of flats) as their landlord and share living accommodation with a member of the landlord's family
- Tenancies and licences granted as a temporary benefit to a trespasser or squatter
- Tenancies or licences that are holiday lets
- Tenancies or licences that are genuinely free (i.e. there is no legal obligation on the occupier to pay rent, licence fee, other money or money's worth)
- Accommodation provided by the National Asylum Support Service (NASS) to asylum seekers
- Licences of a hostel provided by a public sector landlord. A 'hostel' is defined as residential accommodation where either meals or facilities for preparing meals are provided but the accommodation is not separate or self-contained. 'Public sector landlord' includes local authorities, housing associations and housing trusts

Action 2: Decide whether the notice is a valid

If it is an excluded licence the notice does not need to be given in writing or in a prescribed form and the occupier is only entitled to reasonable notice.

If it is an excluded tenancy or licence advise the person and the landlord of the need for reasonable notice and this will buy you time to try to resolve the problem and to get the landlord to withdraw the notice.

The vast majority of tenancies you will see will be assured shorthold tenancies (AST) and will require a valid notice. A court order will be required if the tenant refuses to move on the expiry of the notice, but the tenant is likely to have to pay court costs if the notice is valid.

If a social housing landlord has issued a tenant with a notice you should still check that it is valid. However the vast majority are issued in a standard format and will have been legally checked before serving.

Identifying whether a Notice terminating an AST is valid

Landlords of assured shorthold tenancies (AST) will usually use the procedure under s.21 Housing Act 1988. Check whether the correct period of notice been given. Check the following:

Fixed term AST:

Law: s.21(1) Housing Act 1988

Notice: There is no prescribed form but notice must be given in writing.

Content: The landlord must simply give notice that "he requires possession" of the premises.

Length: At least 2 months' notice must be given.

Periodic AST following a fixed term:

Law: s.21(4) Housing Act 1988

Notice: There is no prescribed form but the notice must be in writing

Content: The notice must state that possession is required by virtue of s21 of the Housing Act 1988.

Length: At least two months' notice must be given, and

The notice must state that possession is required after a certain date and that date must be the last day of a period of the tenancy ie week if it is a weekly tenancy and month if it is a monthly tenancy.

Alternatively, the notice may contain a form of words rather than a specific date from which the tenant can ascertain the date they are being asked to leave by. For example: "Possession is required at the end of a period of your tenancy which will end next after two months from the date you received this notice"

Is the s 21 notice valid?

1. Is the tenancy an assured shorthold tenancy? – Yes go to 2; No Invalid
2. Was a deposit paid in connection with the tenancy on or after 6th April 2007? Yes go to 3; No go to 6
3. Was the deposit something other than money? Yes invalid; No go to 4
4. Was the deposit being held in accordance with an authorised tenancy deposit scheme at the time the notice was given to the tenant? Yes go to 5; No invalid
5. Has the landlord given the tenant (and any person who paid the deposit on behalf of the tenant) the prescribed information about how the deposit is being protected at the time the notice was given to the tenant? Yes go to 6; No Invalid
6. Is the tenancy part of a House in Multiple Occupation (HMO) that is subject to mandatory licensing or a property which is subject to selective licensing? Yes go to 7; No go to 9
7. At the time the notice was given to the tenant, was the property licensed?

Yes go to 9; No go to 8

8. At the time the notice was given to the tenant, had the landlord applied to the local authority for the property to be licensed? Yes go to 9; No invalid
9. Is the notice in writing? Yes go to 10; No invalid
10. Is the notice clearly from the landlord (or in the case of joint landlords, at least one of them)? Yes go to 11; No invalid
11. Does the notice, from the date it was given to the tenant, provide at least 2 months' notice to give up possession of the property? Yes go to 12; No invalid
12. Was the notice given to the tenant during a fixed term or periodic assured shorthold tenancy? Fixed term Valid; Periodic go to 13
13. Does the notice refer to s.21 Housing Act 1988? Yes go to 14; No invalid
14. For periodic tenancies does the notice require the tenant to give up possession after the last day of a period of the tenancy? Yes Valid; No invalid

Check if the Landlord is trying to end the assured shorthold tenancy (AST), but is not using a section 21 notice.

The landlord of an assured tenant must serve a Notice of Proceedings for Possession so you should check the notice issued by the landlord which they intend to rely on in court.

Form: In the prescribed format or in a format substantially similar

Content: The notice must state:

- The ground/s upon which possession will be sought, and
- why the ground is being relied on.

For a fixed term AST or periodic AST a landlord can only seek possession on the following grounds. All grounds except ground 8 are discretionary. Ground 8 is the

only mandatory ground for possession and the court will have no discretion:

Ground 2 - repossession by lender (prior notice ground) mandatory possession

The property is subject to a mortgage or charge granted before the start of the tenancy and the lender is entitled to exercise a power of sale requiring vacant possession.

Ground 8 - serious rent arrears

Both at time of serving notice, and at the date of the possession hearing:

- If rent is payable weekly or fortnightly - at least eight weeks rent is unpaid
- If rent is payable monthly - at least two month's rent is unpaid
- If rent is payable quarterly - at least one quarters rent is more than three months in arrears
- If rent is payable yearly, at least three months' rent is more than three months in arrears

or the purpose of this ground "rent" means rent lawfully due from the tenant.

Ground 10 - rent arrears

Some rent is in arrears at the time of serving the notice and at the start of court proceedings. The court can dispense with the service of a notice.

Ground 11 - persistent delay in rent payments

There need not be any current arrears but the landlord must prove there has been a history of late payment.

Ground 12 - breach of tenancy obligation

This ground covers a breach of any term in the tenancy agreement other than rent.

Ground 13 - deterioration in the condition of the property or common parts

The tenant, or a member of her / his family or a lodger or subtenant is guilty of an act or inaction that has caused the condition of the property or common parts to deteriorate. If the deterioration has been caused by the lodger or subtenant the tenant must have failed to take reasonable action to remove them from the property.

Ground 14 - nuisance, annoyance, illegal or immoral use of the property

The tenant or a person residing in or visiting the dwelling house:

- Has been guilty of conduct causing or likely to cause a nuisance or

annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or

- Has been convicted of - using the dwelling house or allowing it to be used for immoral or illegal purposes, or an indictable offence committed in, or in the locality of, the dwelling house

Ground 14A - domestic violence

The dwelling house was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and:

- One or both of the partners is a tenant of the dwelling house
- The landlord who is seeking possession is a registered social landlord or a charitable housing trust
- One partner has left the dwelling house because of violence or threats of violence by the other towards that partner, or a member of the family of that partner who was residing with that partner immediately before the partner left, and
- The court is satisfied that the partner who has left is unlikely to return

Ground 15 - deterioration of furniture

This is similar to ground 13, but covers deterioration of the condition of furniture which is caused by anyone living in the dwelling house.

Grounds 10-15 are all discretionary grounds and if the landlord seeks possession on one of these discretionary grounds it must be reasonable for the court to grant possession. The court also has wide powers of adjournment in cases involving discretionary grounds.

Ground 8 is not discretionary.

Once you have established if the notice is valid consider the following actions.

If the notice is invalid

If it is reasonable for the person to continue to occupy the property advise them of their right to remain because the notice is invalid and that they cannot be removed without a valid notice, and then a court order following expiry of the notice. Send a letter to the landlord explaining this.

Establish with the applicant the reason why the notice has been given before

speaking to the landlord.

Consider actions to resolve the problem and talk these through with the applicant to make sure they will cooperate with the actions. Possible causes could be behaviour, rent arrears, landlord wanting to sell, etc. The actions you can take to address each of these problems are in the relevant section below.

Explain to the person that they could be intentionally homeless if they don't cooperate with all efforts to resolve the problem. This will clearly be subject to it being reasonable for the person to continue to occupy the accommodation. This judgement will be informed not just by the landlord's reasons for seeking possession, but also by all the legal factors that inform whether accommodation is reasonable to continue to occupy (including the landlord's own behaviour)

Explain that you will speak to the landlord and attempt to resolve the problem to avoid a notice being issued.

Provide advice about how the applicant could try to secure alternative accommodation in the PRS should the negotiation be unsuccessful and their homeless application is unsuccessful.

Then contact the landlord to:

- Explain the notice is invalid and the reasons why they cannot evict without a valid notice and a court order
- Verify key details with the landlord ie whether they own the property and can issue notice
- Talk through the issue/problem with the landlord (This should preferably be in the initial telephone conversation). Take any immediate action to resolve the issue as per actions in the relevant section below
- If the landlord is not prepared to cooperate at this stage try and visit them to talk through options in more detail

If the notice is valid

You can take a number of actions if the notice is valid and

- The person has come for help either during the notice period, or
- Court action is being taken to recover possession but possession has not yet been granted:

- Advise the applicant on their right to remain as they cannot be evicted without a court order. However you must also explain that where a valid notice is served and the landlord commences court proceedings which result in a possession order, the applicant is likely to be held liable for the landlord's legal costs and any additional costs in issuing and enforcing a warrant for possession
- Establish the reason why the notice has been given before speaking to the landlord. Explain you will speak to the landlord and will attempt to resolve the problem and avoid evication
- Consider actions that could resolve the problem and talk these through with the applicant to make sure they will cooperate. Possible causes could be behaviour, rent arrears, landlord wanting to sell, etc. The actions you can take to address each of these problems are in the sections below. You should also explain to the person that they could be intentionally homeless if they don't cooperate with all efforts to resolve the problem
- Advise the applicant that once the valid s.21 notice expires and the landlord indicates they wish to start court proceedings, the local authority will consider whether the applicant is homeless on the basis that it is no longer reasonable to continue to occupy
- Advise the applicant how to seek alternative accommodation in the PRS should the negotiation be unsuccessful and their homeless application is unsuccessful
- Contact the landlord to:
 - Explain that despite the notice being valid, if the tenant fails to leave at the end of the notice period they cannot lawfully evict without a court order
 - Verify key details eg they own the property
 - Talk through the issue/problem that has led to the notice. This should preferably be in the initial telephone conversation and take any immediate action to resolve the issue/problem (see actions in the relevant of this prevention toolkit)
 - Where the landlord is not prepared to cooperate with the actions being proposed at this stage try to arrange a date to visit the landlord to talk through options in more detail

Applicant has a possession order

Where a tenant has received a possession order requiring them to leave, you should:

- Obtain a copy of the Possession Order
- Check that Possession Order is addressed to the tenant or partner
- Verify dates on the Possession Order

Contact landlord to explain that despite having a possession order they cannot evict without a court bailiff warrant if the tenant refuses to leave at the expiry of the possession order.

Applicant has a bailiff's notice requiring them to leave

You should:

- Obtain copy of the Bailiff's Warrant and check that the Bailiff's Warrant is addressed to the tenant or partner
- Check the date on the Bailiff's Warrant and note the date that the applicant will be evicted

If the applicant has a possession order or a bailiff's notice contact the landlord to talk through the reasons and attempt to resolve the situation:

Take any immediate action to resolve the issue /problem as per actions in the relevant part of this prevention toolkit. Where the landlord is not prepared to cooperate at this stage seek an urgent meeting to talk through how you can solve his or her problem.

The applicant also should be advised on the cost implications of remaining in the property in the face of a possession order/bailiff's warrant.

The applicant should also be advised of whether s/he has any grounds to either apply to suspend the order or the warrant and if so that will necessitate referral for specialist legal advice

Take a homelessness application

Family - ask the applicant to leave

This section covers actions where a person claims to have been excluded by the parent they live with or are claiming that they will be excluded shortly.

Action 1: What is the evidence to indicate exclusion?

- Has the person presented with baggage?
- With a notice or letter asking them to leave?
- Are they upset?
- Are they claiming or the letter stating that they have to leave today or in the future?

Decide from what you have heard if there is a possibility of any violence or abuse that would make it unsafe for the person to return. If so provide safe interim accommodation for the person if they may be homeless and may be in priority need.

Action 2: If they have a letter/notice from the relative/friend you need to validate the written 'asked to leave' notice by checking that:

- The letter is addressed to the applicant
- Dated and signed by the excluder
- Does it give the person a period of reasonable notice?

What is reasonable notice?

If a person occupies accommodation with parents/relatives/friends they are likely to be occupying that accommodation as a licensee. The licence may be written, verbal or implied and no court order is required to evict them. However, a period of reasonable notice is needed in common law and the period of notice will always depend on the facts and circumstances relating to their occupation and why they are being asked to leave.

Reasonable notice is initially based upon how the rent is paid (i.e. a week's notice if weekly or a month's notice if monthly). However, given many applicants may not be paying rent, what is reasonable will have to be determined by the circumstances of each case. It may require further investigations to decide what period is reasonable. This could range from immediate notice where there is a serious incident, to 28 days where a person has lived at home all their life and if there has been no incident that would indicate an immediate or shorter period of notice should be given.

The period of reasonable notice will need to be negotiated with the person who wishes to

exclude. A homeless application will still have been triggered even if a period of reasonable notice is obtained as the person is likely to be at risk of homelessness.

Action 3: Before contacting the parent find out from the person their view about the issues that have led to being asked to leave.

Be mindful that the young person may be nervous and upset, so ask questions sensitively. Your questions should identify the detailed reasons why the person is being asked to leave to enable you to help the excluded person and excluder to resolve matters. Your questions should also enable you to lawfully conclude whether the person is homeless and owed a duty under the legislation.

Unless the young person is visibly upset and not able to explain the situation, try to establish the detailed reasons for the person being asked to leave. Be careful not to accept on face value that the person doesn't know why and they had been told to go, or a general response that "they have not been getting on". There will usually have been a trigger issue, incident, or on-going problems that have led to the threat of exclusion.

Action 4: Explore fully the nature of any incident or argument that has led to the threat of exclusion.

Unless on the evidence presented you conclude that the person is clearly not homeless or threatened with homelessness, you must take a homeless application and carry out further investigations even if:

- a) If you are not satisfied that the note or letter gives sufficient information about why the person has been asked to leave, or
- b) There is no note or letter, or
- c) You are not convinced this has been written by the excluder, or
- d) You are not convinced by the person's account

However, any of these concerns will be matters you will wish to explore further before making your final decision on whether the person is homeless.

Action 5: Ask for the applicant's consent to disclose what they have told you.

If you have the consent and the full details of the applicant's story contact the parent or relative by phone in order to:

- Check whether there is a threat of exclusion
- Compare the person's account with the parent's account and whether they are

- consistent and indicate the threat of exclusion is genuine
- Check with the parent, and in the case of 2 parents living in the home, whether one or both have asked the person to leave
 - Support the parent by letting them know that you are here to help to resolve the problem that has led to the person being asked to leave
 - Hold the position if it is safe for the person threatened with exclusion by explaining to the parent the common law requirement for a period of reasonable notice to be given

If you can make contact find out if the person presenting is known to him or her, and confirm you have the person's consent to talk to the parent/s. At this stage you only have the applicants side of the story so start by telling the parent that the person has come to see you for help and ask them if there is a problem at home. Emphasise you want to do everything to help.

If you cannot get through on the phone leave a voicemail message and text to confirm your actions including the requirement for reasonable notice and the need to arrange home visit

Action 6 - arrange a date and time for a home visit where parent will be present as well as person to explore the problem that has led to the threat of exclusion; remind the parent of the need for a period of reasonable notice (if appropriate)

Explore with the parent the detail of any incident, argument or problem. What was the trigger issue? Again do not accept on face value a general response that "they have not been getting on". There is usually a trigger issue, incident, or on-going problems that have led to the threat of exclusion. Once the trigger incident and core problem has been established you can help both parties to prevent homelessness.

Compare the parent account with the person's account and whether what is said is consistent.

Explain that the parent must give a period of reasonable notice if one has not been given and suggest what you think that period should be. (See above for advice on asking for reasonable notice).

Explain that the reasonable notice doesn't have to be in writing, but in order to decide whether the person is homeless and any duty is owed to them you would like a note or a letter setting out the problem in detail and what led to the person being asked to leave.

If they do not indicate they clearly intend to exclude the person, talk through how you can help to resolve the problems.

If you have established that there is a problem or trigger incident that has led to the threat of exclusion, reassure the excluder that you will do everything you can to help them. Discuss in broad terms the nature of possible help i.e. if the problem is finance talk broadly about the way you can help; if there are tensions talk broadly about options to give the person and the excluder more support. Explain that all the options for helping will be discussed at a home visit.

- Book the home visit with the parent and issue the reasonable notice letter which also confirms the home visit date
- Issue the letter in the pack asking for reasonable notice and address this to the excluder **See Template Letter 5 on Page 74**
- Give a copy to the applicant to take to excluder and if available obtain the e mail address of the excluder and e mail the letter and ring or text them to confirm the letter has been sent

Where it is clear from the initial telephone conversation with the parent that they are reluctant to grant any period of reasonable notice, consider offering respite accommodation initially for 48 hours to allow a cooling off period until the home visit has taken place.

It is imperative that the Home visit takes place the quickly and ideally within 24/48 hours to demonstrate to the excluder that you are taking the matter seriously and wish to do everything you can to help.

Where the excluder has been informed about the need for reasonable notice and the applicant has been given a letter to take home confirming in writing the date and time of the home visit and the details of the agreed period of reasonable notice you should protect the applicant just in case the excluder refuses to allow the applicant to return home. Contact the local authority out of hours team to advise them that if the applicant presents out of hours they should be booked into temporary accommodation (as long as it has been determined that you have reason to believe that the applicant may be in priority need).

Discuss with the excluder in general terms the difficulty of the person obtaining social housing, but that you will talk to them in more detail about this at the home visit. This can only be done with the applicant's consent as the information you have been given is confidential.

Where it is the applicant's decision to leave and there is no violence or abuse and no other reason why it would not be unreasonable to continue to occupy, issue an advice letter that there is 'no reason to believe the applicant is homeless' or issue a not homeless decision letter.

Action 7: The Home Visit

The aim of the home visit is to help the applicant and the parent to resolve any problems and check whether the person is to be excluded. Ideally you should always carry out a home visit, however if limited resources make it impossible to do this in every case consider arranging an appointment for the parent and the applicant to come into the office or meet at a mutually convenient venue.

The home visit should be used to:

- Provide support and help for the parent and the applicant and to prevent homelessness by keeping them at home if it is safe to do so. Alternatively to hold the position for long enough to arrange a planned move into suitable alternative accommodation e.g with extended family, or into other suitable accommodation
- Gather the information needed to complete a homelessness investigation, decide whether the person is being excluded; determine what duty (if any) is owed and check there are no other issues that would make the accommodation unreasonable to occupy. This will enable you to complete inquiries and issue a section 184 decision

Following the home visit and any follow up inquiries, there may be a number of outcomes. These include:

- The threat of exclusion is not genuine. This should result in a not homeless decision with reasons and a right of review recorded in the decision letter
- The threat of homelessness is genuine and can be prevented by taking actions to resolve the problem
- The threat of homelessness is genuine and cannot be prevented in the longer term, but the all parties have agreed to hold the position for a period of time to allow a planned move to alternative accommodation with extended family, friends or supported accommodation
- Homelessness cannot be prevented, is immediate or imminent within 28 days and

therefore emergency/short stay accommodation must be made available if the person may be in priority need

- Homelessness cannot be prevented, is immediate or imminent within 28 days and therefore emergency/short stay accommodation must be made available to the person but they may be found intentionally homeless because of the acts that have led to the exclusion. This information should be given to the applicant so they are aware of what might happen next. It can be relayed to the parent if the applicant has given consent.

At the home visit build on the information you initially gathered when the conversation with the parent may have been in very broad terms. Use the visit to discuss a number of critical issues.

At the home visit you will need to judge whether to speak to the parent first alone and then the applicant. This will depend on the tensions and whether that is the best way to obtain information on the problem.

It is suggested that you split the conversation into 4 distinct discussions. Do try and keep these discussions separate so you are not giving a confusing message by mixing up different issues.

Discussion 1: Get to the bottom of the problem that has led to the exclusion, decide how best you can help resolve the problem and to check whether the applicant is likely to be made homeless.

- Explain that you understand that x has a housing problem and you are here to help and there are a number of things you can do to resolve the problem
- Explore with the parent the detail of any incident, argument or problem. Establish the cause so you can decide what actions might prevent homelessness
- If you have established there was a trigger point or issue that has led to the threat of exclusion, reassure the parent that you are going to do everything you can to find a solution

Discussion 2: Discuss the actions you can take to help the young person and the parent/s resolve the problem

Work through the options against each of the reasons for exclusion given by the parent.

These could include:

- Mediation: Support to the family with mediation and any additional family support from Children's and Young People's Services
- Financial help to hold the position where this is the reason for the exclusion eg non-dependent deductions or child benefit being cut off. Financial support options include Discretionary Housing Payment (DHP) where appropriate; homeless prevention payments; Section 17 payment
- Reminder of parental responsibility, explaining broader parental responsibilities for children, the impact of homelessness and realities of the available housing options
- Staying with extended family network and friends: Discuss safe alternative accommodation options with extended family or appropriate/safe friends and financial help to support a move
- Offer of short stay suitable accommodation to allow time for cooling off and more attempts at prevention, including family mediation, staying with extended family and friends, financial support and parental support to return home
- Offer to help draw up a behaviour contract. This could be a useful action especially where a person might be found to be intentionally homeless and the parent does not want them to be without any accommodation. Set out the behaviour contract as a written licence to occupy for the person from the parent
- Crisis support or floating support. Are there other support agencies that could be involved or is support already being provided? Contact and make a referral, including a referral for immediate crisis support

Detailed application of these actions

The following actions could be considered to help prevent homelessness or if it cannot be prevented in the longer term to help plan the applicant's move into extended family or other accommodation

1) Resolving tensions at home: intervention through mediation, Supporting People type support or extra support for the family

Purpose

To resolve any genuine tensions between the applicant and their parent/s or other family members, with the aim of keeping the applicant at home long term or to hold the position until a planned move into appropriate accommodation can be arranged.

The issues will be varied and range from a need for general rule setting and creating boundaries at home, to specific help with life skills to ease tensions or specific support to

deal with substance abuse, anger management or formal family group conferencing.

Actions that can be taken:

- **Help to write a behaviour contract**

Identify the problem such as the applicant not following reasonable rules, the need to set boundaries; the need to resolve minor anti-social behaviour, etc. Negotiate and mediate to find a set of actions that are acceptable to the parent and the applicant. For example:

- A behavior contract between the applicant and their parent/s or
- A written license giving permission to occupy subject to the applicant by the actions agreed

Set this out as a written license which may be an effective preventative approach as it gives the parent a clear set of rules that can be referred to. **See Template Letter 6 on Page 69 for an example of a licence**

- **Offer mediation/support**

This can be useful where low level support is needed or where there is a need for more specific support, more formal mediation or on-going work with the family to reach a longer term solution. You need to act quickly to get an assessment so the intervention support can be provided quickly to improve your chances of a successful outcome. If possible fast track the application so the parent doesn't lose hope. It may involve a combination of options.

- Referral to a specific mediation service or family conflict service
- Floating support services from supporting people services. This can be general support to avoid family breakdown or a specific service targeted at drug/alcohol substance abuse; mental health; offending, etc. Many applicants may be at home with no job or training and may be suffering from depression. Others may have a mental health problem where the parent/s do not feel able to cope having the young person continuing to live with them. Professional help and support may well make the difference in preventing homelessness
- Depending on the age of the applicant, actions could involve family support agencies accessed through social services to provide family support. This may also involve formal Family Group Conferencing which may be appropriate where there is significant conflict within the family

2) Resolving financial problems that may have led to the exclusion

Purpose

Many families are struggling financially which causes tensions and the possible threat of exclusion if a parent feels they can no longer afford to keep the applicant at home. There are a number of actions that can be taken to resolve financial problems or at least hold the position at home while a longer term plan can be worked through with the family.

Homeless Prevention Fund payment

Small payments can be made to:

- Top up rent if there is a shortfall
- Help resolve rent arrears caused by debt problems
- Help with non-dependent deductions or cuts in benefit due to welfare reform
- Help with debts that are creating a tension at home
- Pay for a one off item
- To pay for a deposit or rent in advance to allow the person to move
- To pay some set up costs for the person to move in with extended family or other accommodation

Section 17 payments under the Children Act.

Where the applicant is still a child 16/17 small payments can be made by Children's Services under section 17 to:

- Top up rent if there is a shortfall
- Help resolve rent arrears caused by debt problems
- Help with non-dependent deductions or cuts in benefit due to welfare reform
- Help with debts that are creating a tension at home
- Pay for a one off item
- To pay for a deposit or rent in advance to allow the person to move
- To pay some set up costs for the person to move in with extended family or other accommodation

Discretionary Housing Payment.

Discretionary Housing Payments (DHPs) can be made from a fund of money provided to each local authority by the DWP.

DHPs can cover costs such as rent top ups; non-dependent deductions; short term help for people affected by a cut in their housing benefit due to welfare reform; deposits and rent in advance payments required by landlords. DHPs cannot be used to pay off rent arrears and the household must have a live housing benefit claim in payment and qualify for housing benefit.

There needs to be a simple application and assessment process and fast track arrangements agreed with the housing benefit service. The Homeless Team can help the applicant by making an application.

Debt management and money management for the family to reduce financial pressures

The applicant or the family may be faced with considerable debts which have resulted from credit card debts, pay day loans, etc. Direct help for the family to resolve debt problems includes help to:

- Budget their income and expenditure
- Work through priority and non-priority debts
- Negotiation with creditors where there are debts
- Negotiation with utility companies where there are fuel debts
- Ensuring the household are receiving all the benefits they are entitled to
- Encouraging the family to manage their money and save through a reputable service such as a Credit Union that can also help them to manage essential outgoings through 'Jam Jar' accounts

Most actions will probably need to be carried out by formal money or debt services so it is essential that fast track referral arrangements have been set up.

3) Reminder of Parental Responsibility

Parental responsibility is important and putting this message across sensitively but clearly may help bring the parent round to working with you to find a solution. Excluding a son or daughter and possibly grandchildren is not good for the applicant and becoming homeless may have a negative impact on their life and affect their prospects for education, employment, etc. Reminding the parent of their obligation as a parent to their son and daughter to work with you on finding an appropriate solution is an action you might wish to consider.

4) Using Respite Accommodation to provide a 'breathing space

Use respite accommodation sensitively and sensibly to provide a cooling off period while a solution is discussed and negotiated. Where tensions at home have led to exclusion it may be appropriate and sensible to provide respite accommodation to give the parent and applicant some breathing space. Although there will be a duty to provide interim accommodation for any applicant who may be homeless, may be eligible and may be in priority need, this should be described as respite accommodation initially for x days/week /other period whilst you look to work with all parties to resolve their difficulties and

investigate a homeless application.

5). Move into accommodation with extended family or friends.

It may be possible to hold the position at home whilst you explore with the applicant and the parent/s and other extended family members whether it would be in the person's best interests to move in with extended family or friends. If an arrangement is possible it will take time to arrange as you will need to ensure this is what is best for the applicant and to sort out all the practical issues that need to be discussed with extended family members. The option of an applicant agreeing to live with extended family for a short period while longer term accommodation is planned is also an option.

6). Arranging education, employment or training (EET)

Some applicants will be at risk of exclusion because the parent/s is frustrated that they will not engage in training, education or finding a job. This in turn leads to frustration and are not helped by the fact that the applicant may be at home most of the day. The parent/s may need to see there is some 'progression' with the applicant engaging with training or education or looking for employment. Setting out a clear plan covering the actions to achieve this may help remove the threat of exclusion.

Template 6:

Licence Agreement between a parent/s and an applicant confirming the terms upon the young person is given permission to continue to live at the Parent/s address.

The parent/s and their son/daughter should both complete the agreement. Print two copies and have both copies signed by the parent/s and the young person. Give a copy to both the parent/s and the son/daughter.

The Property

(Address) _____

The Parent/parents that live in the property and who have the right to decide who else lives there

(Name) _____

The Person who has been granted permission (a Licence) to live at the property.

(Name) _____

This is a periodic excluded licence where permission has been given by the parent for the person named in this agreement to live in the home. There is no rent to be paid in return for that permission. The parent/s named in this agreement can withdraw the permission (terminate the licence) at any time and will give the person named a period of reasonable notice to leave.

Permission is given to occupy the accommodation subject to the following conditions. The person named in this agreement should note that if these are not complied with, the parent/s reserve the right to withdraw permission for the person named to live in their home, thereby terminating this licence.

(N.B. here is where you provide the details of the behaviour agreement that both parties have agreed to. The following is illustrative only and each agreement will be bespoke to that solution).

The person named in this agreement agrees to the following:

- To make a contribution to the running of the home by
- To keep their room and the home clean and carry out household tasks discussed and agreed between the parent and the young person
- Not to smoke, drink or take drugs in the home

- Not to cause or permit any behaviour which is a nuisance to the parent/s or neighbours and not to engage in activities which are criminal.
- Not to invite visitors to the home without the parent/s permission
- To cooperate with any support provided to the family.

The Parent agrees to:

- 1) Discuss with the person named in this agreement any issues of concern and both parties agree to try and resolve any problems that occur in a reasonable manner.

Signature of the Parent/s

Date

Signature of the Person

Date

Discussion 3: Provide an accurate reality check with the parent and the applicant on the prospects of obtaining social housing.

If it appears the primary aim of the family is to help the young person to obtain social housing the aim of this discussion is to make the parent and the young person fully aware of how difficult it is to obtain social housing.

The parent may genuinely believe the only way to resolve any problem is for the applicant to move out into a social housing and doesn't realise how difficult this will be.

The nature of the conversation will depend on the local social housing supply and allocation policy but might include the following points adapted to your local circumstances. Give very clear facts and figures to get across to the parent and applicant their prospects of obtaining a social home.

The conversation could include the following points and leave the parent with the facts and figures sheet to back this up.

- *I'm really sorry I know your son/daughter would like social housing but we have virtually nothing. In the last 12 months we have only had X social homes of the size they require becoming empty in this area*
- *Let me take you through the figures we have got x hundred people on our housing register and only x homes of the size needed by your son/daughter becoming empty in this area every year. That's (X- put your figure in) households chasing every home that becomes empty*

- *The few homes that do come up are likely to be allocated to households who have an exceptionally urgent need for a home*
- *Even if your son/daughter becomes homeless and we assess them as requiring accommodation we may not be able to give them a social home in the medium or longer term. They would be provided with appropriate accommodation, which will depend on the assessment*

Discussion 4: Check if you think the intention to exclude is genuine.

- Compare the accounts of the situation – are they consistent?
- What was the trigger issue? Probe any general reply that *“they have not been getting on”*. There is usually a trigger issue, incident or dispute that led to the threatened exclusion
- Does what the parent is telling you indicate there is a clear intention to exclude or is the conversation indicating that there are tensions at home but no real intention to exclude or the applicant needs social housing. If so talk through how you can help resolve tensions within the home
- Check whether there are any other issues that make the home unreasonable to occupy such as overcrowding or fitness

Discussion 5: Concluding the Home Visit.

Summarise the actions and help that you are going to give and be clear what is going to happen next. If you have at the end of the visit reached a clear conclusion or have a clear way forward talk to the young person and the parent and set this plan out.

- Reconfirm that the parent should give a period of reasonable notice and discuss/confirm/agree what you think that period should be
- Go through your plan to prevent homelessness and confirm you are going to put this in writing to both so everyone is clear what is going to happen next. Suggest putting this in writing as a licence agreement so the parent has a clear document to refer to if there are further problems. (A copy of this is in the resource pack)
- Be clear on any conclusions reached and communicate this to both the parent (as long as there is consent) and the applicant including whether you have to make any further inquiries

Your conclusions may be:

- There are problems at home that you can help with but the young person isn't homeless
- The applicant has a housing problem or would like social housing but is not homeless and you are going to set out all the options to help them

- The applicant may become homeless if the problems at home are not resolved and set out the action plan you have developed to resolve these problems
- The applicant is likely to become homeless as the problems at home cannot be resolved but all have agreed the best option is to carry on for now and to explore the possibility of moving to extended family or a planned move into other suitable accommodation when it becomes available
- The young person is likely to become homeless as the problems at home cannot be resolved and there is no possibility of moving to extended family or arranging a planned move. You will need to explain the applicant what will happen next in terms of any ongoing homelessness, priority need and intentional homelessness inquiries

Template Letter 5:

Letter to parent who is claiming to be excluding their son/daughter immediately. Letter confirms:

- 1. a homeless application has been taken;**
- 2. a period of reasonable notice is required and**
- 3. an appointment for a home visit has been arranged.**

Dear

Your *son/daughter* approached us today seeking help because they claim you want them to leave home.

We understand that there may be problems at home and we want to do everything we can to help. The first thing we have done is to take an application for help because they are at risk of becoming homeless. However, they are not homeless today because in common law they have permission (which is called a licence) to occupy your home. Although your permission for them to live with you doesn't have to be in writing and you don't have to give them a notice to leave, you must still give them a period of reasonable notice to leave your home. This will allow them to seek help and make other arrangements.

I have considered why they are being asked to leave and the other circumstances and pressures at home. plus the length of time they have lived you. I have also considered whether there are any safety issues for both of you that would mean they cannot return home during the period of reasonable notice. Having considered all of this I think that a reasonable period of notice should be 28 days (*reduce this period if the circumstances indicate a shorter notice period is appropriate*). I am happy to explain why a period of reasonable notice is required and discuss what you think is an appropriate period of time.

Be assured that we want to do everything we can to help sort out the problems between you and your *son/daughter*, and if the problems cannot be sorted out we want to work with both of you to plan how they can leave home without being made homeless. Being made homeless is rarely the best outcome and as their parent I'm sure you want the best for them.

Can I confirm that we have made an appointment to come and see you and your *son/daughter* on *date/time* and if you need to discuss the appointment time, the need for reasonable notice or how we are going to try and help do not hesitate to contact me by telephone.

Yours sincerely

Preventing a 16/17 year old young person from becoming homeless if they claim they are homeless immediately

If a young 16 or 17 year old young person approaches the council as homeless all the actions listed in the section above for parental exclusions are relevant. However, there are also requirements set by the Children Act and case law (G v Southwark House of Lords). This means that there will need to be effective joint working between Housing and Children's Services to prevent homelessness and ensure you are compliant with the law and case law.

A joint approach and process is suggested below which can be adapted to your local circumstances if a:

- Young person (YP) approaches or is signposted to the local authority Homeless Team and claims to have been excluded or will be excluded within the next 24/48 hours
- A Housing duty officer or the officer who in that authority that has been assigned to youth homeless cases should undertake immediate initial inquiries with the young person and the parent to determine whether there is an immediate or imminent risk of homelessness
- If there is reason to believe the young person is imminently at risk of homelessness the local referral process for joint working is used
- All officers with responsibility for this task in Housing and Children's Service should have been trained on using their local youth homeless toolkit which sets out the law; the local protocol; and the joint working actions to prevent homelessness
- The local process should set out how Children's Service are to be contacted; what type of referral form and system will be used and what will happen if a young person is already known to the CS intake and assessment or 16+ service
- A homeless application will be triggered under the Homeless Legislation and an Initial Assessment (IA) will be triggered under the Children Act to determine if the young person is a child in need. The IA will need to be completed within 10 working days. Ideally a joint assessment to begin inquiries under both pieces of legislation and to consider any options to prevent the young person from becoming homeless should be covered in a joint initial interview. This should ideally take place the same day or within 24 hours

- The preventing homelessness from the parental home section of this toolkit set out above can be used to structure the joint interview and any follow up home visit. It also suggests options and actions you can take to try and resolve the problem at home and prevent the young person from becoming homeless. Professional judgment should always be used to decide what is appropriate and consideration given to any possible risks, including safeguarding
- Possible actions that could be considered in the joint interview both at the office where the young person has presented or in the parental home include the following:
 - Joint home visit within 48 hours
 - Identify if there may be contrived homelessness or collusion
 - Offer of mediation and support:
 - Financial help to resolve or hold the position to enable a planned move, including Discretionary Housing Payment (DHP), homeless prevention payments, Section 17 CA payments
 - Explain to the parent the requirement for reasonable notice:
 - Reminder of parental responsibility
 - Discuss safe alternative accommodation options eg extended family, appropriate/safe friends. Use financial help to support a move within the family network or with a family friend
- If the young person cannot remain in the family home, and accommodation has to be provided even as a few days respite this can be provided under interim accommodation duties (section 188 of the Housing Act 1996) while joint investigations and inquiries are made. Where a young person needs some financial support this can be provided in cash or in kind through Section 17 of the Children Act
- The IA and the Homeless Assessment can continue alongside actions to prevent homelessness listed above in this toolkit
- The joint approach should determine either:
 - a. Prevention has failed and whether a Section 20 or Full Homeless duty is owed; or
 - b. Homelessness can be prevented, or
 - c. The assessment has not yet concluded whether the young person is homeless and a plan is being discussed with the parent and young person which is likely to result in homelessness being prevented. However further

information, investigations or time is needed

If interim accommodation can continue until the matter is concluded.

- Where homelessness can be prevented by the young person either remaining or returning to the home long term or to extended family or all parties have agreed to the young person remaining at home or with extended family until a planned move into alternative suitable accommodation can be arranged - the interim accommodation duty should be ended and a not homeless decision issued
- Where homelessness cannot be prevented and all investigations have been completed and the young person is homeless, at that point Children's Services (CS) should confirm whether a Section 20 duty under the Children Act is owed using the 7 tests laid out in the *G v Southwark* House of Lords judgement. These are:
 - a. Is the person a child?
 - b. Is the person a child in need?
 - c. Is he or she within the local authority's area?
 - d. Does he or she appear to Children's Services to require accommodation?
 - e. Is that need the result of Section 20(1 (a – c)) or 20(3)
 - f. What are the child's wishes and feeling regarding the provision of accommodation for him?
 - g. What consideration (having regard to his age and understanding) is duty to be given to those wishes and feelings?
- Where the conclusion is that the young person is homeless and should be accommodated under Section 20, the Homeless Service should at that point issue a "not homeless" decision and pass over the responsibility for accommodation or costs to CS. Housing could continue to help CS locate the most suitable and costs effective accommodation as part of their commitment to on-going joint work
- Where the young person is homeless and does not meet the 7 tests to be looked after under Section 20 - (this will normally be due to the outcome of the test on wishes and feelings) then the housing department will need to conclude their investigations into the young person's homeless application and determine whether a full duty is owed

Next steps: Joint on-going prevention work following a decision to accept either Section 20 or a full homeless duty to the young person.

- From the date young person becomes looked after under Section 20 of the Children Act Children's Services will have 13 weeks before leaving care duties are triggered

or
- The young person has been assessed as not being owed a Section 20 duty by Children's Services and has been granted full homeless duty status by the local authority Homeless Service and provided with suitable temporary accommodation
- In either of the above, joint prevention work should continue as attempts to reconcile the parties following a family dispute may sometimes have a better chance of success after a cooling off period where the young person is out of the home or it may be that the young person is homeless and a move to extended family has taken some time to arrange
- Where ongoing joint work to prevent homelessness is successful any Section 20 duty should be ended using the national procedure/process in Wales for ending that duty. For the housing service the duty will be ended because the young person has been reconciled back at home or with extended family. An assessment should be made of what on-going support and help is required for the young person and family to sustain prevention. Some extra support under Section 17 may be useful here as will any longer term help and support set out in the toolkit actions above

Part 3:

At risk of loss of home in the PRS: actions for both general problems and Rent Arrears Cases

Section 1 of this diagnostic toolkit helped you to establish whether the person has a tenancy or a licence and if a notice is required and if so, whether it is a valid notice.

This section considers actions you can take to try and resolve the problem that has led to a threat of a notice or a notice being issued, regardless of whether it is valid or not. Early action is needed, and the sections below consider the reasons a landlord may want a tenant to leave and sets out the actions that you can take to try and resolve the problem.

Getting in contact with landlords

You are more likely to be successful in resolving a problem if you meet the landlord face to face than over the phone.

Landlords are in the letting business and most want long term lets. If a notice has been given it normally indicates the landlord believes that he or she has a problem with their tenant and wants them to leave. It is important to understand the problem.

If you take the time to go and see the landlord if this is possible and you will have a greater chance of resolving the problem. If you have been able to agree a way forward with the landlord on the phone then you could visit the property and involve the tenant so the landlord can see that the tenant is committed to taking whatever action has been agreed between all of you. However, often it will need a 'calming down' and 'ways forward' meeting with the landlord and then a meeting with the landlord and tenant at the property.

Take any immediate action to resolve the issue/problem as per actions in the relevant section below.

Where the landlord is not prepared to cooperate at this stage and withdraw the notice put the offer of actions in writing. The likely outcome, if they don't agree to meet with you is that the proceedings will follow due process and the landlord will not gain possession until the granting and expiry of a court order and eviction by the court bailiff. Agreeing to meet to try and find a solution can save the landlord time and

money and where they still wish to evict may lead to recovery earlier.

Resolving the problem/s that has caused the landlord to issue a notice -

Actions

The landlord wants to sell the property –

Actions

- Is this a genuine desire to sell or is it hiding another reason for the notice being given such as rent arrears
- If genuine, where is it for sale? - check
- If genuine explain there is nothing to prevent the landlord proceeding with a sale and taking action to recover possession through due process once a sale has been agreed
- Explain you can help by offering alternative accommodation at the point where it is required due to your homeless duties

The landlord believes they can obtain a higher rent from a working household.

Actions

- Check the rent being charged by the tenant and compare this to the market
- Is the landlord being realistic in the rent they are seeking? If not show the landlord the evidence on the rents in the local market for the type of property
- If the landlord is realistic, can the tenant afford to pay a little more? – this will involve you undertaking a full income and expenditure assessment with the tenant and discussing whether they can afford to pay the top up. It will also require either an agreed variation of the existing contract, the grant of a new tenancy or the landlord complying with s.13 Housing Act 1988. You may wish to consider referring the tenant to independent legal advice on any change to the terms of the tenancy agreement
- Can a small top up be provided by the Council through a discretionary Housing payment and if so for how long?
- Take the landlord through the costs and risks of finding a new tenant. Include the cost of evicting the existing tenant, plus the costs to re-let especially if this is through an agent. There is also the risk that any new tenants may not pay the rent whereas the current tenant has a good payment record
- Consider whether a one off payment from the prevention fund could resolve the problem or hold it to allow the tenant to look for alternative accommodation

The landlord believes that letting to someone on benefits is too much of a risk and wants to let to a non-benefit tenant.

Actions

- What are the landlord concerns and how real are these? They are likely to be a mix of myths and facts eg The tenant won't be getting any benefits for rent money anymore; the rent is going to be paid to the tenant; confusion over the various welfare reform cuts and whether these apply to their tenant
- Work through the landlords concerns and whether they apply to the tenant (you must obtain the tenant's consent to discuss his or her circumstances – you need the tenant's consent to discuss all this with the landlord, not merely a generic consent):
 - Is the tenant affected by any welfare changes to benefit or not and what is the impact?
 - Is the LHA benefit rate is about to be cut?
 - Does the landlord believe that the household are about to be switched over to universal credit when in fact it will be phased in over a number of years?
 - Does the landlord believe as a result of what he has heard in the media that rent is about to be paid direct to the tenant
- Take the landlord through the costs and risks of finding a new tenant. Include the cost of evicting the existing tenant, plus the costs to re-let

The landlord has issued notice to protect themselves.

Quite often landlords will have issued a section 21 notice at the start of the fixed term or during the fixed term, in order to protect themselves in case there are problems, but have no intention of seeking possession at the end of the fixed term.

Action

If this is the case reassure the tenant and landlord.

The landlord has issued notice as the tenant has asked them to do so.

This could be because the landlord has a problem with the tenant who believes they will be allocated a social housing property through being homeless; or
The landlord has a good relationship with the tenant and has issued a notice at their request to help them obtain social housing.

Rent Arrears

The actions relating to different reasons for rent arrears are considered below:

Rent arrears due to a housing benefit problem.

Actions

Ask the tenant to bring in their rent book or rent statements and check details of payments and any outstanding balance. If there is no rent book ask the landlord for an up to date statement from the date when the rent arrears are supposed to have started.

Check the arrears the landlord claims is correct:

- Check with the tenant that all payments they have made have been recorded
- Check with housing benefit that all direct payments have been recorded
- Has any rent been paid in advance been recorded and taken into account
- Has it been added up correctly

Consider if someone else should be paying part of the rent as a joint tenant:

- Get authorisation from the applicant for you to speak to housing benefit and to the landlord to understand the problem and identify a solution. Use a standard form for this that is included in the toolkit
- Establish with the applicant why they believe the rent arrears are due to a housing benefit problem
- Establish the position with the housing benefit service regarding the status and current payments of the applicant's Housing Benefit (HB) claim
- Resolve the problem depending on the issue below:

Problem: Claim not in payment due to documents remaining unverified and not submitted by applicant. Identify which documents are missing from HB – request applicant immediately returns with documents – verify documents for HB purposes or arrange for applicant to attend HB immediately for documents to be verified by them – consider if a claim for backdating needs to be submitted if the lack of documents has resulted in the claim being closed and not payable from the date of tenancy.

Problem: Claim closed due to failure to return review form. Take action as above.

Problem: Overpayment of HB benefit as applicant did not disclose a change in circumstances. Establish the facts of the case and whether applicant misled HB

or was ignorant of requirements.

Problem: payments needed on 2 properties. Help applicant to make claim.

Problem: HB decision to switch the rent to a direct payment to the tenant which needs explaining to landlord and tenant.

Problem: No claim made. Make a verbal claim on behalf of applicant and follow up with e mail confirmation and completed and verified HB form. Consider assisting the applicant to make a backdated claim.

Problem: Rent arrears for applicant on LHA direct. Consider helping the applicant to make a claim for rent direct to their landlord.

Problem: Rent shortfall due to LHA not meeting contracted rent or non-dependent deductions/service charges not passed on to landlord. Undertake income and expenditure and priority debt exercise, explain liabilities for full rent, discuss an arrears repayment plan with landlord.

Helping the person make a claim for backdated HB

If the person is of working age a HB can be backdated for up to six months if they can show they have a good reason for a late claim and the delay in claiming reasonable in the circumstances.

Possible reasons for not claiming might include:

- They have been unwell and unable to manage their affairs (includes depression and mental health problems)
- They have experienced personal trauma or bereavement
- They were given incorrect information from an organization that should have given the correct information eg Job Centre Plus, HB adviser etc but not family/friends
- They have difficulty in communicating in English or reading / writing and did not feel able to ask for help

Finding a solution is likely to involve the landlord receiving all or some of the money owed. Where it is not possible to pay the arrears in full (eg by a back payment) one or a following or a combination may resolve the problem:

- The tenant agrees a repayment plan for the arrears with the landlord; The tenant must be referred for independent money advice before any payment

plan is agreed (as suggested below) and /or

- A payment is made from the prevention fund. This should rarely be for the full amount owed but can be a good will contribution that is enough for the landlord to withdraw the notice
- A time limited payment is made from the Discretionary Housing Payment fund to top up the rent. NB DHP's cannot be used to pay off rent arrears

It is also essential the tenant doesn't get into further financial problems, so refer for money advice and debt management. This is further reassurance to the landlord that you have reduced the risk of this happening again.

Problem: Rent arrears not resulting from a housing benefit problem.

Actions

There are a number of scenarios where this can occur. These are where:

- The household works and is receiving partial HB or no HB
- there are service charges in the rent which are not eligible for HB
- there are deductions for non-dependents
- deductions from benefit are being made due to a present or past overpayment

You should:

- Get authorisation from the applicant to act on their behalf and discuss the position with the landlord and any third parties such as debt advice
- Establish there is no HB problem by checking with HB about any benefit entitlement and how much
- If the problems can't be resolved with a payment of HB, the payment will have to come from the council or the tenant. It is also important that the tenant fully understands why there were arrears and what they have to pay in future. Tenants may not understand the rules on non-dependent deductions, non-eligible charges, partial HB payments, etc and working tenants may underestimate the amount they have to pay. It is essential that you can let the landlord know that the tenant fully understands how the arrears occurred and is committed to paying all of the rent in the future

A solution will require one or a combination of the following:

- The tenant agrees a repayment plan for the arrears with the landlord; and /or
- Payment from prevention fund to the landlord. This should rarely be for the full amount owed but can be a good will contribution that is enough for the landlord to withdraw the notice
- A time limited payment is made from the Discretionary Housing Payment fund

to top up the rent in the future while the tenant sorts out their finances

It is also essential that the tenant doesn't get into further financial problems so undertake an income/ expenditure assessment and /or referral for money advice and debt management.

Problem: Rent arrears LHA direct payment to tenant and tenant not passing on the rent to the landlord.

Actions

- Establish the level of arrears by talking to the landlord
- Check the tenancy agreement or rent book
- Check landlord is aware that HB is paid in arrears and check this is not the reason why landlord believes the rent account is in arrears
- If there is no vulnerability or good cause for the tenant not paying the rent warn them of the consequences of becoming intentionally homeless and the impact this will have on their housing register application. Offer to negotiate a repayment schedule for the arrears with the landlord. If this is rejected by the tenant, inform the landlord you have not been able to get the tenants agreement to a repayment arrangement
- Seek to hold the position by explaining the action you will take to apply for rent direct payments and to try and resolve the arrears problem
- Apply on tenant's behalf for rent payments to be paid direct under DWP safeguarding rules due to the tenant's vulnerability or inability to pay. Use referral letter in resource pack
- Consider a payment from the prevention fund to part cover the arrears on the basis of the landlord is withdrawing the notice and the future position has been stabilised
- If non-payment may be due to a vulnerability or inability to cope look to refer the applicant for an assessment of support needs

Problem: Anti-social behaviour or criminal activity which has led to the possession action from the landlord.

Actions

- Ascertain what type of notice has been given - either section 21 to coincide with the end of the fixed term tenancy, or a notice claiming possession on a breach of tenancy where grounds have to be proven
- Ascertain the nature of the anti-social behaviour or criminal activity that has led to the possession action

- What is the scale of this? For example:
 1. Minor misbehaviour where the landlord might be angry or overreacting and a solution can be found
 2. Persistent small scale problems where the landlord is fed up and may have given a previous warning
 3. Neighbour complaints regarding noise direct to the landlord
 4. Major anti-social behaviour or criminal activity

Clearly 1-3 above there is a stronger chance of reaching a solution whereas 4 is likely to result in no solution and eviction. Depending on the scale of the problem, check if any agencies are involved, e.g. Police/Probation/YOT/Family Intervention Project/Floating Support/Health professionals/Social Services

- Where children are involved complete referral paperwork to children's services if the situation is likely to result in eviction
- Advise the applicant of the consequences of becoming intentionally homeless eg receiving no help under the legislation or through a rent deposit bond, the impact on their housing register application
- Discuss any immediate actions that you are taking to resolve or improve the position and communicate these to the landlord

These actions are likely to be either a commitment to change from the tenant following the realisation of a likely intentional homelessness decision (and that no accommodation will be provided by the authority following eviction, plus the involvement of other services that have not been involved to date such as tenancy support.

- Explain to the landlord the applicant has been warned of the likelihood of an intentional homelessness decision and is now prepared to cooperate to address and try to resolve the problem
- Ask if the landlord will delay any recovery action until the actions agreed have time to take effect or that the tenant can demonstrate keeping to any agreement. Offer to set up a meeting between yourself, the landlord, and the tenant to seek or agree a solution and to agree a written agreement between the tenant and the landlord
- If the landlord is still not prepared to cooperate and is proceeding with court action on discretionary grounds, refer the tenant to Court Advocacy service, Shelter or local Solicitor to defend possession proceedings with the details provided by you of the additional actions you have undertaken to resolve the problem. If action is being taken through a section 21 notice there is no defence if the notice is valid. Proceed with a homelessness investigation and any intentional homeless decision if on the information obtained that is the

appropriate decision to take

Problem: Threat of illegal Eviction from Landlord.

The following actions apply to cases where the landlord is alleged to be harassing the tenant. Harassment is well defined in the law, both in the common law (tort) and under statute (s.1 Protection from Eviction Act 1977; Protection from Harassment Act 1997) and can be broadly defined as actions by a landlord, his or her agent (or someone who may or may not be connected with either of them) who may be responsible for actions which are distressing to the tenant and undermine their sense of security or from enjoying his or her home.

The most common indications of harassment are:

- Withdrawal of services
- Withholding keys
- Anti-social behaviour by landlord
- Demand for excessive repairs
- Failure to carry out repairs
- Threats and physical violence
- Excessive increase in rent.

1. Establish whether the applicant has a tenancy that is protected in some way. Even where there is no protection through the Protection from Eviction Act 1977 there may still be action that can be considered due to unlawful threats or violence. Licences (except secure licences) and unprotected tenancies are covered by the PEA 1977, unless they are excluded (per s.3A PEA 1977)

2. Obtain the landlord's name and contact numbers

3. Record the nature and frequency of events that may amount to harassment

4. Check the seriousness of the threat. Is it just an incorrect notice (if so inform the landlord of this) or is it an actual threat to physically remove the tenant or change the locks, or on-going harassment aimed at forcing the tenant out. It is also harassment if the actions are aimed at preventing the occupier from exercising a right or pursuing a remedy (per PEA 1977)

5. Contact the landlord to discuss and verbally warn of consequences of actions they are taking

6. Where locks have been changed inform the landlord to reinstate tenant with immediate effect if that is what the occupier wants
7. Check previous actions and record of the landlord
8. If re instatement is agreed follow this up with a recorded delivery letter to the landlord about future conduct
9. Where it is a case of serious harassment, physical threats or violence, invoke your council illegal eviction procedure with a view to prosecution. Involve or refer to the relevant team in the Council or externally to someone (such as a solicitor) who can proceed with cases of illegal eviction
10. Establish whether the applicant will be at risk in their current accommodation that night
11. Is the applicant able to stay with family or friends in the short term whilst action taken?
12. Has Part 7 homelessness been triggered? An application will be triggered if they cannot secure entry to their property or it is not reasonable for them to continue to occupy

Problem: Applicant claims it is not reasonable to continue to live in their home as it is unfit or in a poor state of repair.

Firstly establish with the person how serious the problem is. The problem could range from relatively minor issues such as condensation or temporary loss of hot water or could involve claims of - serious disrepair, such as; collapsed ceiling, long term lack of hot water or heating, loss of utilities, flooding and leakages and other health and safety complaints.

If you decide there is more than a minor problem take the following action:

Social housing tenant

If the applicant is a social housing tenant contact the housing management service for the landlord immediately. The landlord has a duty to resolve a disrepair problem so if they haven't already visited, ask the landlord to investigate urgently and inform you of the actions they will be taking / have taken.

Private tenant

- ◇ Contact your Private Sector Housing Team (PSHT) and find out if they are already involved. If they are, establish what actions are being taken and pass this information onto the tenant
- ◇ If the PSHT are not yet involved, make a referral by emailing details of the disrepair, tenant's name, address and any other relevant information
- ◇ It will be helpful to establish from the prior involvement of PSHT, or from your referral, whether there are cat 1 hazards in the property (Housing Health and Safety Rating System (HHSRS)). There are 29 possible Cat 1 hazards and if present they are dealt with by either a 'hazard awareness notice' or if more serious by an 'enforcement notice'. Some Cat 1 hazards pose an immediate serious risk to health and safety and others that are still a hazard, but of a less serious nature. There are cat 1 hazards for example covering:
 - Domestic hygiene
 - Lighting
 - Noise
 - Security from intruders
 - Food safety
 - falls and trip risks
 - damp and mould, etc
- ◇ Some hazards pose a risk but can be rectified by the landlord easily. Where the PSHT have issued a 'hazard awareness notice' and have not sought to take enforcement action this should be sufficient to resolve the matter. You should also seek to follow this up with the landlord on behalf of the tenant to get a speedy resolution of the problem
- ◇ There will be hazards that pose a serious health and safety risk and are subject to enforcement action and cannot be remedied in a reasonable period of time. For these cases there may be a statutory homelessness implication
- ◇ You may wish to make an initial visit yourself to better understand the problem and decide whether a referral to the Private Sector Housing Team is needed. If so the property inspection form in toolkit 2 might help as this lists the 29 Cat 1 HHSRS standards. If there are still concerns following your visit you should refer the case to the PSHT with a copy of your notes of the repairs for a more detailed assessment

- ◇ Talk to the landlord to find out whether they are taking any action to resolve the problems
- ◇ Consider referring the tenant to specialist advice regarding action against the landlord to offset rent
- ◇ If the property is habitable advise the tenant not to leave at this stage, and the possible consequence of becoming intentionally homeless
- ◇ If the tenant wishes to leave accommodation that is still habitable you could offer to help the tenant find alternative accommodation in the PRS.
- ◇ Check whether the housing conditions will give the tenant extra priority under the council's Allocation Policy.

Problem: Applicant claims they cannot continue to occupy their home due to a medical problem.

- Firstly gather as much information on the medical condition and the impact on the person and their family as you can
- Check whether there is any involvement of another statutory or voluntary sector service and seek their views on the condition and the impact of the persons housing on their medical condition
- Consider whether steps could be taken within a reasonable time that would address the problem and avoid the person having to leave their home eg adaptations, grants, support etc
- Consider whether a homelessness application has been triggered
- Consider whether the medical problem will allow someone to access accommodation through the housing register or via a transfer

Problem: Applicant claims it is unreasonable to occupy their home due to infestation.

- Contact Environmental Health officers or the pest control service and find out whether they are already involved if not make a referral
- If they are already involved ask for their assessment of how serious the problem is, what action they are taking and whether it will be necessary for the family to move into temporary accommodation while the property is treated

- If appropriate take a homelessness application

Problem: Applicant claims the property is not reasonable to occupy because of overcrowding.

If the property is overcrowded according to the measure used by environmental health or the social landlord there are a number of possible ways of resolving the problem:

- Adult children or members of the extended family moving out into alternative accommodation with or without the help of the council
- Re-housing through the Local Authority housing register
- Practical advice on the best way to cope with the overcrowding
- Homelessness application and move to alternative accommodation

Actions

- Establish the tenure of the applicant
- Establish the extent of the overcrowding – gather information on the size of the accommodation – number of living rooms and bedrooms etc and number of people/ ages of people in the property
- Find out how the overcrowding has arisen eg have more children been born or have additional members of the extended family moved in
- Check whether there is any involvement of housing management (social housing) or environmental health involvement (private housing)
- Talk with the landlord about any action they are taking to resolve the problem
- Take a homelessness application if appropriate
- Advise the tenant not to leave in the short term and the possible implications of intentional homelessness
- Consider whether the tenant has made things worse by moving in another family and if so go through the options for friends to find alternative accommodation.
- Consider giving one or more adult members of the family a cashless bond to help them find accommodation in the private sector
- Find out whether the current level of overcrowding will result in additional priority for social housing under the allocation scheme
- Follow up with a letter to the tenant and landlord confirming the position

Problem: Applicant claims it is not reasonable to continue to occupy their home because it is unaffordable.

A tenant may find that their rent is becoming unaffordable, due to a reduction in benefits, a recent increase in rent or change in their circumstances (e.g. illness, relationship breakdown, reduced income etc).

- ◇ Where the amount of Housing Benefit (LHA) meets the rental level the rent is likely to be affordable although you may still need to help the tenant with any debts and budgeting to stop them getting behind with their rent. Where the rent is higher than the housing benefit received by the tenant you should work with the tenant to see if it is possible to identify any non-essential expenditure which can be used to meet the rent gap
- ◇ If this is not possible you should consider a referral for professional debt help or if there is a council run service, try to get the person an appointment that day
- ◇ While the applicant waits for the debt advice appointment, complete an income and expenditure statement with the applicant. Where bank statements are available use these to help, otherwise estimate based on information provided by the applicant
- ◇ Work out essential expenditure and whether the rent is still affordable. Expenditure required to meet the ordinary necessities of life are defined as:
 - Heating the Property (see the table below on using the EPC certificate for the person's property in order to estimate accurately what the cost of heating, lighting and hot water will be)
 - Clothing
 - Eating
 - Water rates for the property
 - Any other essentials such as: child care, travel costs to work, education or training
 - Any additional individual needs eg extras heating for someone with a disability

Where there is current expenditure on any of the items below, discuss with the applicant whether the expenditure is essential:

- TV rental
- TV Licence
- Maintenance payments
- Travelling expenses for leisure
- Car costs Insurance & general Maintenance
- Meals out and meals at college or work
- Laundry
- Mobile Phone
- Mobile Phone insurance
- Repayments on any finance or loan to buy goods. List goods

- Prescriptions, dentist and glasses costs
- Pension payments including additional voluntary contributions (AVCs)
- Pet costs
- Leisure expenditure such as the cost of trips to the cinema, alcohol and cigarettes
- Regardless of whether the person is receiving benefits you need to consider whether the applicant's residual income after meeting the costs of the accommodation and all other necessary expenditure required for that applicant to provide the ordinary necessities of life is enough to live on
- You need to take the person through your assessment and identify where there is expenditure which could be reduced. Provide them with a summary and explain your assessment carefully
- If they are likely to have difficulty budgeting or putting aside money for rent and other essentials, talk through the option of saving with a local credit union and how jam jar accounts work
- The authority may wish to consider Discretionary Housing Payments (DHPs) which may reduce any rent shortfall to a level where the rent is affordable over a period which will allow the applicant to make a planned move

Note on assessing energy, food and clothing costs and what is reasonable expenditure.

Look at the Energy Performance Certificate to determine fuel costs

The EPC certificate will provide an energy efficiency rating from A-G, with A being the most energy efficient. The EPC will set out key information which will allow you to calculate accurately how much it will cost to heat, light and provide hot water for the proposed property. The table below is an example of the table that will appear on the EPC certificate.

There is also a table that estimates the reduced costs if the landlord is willing to undertake energy efficiency measures. It may be sensible to check with a landlord whether they intend to implement any measures to improve energy efficiency and by when so a reduced figure can be used to calculate the accurate costs.

The EPC certificate may be on the national register and you can search for it by postcode using the link below: <https://www.epcregister.com/home.html>

Example of table taken from a domestic property EPC Certificate	Current	Potential
Energy Use	xx kWh/m ² per year	xx kWh/m ² per year
Carbon dioxide emissions	xx tonnes per year	xx tonnes per year
Lighting	£xx per year	£xx per year
Heating	£xxx per year	£xxx per year
Hot Water	£xxx per year	£xxx per year

Food: There does not appear to be a national figure for the average amount someone on income support or working needs to spend per week on food. A number of debt websites advise on the allowance per week for each person whether on benefits or not. This also includes the cost of household items, for example, washing powder, soap, shampoo, toothpaste, sanitary towels and disposable razors. However, if the applicant or anyone who lives with them needs a special diet (for example, a diabetic) or has other special needs, you will need to increase this amount

Clothing: Allow for costs for clothes to keep warm in the winter and cool in the summer and items such as school uniforms and children's shoes. Debt websites will provide an indication of a reasonable amount.

Credit card debts and other debts: Where an applicant has debts whether credit cards, loans or other debts advice will be given on priority debts and a referral made to money advice to support the applicant in any negotiation with creditors and to ensure that they are able to access all benefits they are legally entitled to.

Problem: Applicant claims they are homeless due to a non-violent relationship breakdown.

Actions

Establish the tenure/ownership position of the person:

- Is the property a Council or Housing Association Tenancy, or tenancy in the private sector or owner occupied?
- If the property is a Council or Housing Association or tenancy in the private sector, is it a sole or joint tenancy?

- If it is an owner-occupied property, is the property /mortgage in sole or joint names?
- What is the relationship between the applicant and the other occupier of the property in question?
- Check whether there are any reasons why the person cannot remain in their current home whilst arrangements are made to deal with the sale or tenure issues
- If there are no issues relating to domestic abuse or any other reason that would make the accommodation unreasonable to occupy advise the person that they are not homeless and if a homeless application had been triggered issue a not homeless decision
- Discuss the fact that despite being not homeless the applicant may choose to stay with other relatives or friends whilst the tenancy or ownership problems are resolved. If the person wants to look for another home explain potential rent or mortgage liability for their existing home

If joint owner, advise that:

- The person has equal rights to live in their home
- Both parties are responsible for mortgage
- Explain implication of relinquishing ownership without securing accommodation first
- Regarding possible intentional homelessness
- Discuss their option to sell property and to seek legal advice on how they would be
- Able to pursue this option

If joint tenant advise that:

- Both have rights to live in the home
- Both responsible for rent
- The joint tenancy can be ended by one tenant serving a valid notice to quit on the landlord but this will end the tenancy for both tenants
- A new tenancy can be granted to the remaining tenant if the landlord accepts surrender of the tenancy. Lawful surrender will require both tenants to surrender the tenancy at the same time

- Explain the potential for an intentional homelessness decision if the tenancy is relinquished without securing accommodation re possible intentional homelessness
- If they are a social housing tenant explain they need to seek advice from their housing management officer on their options for surrendering the tenancy and whether they would be allocated any other tenancy in return. Advise them not to give up their tenancy without first seeking advice from their housing management officer
- If they are a private tenant consider their fixed term contract is still in force or whether it has come to an end and is now a periodic tenancy. Consider whether there is any break clause in the agreement. Advise on contractual obligations on a fixed term tenancy and not to move until alternative long term accommodation has been secured

If the partner is sole owner or tenant:

- Confirm that the partner is the sole legal owner of your home or the sole tenant
- Explain that despite this the applicant may have equal rights to live in it and they should seek legal advice on their position
- Explain they will need to enforce any rights to occupy the home through an occupation order and should seek advice from a solicitor to do so.
- Set a time for the applicant to take the required action
- If there is reason to believe that the applicant may be homeless today as they have been physically excluded offer to speak to the partner to explain the applicant's legal rights

Occupation Orders

Relationship breakdown rights are a specialist area of law and an applicant will need specialist advice. The information below provides details of occupation orders which is one possible course of action:

- Occupation orders can be granted for a short term and are normally for a specific length of time
- They can be sought at the magistrates or county court
- The courts will take into account:
 - Whether the person is married or in a civil partnership
 - Whether there are children
 - Income of each person

- The housing needs of each person and whether they have somewhere else to stay
 - Impact on health , safety , wellbeing
 - Actions and behaviour of both
 - Whether the property is owned or rented
 - Other exceptional circumstances
- A person can seek an occupation order to:
 - Enforce any existing rights if an ex partner does not accept that they have rights to the home
 - Give new rights if the person does not have an automatic rights to the home
 - To exclude someone who previously had rights or to restrict how they use the home
- Most people can apply for an occupation order including:
 - Owners, tenants ,people with a beneficial interest or the souse/civil partner of an owner, tenant or someone with a beneficial interest
 - Co habitués of an owner, tenant or someone with a beneficial interest
- An occupation order can:
 - Allow the person to stay in the home
 - Allow them to return to the home if they have left it
 - Set rules so an ex partner can only use a certain part of the home
 - Prevent an ex partner from entering the home

Problem: Relationship breakdown cases where there is domestic abuse.

Where there is a claim of abuse or threat of abuse this will trigger a homeless application. The actions below are possible options to prevent homelessness and provide the victim of domestic abuse with options.

Actions: Summary

- Ensure the applicant is safe and explore sensitively whether the person has support from professionals, domestic abuse groups and family/friends
- Establish tenure/ownership position
- Establish if the domestic abuse is from someone the person lives with or from an ex-partner who they no longer live with or their relatives. The answer to this question will help you to focus on what options the person has

- Advise on the option of remaining in the home if this will be safe and the wishes of the applicant. Where they are living with the violent partner the options will relate to having the partner legally removed from the home. Where they no longer live with the ex-partner the options here are more likely to be measures to increase security at the home and measures to warn or arrest the ex-partner for threatening behaviour or harassment
- Take actions as per the applicants wishes

Further details on key actions:

- The applicant in contact with Woman's Aid, Refuge or the Domestic Violence Police Team?
- Identify whether the applicant is receiving support from friends, organizations etc
- Check if the applicant has referred the threat to the police and if not explain why this may be a good thing to do. Explain the support that the police can provide
- Explain provision of local outreach services such as Women's Aid and any other support and complete a referral form if applicable
- Provide a list of local Family Law Legal Aid solicitors if there is no involvement so far (or signpost local CAB who hold a directory of local legal aid Family Law Specialists and can advise further)
- Resolve any practical issues regarding Housing Benefit, Change of Circumstances and explore the issue of payment of HB on two properties if relevant
- Consider whether a referral to MARAC is required where there is a serious risk issue (using MARAC risk assessment)
- Are there any safeguarding issues concerning vulnerable adults or children?

Establishing the tenure/ownership position of the applicant:

- Are they a Council, Housing Association or private sector tenant or an owner occupier?

- If they are a tenant, are they a sole or joint tenancy?
- If it is an owner-occupied property, is the property /mortgage in sole or joint name?
- What is the relationship between the applicant and the other occupier of the property?

Advising housing options

If the person wishes to remain in the property

- Give advice on the tenure/ownership rights of the applicant and possible family law rights. Where an applicant wishes to pursue legal remedies re tenure/ownership/family law/ rights of ownership advise applicant to seek solicitors advice. For social rented tenure contact housing management for the RSL or council
- Give advice on benefits/mortgage and refer to specialist money advice where appropriate
- Check whether the applicant is pursuing any legal remedies e.g. injunction with power of arrest or ouster injunction to remove partner from accommodation. Explain these remedies but advise that a family law solicitor should be contacted to explain these rights in detail and to take the action to pursue any rights and to protect the applicant's long term accommodation and financial position
- Ascertain whether the applicant wishes to remain in the home now or return to the home longer term after a period in respite accommodation or with friends/relatives. Identify if this is possible and what actions are needed to enable this
- Explore if there are any appropriate interim safe accommodation options (eg with family or friends) while alternative housing options are explored or measures undertaken to enable the applicant to return home
- Explain Sanctuary Scheme or local target hardening scheme if this is available and if appropriate. Make a referral if the applicant wishes to consider these

options

Where an applicant does not wish to remain in their home : options available.

- Explore respite accommodation or accommodation with friends /relatives to enable a planned move
- Where the applicant is a tenant of the local authority or of a Registered Social Landlord, establish if the Housing Management service are aware of the situation and what support & assistance they can offer to house the applicant through a transfer. Options could be:
 - Terminating the tenancy and granting the applicant a new tenancy through a transfer
 - Evicting the violent partner from the tenancy for breach of tenancy
 - A reciprocal arrangement with another council or RSL to transfer tenancy to housing in a safer area
- Pursue the Housing Management service as being accepted as homeless gives no guarantee the applicant will receive another social housing tenancy. Therefore pursuing the rights of the tenant whilst providing safe accommodation may be in their best interests
- Where the applicant is a tenant of a PRS landlord, explore whether there any other properties available within the landlord's and/or letting agent's portfolio that could be rented to the tenant to facilitate a move (either directly or from emergency refuge accommodation) to alternative settled accommodation
- Consider whether the case merits additional priority under the allocations scheme and explain points/banding system
- Check whether applicant can stay temporarily with friends or relatives whilst they wait for an offer or secure alternative accommodation for themselves in the PRS. Often the Allocation scheme will either have a specific high priority points or priority banding for domestic abuse cases or there will be an exceptional welfare or need to move criteria or panel which can consider urgent rehousing for such a case
- If the applicant doesn't wish to remain in or return to the accommodation,

identify their preferred choice for short term and longer term housing. Explain Women's Refuge options (and options for men who have suffered abuse) for short term housing that provide support

- Explain national Women's Refuge network of safe accommodation and the support they will provide to approach a local authority in the area where the refuge is placed. Put the person in touch with Refuge service if they wish to pursue this option and offer help re travel costs etc
- Assess whether the person is homeless under part 7

Problem: Threats of violence from neighbours or unknown person/s

This section looks at the actions to take to prevent homelessness. If any member of the household is at risk of violence if they remain in the property a homelessness application should be taken.

Actions

- Determine the nature of the threat and from whom
- Give advice on legal remedies ie injunctions for known persons and support a referral to a solicitor for further action against the perpetrator
- Check if the applicant has referred the threat to the police and if not advise the applicant to do so. Ask the applicant's permission to liaise with the police and check if the police have been involved
- Check if the problems have been reported to any other agency /support worker/health professions/friends & family
- Explain any local sanctuary /target hardening schemes or if the applicant is a social housing tenant speak to the housing management service to determine what additional security they have/ can put in place and what additional action they can take under their harassment policies
- The case may not be clear cut and there may be counter claims of harassment. Check with the authority department that deals with anti social behaviour to see if the household is known to them
- If the person is a social housing tenant check whether they have applied for a transfer on grounds of harassment or any other grounds
- If the applicant is a social housing tenant discuss the options:
 - transfer to another property if the level of harassment warrants it
 - if the harassing person is a social housing tenant, warning them that action could be taken against them for breach of tenancy
 - evicting the harassing person for breach of tenancy

- It is important to raise the issue with the housing management service as being accepted as homeless provides no guarantee that the applicant will receive another social housing tenancy. It may be better to raise this while the tenancy is still in place
- Consider what support is available to help the applicant resolve disagreements
- If the applicant is vulnerable refer to floating support services
- Discuss the option of staying temporarily with friends while actions are pursued

If following a homeless application it is considered reasonable for the person to continue to occupy the person may wish to discuss other accommodation options

- explore the potential for respite accommodation or a stay with friends/ relatives
- if the person is a private sector tenant check whether the landlord has other suitable properties the tenant could move to
- consider whether the case merits additional priority under the allocations scheme

Section 5:

Leaving Specialist Accommodation

Due to leave Armed Forces Accommodation and nowhere to go

Actions

You will need to firstly consider whether the individual is homeless and whether a part 7 application should be taken.

- Check if there is a discharge letter confirming when the person will be discharged and why they are leaving the armed forces
- If the applicant has presented some time before discharge explain the Defence Housing Executive's 93 day Notice to Vacate process and your aim to work with them to secure alternative accommodation and avoid homelessness
- Explore the applicant's financial means and whether, on leaving the Armed Forces, they may be able to secure a home for themselves on the open market or through a shared ownership scheme. Check local schemes and availability of re-lets or new developments and qualification criteria and advise
- Assess what priority will be granted under your allocations policy. Many existing and new allocation policies are giving more priority for former armed forces personnel. (NB Although this checklist does not cover actions under the homelessness legislation remember that local connection has been amended in the Housing Act 1996 to enable Armed Services personnel to establish a local connection in an area through residing there by choice, or being employed there) If so can an offer of housing coincide with the dates when the person is being discharged?
- Check local housing association allocation policies and whether they give priority for former armed forces personnel
- Go through private rent options and the type and cost of accommodation the person will be able to afford with or without benefits. Issue PRS access guides and information so the person can begin to look
- Are there local relatives or friends who can help the person look in the period immediately before discharge

- Go through the options of remaining with relatives or friends when they leave the armed forces for the short or medium term whilst they look
- Advise the applicant to contact SSAFA or any other ex-service charity who may be able to provide financial assistance, if appropriate, for the household to access alternative accommodation
- Provide advice on Part 7 and explain that it is likely to be triggered if they are still at risk of homelessness within 28 days

Leaving Care

It should be possible to avoid care leavers being made homeless from care or having to be classified as homeless in order to receive help with accommodation.

In the past some authorities have required care leavers to be accepted as homeless in order to gain access to social housing. Given the chronic shortage of 1 bedroom social housing since the introduction of the bedroom tax it is best to ensure the care leaver is able to obtain housing and support in a planned way.

Moves from care should be achieved through a planned pathway with support, either into social housing (if the person is ready and there is availability), supported accommodation or the private rented sector.

Actions

When the authority is notified that someone is moving on from care in the near future take the following actions. to leave accommodation and requires assistance, will comply with s.183. Where notification results in the person being threatened with homelessness within 28 days the actions should still be taken but within the context of a part 7 application.

Seek a meeting or telephone discussion with the person's key-worker to decide on a housing plan:

- Check what on-going support is planned after leaving care
- Agree a timescale for moving on
- Discuss the local housing supply for young single people and if the exit is likely to be into social housing, supported accommodation or the PRS. For PRS options, work through what is likely to be appropriate eg Lodgings, shared housing with or without support, and if support is needed at what level?

- arrange a meeting between you and the key worker and the care leaver to discuss all of these options
- Regardless of whether social housing might be an option, make a referral early for appropriate supported housing or to your PRS access team so they can look for appropriate accommodation
- Consider the council's allocation policy and assess for points or banding. If enhanced points or banding will make no difference to the person's chances because of the lack of supply make this clear to the care leaver and their key worker. This will help to ensure other options are fully pursued and the care leaver is not misled into believing that the extra priority will automatically result in an offer of social housing by the time they have to leave care

Due to be released from prison or lawful custody

In Wales ex-offenders have automatic priority need status. However given the chronic shortage of 1 bedroom social housing the ability of authorities to house people in social housing is very limited.

The common practice is for the Prison Service to give late notification of release to the Housing Service which can lead to the homelessness duty being met with a bed and breakfast or other unplanned and often unsupported placement.

This is an area where a multi-agency and pathway approach focused on preventing homelessness and re-offending is important to obtain better outcomes for people being released from custody.

Prevention

Every attempt should be made to try and prevent someone being homeless on release:

- Try to establish links with the prisons that most commonly refer to your authority and your local offender management service
- Agree with the prison and offender management there needs to be notification of a least 1 month prior to release for anyone who is expected be approaching the local authority
- Where possible identify a specific housing officer to be linked to the prison to deal with all people due for release with a local connection or expressing a wish to return to your area
- Given the success of the MAPPAs arrangements for high risk offenders, consider setting up a similar, but less resource intensive multi agency panel that can meet regularly to consider all prisoners due for release. The panel could

consist of a senior representative from the homeless service to chair the panel, Offender Management, Supporting People and any appropriate support agency for offenders

Actions for the linked Housing Officer:

- Establish whether the person is likely to be homeless on release?
- Explain to the person during the pre-release period the difficulties of obtaining social housing and provide them with a realistic understanding of what accommodation you are able to offer if they are homeless on release. Suggest that the best option to help them break the cycle of re offending is to stay temporarily with relatives or friends and that you will help plan appropriate accommodation and support
- If this is not possible explain that Part 7 provides a short term accommodation safety net but that accommodation provided may be emergency bed and breakfast or hostel provision
- Plan a move into either shared accommodation; lodgings; hostel accommodation or relatives and friends. The right accommodation will minimise the risk of breaching their licence or re-offending. Arrange support if it is needed and arrange the assessment for support wherever possible well in time for release

If it is not possible to prevent a former prisoner being homeless on release the Authority has a duty under part 7.

Move On

If it has not been possible, or not appropriate to settle someone in long term accommodation following their release, arrangements will need to be made for 'move on' either through the move on panel or through individual casework:

- Check if there is a need for the person to move on, if they are settled in accommodation with relatives and friends
- If they need to move on check what on-going support arrangements are needed post move and put these in place
- Agree a timescale for moving on
- Assess the most appropriate type of housing for move and communicate these to the person

Leaving Supported Accommodation

It should be possible to avoid making someone in supported accommodation homeless in order to secure move on accommodation. In the past there has

often been the assumption that if someone is made homeless from supported accommodation this will secure a social housing tenancy. However given the chronic shortage of one bedroom accommodation since the introduction of the bedroom tax the best action is to ensure that someone who is ready to move on from supported housing is helped to move in a planned way, whatever the tenure of the accommodation.

Moves from supported housing should be made through a planned pathway with no requirement that the person is threatened with homelessness within 28 days. However if someone is being threatened with homelessness a homelessness application must be taken.

Actions

- Has written confirmation been received of the end date been received from the support provider

- establish why someone has left supported accommodation. Is the person is required move due to:
 - being asked to leave because of behaviour or rent arrears or failure to comply with the rules or engage with support; or
 - Is the person is no longer in need of supported accommodation and needs to move on

You will need to establish whether there is an agreed protocol in place to allow for a planned move out, or in the case of being asked to leave due to behaviour, a planned move to other supported housing.

Where the move is required for behaviour, rent arrears or failure to follow rules

Follow the actions listed in the section of this toolkit for notices given by landlords for rent arrears or poor behaviour. Seek agreement on actions the person will take to resolve the rent arrears or change behaviour with an expectation that the supported housing provider will act reasonably to give the person another chance.

Discuss the possibility of intentional homelessness with the person and jointly interview the person with the support worker to try and resolve the behaviour problem or rent arrears.

Where the move is required as the person is no longer in need of supported accommodation and needs to move on

It should almost always be possible to avoid people being made homeless from supported housing. The authority, the support provider and the person should work together to arrange a planned move as quickly as possible.

Actions

Ideally there should be a move on panel established in the local authority that can plan moves from supported housing. However not every authority operates a panel.

When notified that someone will be requiring move on accommodation from supported housing:

- Seek a meeting or telephone discussion with the person's keyworker (and if appropriate the person) to decide on a housing plan
- Check what on-going support arrangements are planned post move on from the current accommodation
- Agree a timescale for moving on
- Discuss the reality of the local social housing supply of single person's accommodation and therefore whether the exit is likely to be into social housing, supported accommodation or the PRS
- For PRS options, discuss what is likely to be appropriate i.e. Is lodgings or shared housing an appropriate move on?
- Regardless of whether social housing is an option, make an early referral for PRS accommodation and issue self help guide for the person and their keyworker to look for PRS accommodation themselves with the help of your Bond Guarantee and any other incentive package offered to landlords
- Consider whether the person is registered for social housing and whether they have maximised their points /banding. If enhanced points or banding will make no difference to the person's chances because of the lack of supply, make this clear to the person and their key worker so other PRS and supported options are fully pursued and the person is not being misled into believing that the extra priority will provide an offer of social housing by the time they have to leave their supported housing

Leaving Hospital or following a period in mental health accommodation

Actions

General Approach:

- Establish connections with the hospital social work team for both a general needs hospital or any local secure accommodation for people detained under

the mental health legislation

- Agree a protocol to try and give you as much notification as possible people due for release who have indicated in their assessment that they have no accommodation to go to
- Where possible a specific housing officer should be linked to the hospital to deal with applications from all people due to be discharged. The person should be contacted as soon as an assessment indicates there is no accommodation to go to
- Establish a multi agency panel which can meet regularly (weekly/fortnightly /monthly as required) to consider all people due for discharge from hospital or secure units. The panel could consist of a senior representative from the homeless service to chair the panel, hospital social workers and support workers

Specific actions of the linked housing officer could be to consider:

- will the person be homeless on discharge
- what needs to take place to arrange a planned move to appropriate accommodation
- consideration with medical professionals, hospital social workers and the person whether an initial a period of accommodation with family or friends may be the best outcome and would allow appropriate accommodation to be found and a support package to be put in place
- offer to talk with family or friends if this is appropriate
- working with the move on panel if one is in place to arrange a move into supported housing, older persons housing, adapted accommodation

Part 6:

Social Housing Tenant at risk of homelessness due to eviction

Establish from the social landlord what stage the procedure to recover possession has reached. The stages are listed below:

- Pre notice stage warning for breach of tenancy conditions
- Notice and application for a suspended possession order
- Notice of intention to seek an outright possession order due to the seriousness of the breach of tenancy
- Suspended Possession order obtained
- Action being taken to go back to court to obtain a possession order as terms of the suspended possession order has been breached
- Possession order granted and in notice period or awaiting bailiff action to enforce possession

Request copy of notice from the social landlord and check its validity.

If court date issued:

- Has applicant returned a defence form to the courts. This will be needed even if arrears have now been cleared
- Check if the rent arrears have been calculated correctly
- Check if landlord will accept repayment agreement (If not advise applicant to pay rent plus amount offered)
- Check if a claim for HB has been made (If waiting for HB decision for over 14 days request interim payment)
- Check if a backdating claim needs to be made?
- Is a claim for DHP appropriate?
- Consider prevention fund payment
- Does the applicant have 8 wks or 2 months arrears? If they are an RSL tenant advise them that they must reduce arrears to under this level before court hearing to prevent mandatory possession under Ground 8
- Refer to Money Advice/CAB
- If the hearing is happening within 48 hrs advise the applicant of the Court desk which can provide free legal advice and representation. If more than 48 hours refer for independent advice

If notification of court hearing received, also advise the following:

- Explain the importance of attending court
- Ensure the 'defence form' is returned within 14 days
- Advise to start paying what they have offered
- Explain the importance of preparation

Preparation for the court hearing

The applicant will need to explain to the courts:

- Why they are in arrears / if they are in temporary difficulties
- Why and when will their financial circumstances improve
- How they plan to repay the arrears, together with their monthly rent

Representation and Court Decisions

If the applicant requires support or representation as soon as possible refer them to Shelter Cymru or to the court desks that provide free advocacy and represent the client in court. Possession claims still attract legal aid and whilst the numbers of housing legal aid providers is undoubtedly falling, Shelter Cymru still retains a full legal aid advice and representation service.

Court desks or Shelter can provide free independent legal advice on:

- Rental repossession
- Re housing and homelessness
- Harassment and/or unlawful eviction
- Anti-social behaviour proceedings
- Repair problems

If the possession hearing is imminent the applicant should contact the court desk provider immediately and before the hearing date. However if the applicant has approached the authority on the day of the hearing or the day before, they should attend Court 1 hour before the possession hearing time & ask to see the duty solicitor.

At the hearing the court will decide whether to:

- Grant outright possession
- Postpone or suspend possession on certain conditions
- Adjourn the case to a later date
- Dismiss the case

If an applicant has approached the Authority because the terms of a court order have been breached.

If applicant can't meet the terms of the court order consider making an N244

application to ask for the order to be changed and refer them for immediate independent specialist advice.

Typically there is a charge of £35 (unless the applicant is in receipt of certain benefits) Forms are available on line – consider a prevention fund payment to cover the costs <http://www.hmcourts-service.gov.uk/HMCSCourtFinder/GetForms>

Actions to resolve the problems with the social landlord.

Below is a list of possible actions the Housing options Officer can take to try and resolve the problem. The actions are grouped below depending on the reasons a social landlord may want to evict a tenant. Social landlords have an obligation to act reasonably to seek a resolution of the problem.

Get in contact with the social landlord:

- Firstly get in touch with the social landlord dealing with the issue and identify who has the authority to decide to withdraw a notice or to suspend further action while you try and resolve the problems
- Discuss the details of issue/problem with the landlord (This could be over the telephone or you could arrange to meet face to face)
- Discuss any immediate actions you are taking to resolve or improve the position with the relevant officer of the social landlord
- Explain that the applicant has been warned of the possibility of an intentional homelessness decision and whether they are prepared to address the issues and try to resolve the problem
- Ask if the social landlord will suspend or delay any further recovery action until the actions you are taking have time to take effect or the tenant can demonstrate they will keep to any agreement
- Offer to set up a meeting between yourself, the officer from the social landlord and the tenant to confirm actions in a written agreement
- Check if the Rent Possession Pre-action Protocol is being adhered to (per the Civil Procedure Rules) Refer for immediate independent specialist advice
- If the officer from the social landlord is not prepared to cooperate at this stage and delay further action, put the offer of actions to resolve the matter in writing

and e mail to the officer and the officer's senior manager and ask for a response within a reasonable timescale say 48 hours

- if the social landlord is still not prepared to cooperate and is proceeding with court action refer the tenant to Court advocacy service, Shelter or local Solicitor to defend possession proceedings with the details provided by you of the additional actions you have taken to resolve the problem

Rent arrears problem

Rent arrears due to a housing benefit problem

- Get authorisation from applicant to speak to Housing Benefit and their landlord to understand how the problem has arisen and suggest a solution that might be acceptable
- Use standard form for this contained in the Toolkit options pack
- Find out why the applicant thinks they are in rent arrears due to a housing benefit problem
- Establish the position with the Housing benefit service regarding the status and current payments of the applicant's HB claim
- Resolve problem depending on the details of the issue:

Problem: Claim not in payment due to documents remaining unverified and not submitted by applicant.

- Identify which documents are missing from HB
- request applicant immediately returns with documents
- verify documents for HB purposes or arrange for applicant to attend HB immediately for documents to be verified by them
- consider if a claim for backdating needs to be submitted if the lack of documents has resulted in the claim being closed and not payable from the date of tenancy

Problem: Claim closed due to failure to return review form.

- Take action as above

Problem: Overpayment of HB benefit as applicant did not disclose a change in circumstances.

- Establish the facts of the case and whether applicant misled HB or was ignorant of requirements
- Check if the applicant can afford to make up the difference
- Consider grounds for appeal

Problem: tenant affected by bedroom tax or non dependent deduction

- Explain to the tenant their liability to pay full rent
- Check whether the tenant can afford to make up the shortfall
- Check if the tenant is receiving the non dependent deduction from the non dependent and discuss
- Discuss an arrears repayment plan
- If problem caused by bedroom tax discuss making application for DHP while the applicants waits to downsize to a suitable property
- Discuss possibility of taking in lodger or ways of making up the shortfall
- Undertake an income and expenditure assessment priority debt exercise, explain liabilities for full rent, discuss an arrears repayment plan with landlord

Problem: No claim made

- Help the applicant to make a verbal claim on behalf of the applicant and follow up with e mail confirmation and completed and verified HB form
- Consider assisting the applicant to make a backdated claim

Making a back dated HB claim

If the person is of working age a HB claim can be backdated for up to six months if they can show they have a good reason for claiming late and the delay in claiming is considered to be reasonable in the circumstances. These could be:

- Have been unwell and unable to manage their personal affairs (including depression and mental health problems)
- Have experienced a personal trauma or bereavement
- Were given information that was incorrect from a boy or advice agency that should have given the correct advice
- Have difficulty in communicating in English or difficulty reading or writing and did not feel able to ask someone for help

Finding a solution is likely to involve the social landlord receiving all or some of the money owed. A social landlord must act reasonably and may accept a realistic payment plan. Where it is not possible to make payment in full a solution is likely to include one or more of the following actions:

- The tenant agrees a repayment plan for the arrears with the landlord, ideally after having had independent money advice; and/ or
- A payment is made from the homeless prevention fund to the landlord. This should rarely be for the full amount owed, but can be a 'good will' contribution which is enough for the landlord to withdraw the notice
- A time limited payment made from the Discretionary Housing Payment fund to top up the rent. In some circumstances the top up award can be backdated

It is also essential that the tenant doesn't get into further financial problems, so referral for money advice and debt management is important.

Anti-social behaviour or criminal activity which has led to the possession action from the social landlord

Ascertain the nature of the anti-social behaviour or criminal activity that has led to the possession action and then:

- Check which agencies are involved. If a social landlord is taking possession action for breach of tenancy conditions it is likely to be serious anti-social behaviour and other agencies are likely to be involved eg Police/Probation/YOT/Family Intervention Project/Floating Support/Health professionals/Social Services
- Has a case conference been called or taken place recently where a decision has been taken to proceed with possession? If not, consider calling a case conference to try and find a solution
- offer to involve any other relevant agencies that have not yet been involved to help find a resolution
- Check the social landlords procedures and policy for dealing with such cases have been adhered to. For example there may be a demoted tenancy stage in the process or the need to offer support or family intervention.
- If the procedures have not been followed check why not
- Refer the household to local Family Intervention Project if not already known to them
- Where children are involved refer to children's services if this has not already been done
- Advise the applicant of the consequences of becoming intentionally homeless and the impact this could have
- Discuss any immediate actions you are taking to resolve or improve the position and communicate these to the officer of the social landlord
- Ask if the social landlord will delay any further recovery action until a case conference can be arranged and the actions have time to take effect or the

- tenant can demonstrate keeping to any agreement
- Offer to set up a case conference between yourself, the officer from the social landlord, and all other relevant agencies to seek a solution and to agree a written agreement between the tenant and the landlord
 - If the social landlord is not prepared to cooperate with the actions proposed or delay further action put the offer of actions to resolve the matter in writing e-mailed to the officer and the officer's senior manager and ask for a response within a reasonable timescale say 48 hours
 - If the social landlord is still not prepared to cooperate and is proceeding with court action refer the tenant to Court Advocacy service, Shelter or local Solicitor to defend possession proceedings with details of the additional actions taken to resolve the problem
 - Proceed with a homelessness application if on the basis of the information you have that is appropriate

Landlord action because the applicant has no further tenancy rights under succession rules

- Ascertain the position with the social landlord
- Is there a discretion to provide this or another tenancy to the applicant
- If so help the applicant to make the case for discretion to be applied including the impact on the applicant of becoming homeless