

**ANGUS COUNCIL**

**Housing Committee – 15 January 2004**

**REVISED CODE OF GUIDANCE ON HOMELESSNESS**

**REPORT by DIRECTOR OF HOUSING**

**ABSTRACT**

This report requests homologation of the decision to submit a response to the recent Scottish Executive consultation on the revision of the “Code of Guidance on Homelessness”.

**1. RECOMMENDATION**

It is recommended that the Housing Committee homologate the decision taken by the Director of Housing, in consultation with the Convener of the Housing Committee, to submit a response to the Scottish Executive’s consultation on revision of the “Code of Guidance on Homelessness”.

**2. BACKGROUND**

Comments were sought by the Scottish Executive by 5<sup>th</sup> December 2003 on a draft revision of chapters 5-13 of the Code of Guidance on Homelessness.

The Code of Guidance on Homelessness sets out statutory guidance to local authorities on the exercise of their functions under Part II of the Housing (Scotland) Act 1987. Under section 37 of the 1987 Act local authorities must have regard to the Code of Guidance in their statutory duties towards persons who are homeless or threatened with homelessness.

The Code of Guidance was last updated in 1997. Since that time the provisions of Part II of the 1987 Act have been subject to significant revision and amendment in subsequent legislation. In particular, the Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003 introduced a range of new duties in respect of homelessness and the phasing out of the “priority need” category by 2012. As a consequence the present Code is no longer consistent with the legislation.

Chapters 5-13 cover the main homelessness duties, and have been revised to reflect the legislative changes currently in force. The Scottish Executive propose to issue further revisions at a future date to coincide with the phased commencement of the provisions of the 2003 Act.

The Code of Guidance is recognised by Angus Council in its homelessness policy and procedures as a statement of minimum standards in its homeless service.

The Code is relied upon by frontline staff dealing with homeless people and it is important that the Code reflect current legislation and best practice.

A copy of Angus Council's response to the Scottish Executive can be found in Appendix 1 of this Report.

### **3. FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from this report.

### **4. HUMAN RIGHTS IMPLICATIONS**

It is considered that in following the recommendation contained in this report, the Council would not be acting in any way which is incompatible with human rights.

### **5. CONSULTATION**

The Chief Executive, Director of Finance, Director of Law and Administration and the Director of Social Work and Health Liaison have been consulted in preparing this report.

### **6. CONCLUSION**

Members are asked to homologate the decision taken by the Director of Housing, in consultation with the Convener of the Housing Committee, to submit a response to the Scottish Executive's consultation on revision of the "Code of Guidance on Homelessness", as contained in the Appendix to this report.

Ron Ashton  
Director of Housing

Note:- No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied upon to any material extent in preparing this report.

Angus Council Department of Housing

**Response to the Scottish Executive's Consultation on  
UPDATING THE CODE OF GUIDANCE ON HOMELESSNESS**

**General**

1. **The first phase of the update is focussing on chapters 5-13 of the existing code. We would welcome comments on the detail of those chapters. In particular:**

- **Are there any gaps?**

There needs to be more detailed guidance on how the needs of children, and other family members resident with the applicant, should be assessed and addressed as part of the process.

- **Are there any practical issues that could be covered in more detail?**

Consistency in the handling of decisions might be assisted by more explicit guidance, particularly in respect of decision letters. The inclusion of a model letter and / or a more detailed checklist of elements to be included in decision letters would be helpful.

- **Are there any areas where you think the emphasis is wrong or could be improved?**

The Homelessness Task Force emphasised that meeting the needs of homeless households necessarily involves a wide range of agencies and disciplines working collaboratively. We believe this should be reflected throughout sections 5-13 of the Code. The Code could, and should, be developed as a tool to promote a shared understanding and common standards between staff in different local authority departments, RSLs, and voluntary sector organisations, who have contact with homeless or potentially homeless households.

We also believe that the corporate nature of the duties placed on local authorities should be more clearly emphasised. Guidance on good practice in relation to support and resettlement services should make explicit the links with local authorities statutory education and social care functions, for example.

The emphasis on securing lasting solutions and preventing homelessness recurring, should also be strengthened.

**Format and style**

2. **We want the format to be as user-friendly as possible as well as more easily updateable than the current version. We would be interested in your views on:**

- **Preferred format e.g. online, hard bound, loose-leaf**

While online access would be useful for most of Angus Council staff involved in working with homeless people, there are a number certain settings in which a printed version would be essential. A loose-leaf version would be the

preferred printed format. This would not only make it easier to incorporate changes as they are introduced over the next 10 years, but would also enable local authorities to incorporate local guidance within a single volume where this was appropriate.

- **Style e.g. extent of cross referencing, indexing etc**

Any tools which enable front-line staff to quickly find the relevant guidance within the code would be welcomed. Cross-references should be made on the page (perhaps in the margin) in addition to the provision of an index.

## **Use of Code**

### **3. What can be done to assist optimum use of code among frontline staff? Is training needed?**

We would welcome the development of national training initiatives and materials to complement our own training provision. We would particularly welcome the development of training initiatives and materials aimed at staff and organisations not primarily involved in addressing homelessness, but who nonetheless have a role in assisting homeless or potentially homeless households (e.g. criminal justice staff, teachers, health professionals, Job Centre staff, etc).

## **SPECIFIC QUESTIONS ON INDIVIDUAL CHAPTERS**

### **Chapter 5 - Handling of applications**

i. **Does the proactive nature of an authority's duty to make enquiries require further emphasis?**

No.

ii. **Is there other/better guidance needed to ensure that "first screening" of applicants does not take place?**

The guidance could be improved by strengthening the emphasis on providing a person centred service. The aim of all frontline staff dealing with people in housing need should be to assist in securing sustainable accommodation and support solutions tailored to the applicant's needs, irrespective of whether they present as homeless. The function of the assessment process in helping to achieve that aim could be made more explicit in the guidance.

iii. **Should more information be given to frontline staff on community care assessments? What kind of information?**

It is very important that frontline staff recognise their role within a wider process of identifying and responding to people's needs. The guidance should set the homelessness assessment within that broader process. It would be helpful to include a general description of the single shared assessment process.

## Chapter 7 - Priority need

- iv. **How would you describe vulnerability? What definition of vulnerability should there be in the Code?**

Angus Council define vulnerability as being where an “applicant is less able to fend for him or herself when homeless or in finding and keeping accommodation, so that he or she would suffer injury or detriment, in circumstances where a less vulnerable person would be able to cope without harmful effects”.

- v. **Is further guidance on the specific categories set out in legislation required?**

No.

- vi. **Are there other examples of vulnerability for “other special reason” that should be included at this stage? (I.e. in advance of proposed research and next phase of expansion of priority need).**

No.

## Chapter 10 - Accommodation

- vii. **Is the guidance on “reasonable opportunity” sufficient? Should an indicative timescale be included or will that lead to blanket policies that do not sufficiently consider individual and local circumstances?**

We do not consider an indicative timescale would be appropriate as individual and local circumstances will vary widely. However, we feel the guidance should be more explicit in setting out the type of factors which should be considered.

- viii. **Is more information needed on dealing with those in financial difficulties? If so, what kind of information would be helpful?**

We welcome the additional guidance contained in the revised Code. Financial difficulties not only may lead to homelessness but also contribute to homelessness recurring. It would be helpful if there were a greater emphasis throughout the Code on the importance of assisting applicants to access appropriate advice and support, including debt counselling, as part of the assessment process, irrespective of the decision.

- ix. **What factors should a local authority take into account when determining the level of reasonable charges for a family or individual in temporary accommodation?**

We accept the principle that charges should take account the applicant’s ability to pay in the longer term. In setting charges a local authority should aim to minimise the risk contributing to the recurrence of homelessness. Nevertheless, it is also essential that a local authority can recoup its costs in order to maintain and improve its homeless service and charges need to reflect this.

## **Chapter 12 – Notification and review of decisions**

- x. **If an applicant has requested a review of a decision, should the particular property offered be held pending the outcome of the review? What are the implications of this? What other approaches could be taken?**

This should remain a matter for the local authority to determine in the light of local circumstances.

- xi. **Are there other matters which a “model” decision letter should contain?**

No.

- xii. **It would be helpful to know of any specific experiences of the new legislative review procedures (that is the procedures introduced by the 2001 Act).**

We would be happy to share our experiences of the new procedures as issues emerge.

Ron Ashton  
Director of Housing