

Haringey Council

Policy on providing accommodation to people who are rough sleeping or at risk of rough sleeping during the Covid-19 pandemic

Introduction

1. This document sets out Haringey Council's ('the Council's') approach to providing accommodation for people who are either rough sleeping or at risk of rough sleeping during the Covid-19 pandemic.
2. The Council has a duty to provide accommodation to certain people under the Housing Act 1996. By letter of 26 March 2020, the Minister for Local Government and Homelessness (Luke Hall MP) called on local authorities to assist in ensuring that all those sleeping rough or at risk of doing so, were accommodated. In response, the Council has used its discretion to act beyond its usual duties and accommodate anyone who has been either rough sleeping or at immediate risk of rough sleeping, regardless of whether they would ordinarily be eligible, have a priority need or a local connection. In doing so, the Council is likely to have saved lives and improved the outcomes for some of the borough's most vulnerable residents.
3. As a result, the Council has placed over 500 people into emergency accommodation and is currently accommodating 378 single people (as of 24 June). The emergency accommodation has in large part been in hotels.
4. However, continuing to place people into hotels is not a sustainable position for the Council –the projected costs are a significant threat to the Council's financial position and the provision of appropriate support is unsustainable without a long term funding commitment to increase workforce capacity.
5. Additionally, the lockdown restrictions in London have been partially lifted, meaning that alternative homelessness prevention support can be offered and many people affected by homelessness during this period can return to work, and to housing arrangements with friends and family..
6. On 29 June 2020, MHCLG issued an update to the statutory Homelessness Code of Guidance for local authorities. Paragraph 8.44 specifies that 'Housing authorities should carefully consider the vulnerability of applicants from COVID-19'. Paragraph 8.45 specifies that 'Housing authorities should also carefully consider whether people with a history of rough sleeping should be considered vulnerable in the context of COVID-19, taking into account their age and underlying health conditions'.
7. This policy document sets out the Council's policy in response to this changed context; broadly, it will continue to exercise its discretion to accommodate people who are rough sleeping, but will concentrate its limited resources on those who are the most vulnerable in the context of Covid-19.

Statutory context for placements into temporary accommodation and the use of discretion

8. The Council continues to provide accommodation where under a statutory duty to do so; most commonly where the Council has a duty to do so under various provisions in Part VII of the Housing Act 1996.
9. Where an applicant does not have recourse to public funds by virtue of their immigration status or is not able to satisfy the Council that they are an EEA national exercising their treaty rights, they would not normally be eligible for statutory homelessness assistance and would be reliant on local night shelter provision if available.
10. Where a household can satisfy the requirement to be eligible, they may not automatically have a right to be provided with accommodation if they become homeless. The duty to accommodate is owed only to households who are (or whom the Council has reason to believe may be) in a 'priority need' category. Households who do not meet the threshold for priority need (e.g. those without dependent children, disability etc), are still entitled to receive advice and assistance under the legislation, but there is no duty to provide interim accommodation.
11. Since the Minister's letter the Council has used the following powers to deliver discretion:
 - Ineligible households – households who are not eligible for assistance have been placed into emergency hotel accommodation under the Council's general power of competence pursuant to the Localism Act (pursuant to Government guidance). 75 of the people we have placed are currently ineligible.
 - Eligible households – households who are eligible for assistance but would not meet the threshold of priority need, have been placed into emergency hotel accommodation using powers in the Housing Act (s205(3) Housing Act 1996 Part VII) to discharge our relief duty.

Change in the Council's approach to applying discretion

12. Due to the specific risks of Covid-19 the Council intends to continue to go beyond its basic statutory duties and exercise its discretion to house using the following criteria:
 - Where someone is CHAIN verified (ie verified by the Combined Homelessness and Information Network – a multi-agency database recording people sleeping rough in London), is eligible for assistance but would not ordinarily be considered to have a priority need, the Council will consider whether they are currently at additional risk if they were to contract Covid-19. This would include people who have been told to shield, people with health conditions leading to a greater risk of serious illness from Covid-19 infection, and people who have characteristics that have been linked to a higher risk of serious illness from Covid-19 infection, including race.
 - Where someone is CHAIN verified but is ineligible for housing assistance (including those formally designated as having no recourse to public funds – "NRPF") the Council will consider whether they have a priority need or are at increased risk, as described above. They will also carry out individual statutory assessment. The Council will then, subject to that assessment, offer a placement supported through derogation funding awarded for the period April – December 2020.

- Where someone is identified as part of the MEAM30 cohort (a group of thirty vulnerable adults experiencing multiple disadvantage homelessness, who are supported by the Haringey “Making Every Adult Matter” partnership).
13. Where the Council places into accommodation under this policy, the applicant will receive a letter confirming that the placement is made using discretionary power and does not constitute the Council having accepted a homelessness duty to accommodate under the legislation.
 14. People who do not have a local connection to the Borough will not be accommodated, with the exception of CHAIN-verified people who have been found bedded down in the borough on two or more occasions within the last 12 months. Those without a local connection to Haringey will be referred on to the relevant local authority as soon as possible.

Placements

15. Given the complexity of the investigation that can be required to assess eligibility, priority need and particularly local connection, people who approach outside office hours and contact the out of hours provider may be placed for one night or over the weekend to allow an assessment under this policy by an experienced officer.
16. When the Council decides to accommodate under this policy, the placement will be into a hotel or specified supported accommodation developed to meet this current housing need.
17. Housing-related support is currently provided on-site to 230 people, at 7 hotel locations and the Council will look to place people who have support needs into these hotels where possible.
18. The provision of welfare and subsistence support is available to a small cohort of people placed into hotels who do not have access to income through other means. This is most likely to be for those people with insecure immigration status who do not currently have access to welfare benefits or employment. This support is again offered at the Council’s discretion and will be discussed with relevant individuals once they have been offered a placement.
19. Although the Council endeavours to provide accommodation as close to Haringey as possible the unprecedented demand has meant that this is not always possible.
20. If someone is evicted from a placement due to their behaviour, or abandons their placement, the Council will not usually make a further placement. However, the Council may exceptionally decide to do so after considering their vulnerability and the suitability of available alternatives to meet their needs.
21. The Council will allow people to re-present as homeless; that is to say if someone has been previously accommodated and has left their placement but find themselves in need of accommodation assistance from the Council again, they will be entitled to be considered for accommodation under this policy. There is no limit on re-presenting.

Moving on from a discretionary placement

22. Haringey is adopting the SWEP (“Severe Weather Emergency Protocol”) ‘In For Good’ principle, i.e. making a commitment to prevent a return to street homelessness for all who have been placed.

23. The Council is, therefore, working with each person to develop and implement a move on plan. This plan will vary depending on the needs and the options available for each person. To achieve this the Council is adopting a 'single service offer' approach and will therefore expect that people will move on from temporary placements on receipt of a reasonable offer. Refusal of a reasonable offer would constitute grounds for the Council to end the temporary placement.

Policy implementation and review

24. This Policy will be applied from [x July 2020].

25. The Policy and its impacts will be reviewed on a monthly basis or sooner if deemed necessary. The review will consider data collected on people rough sleeping and on people to whom this discretion policy applies, the Council's financial position, any new government guidelines, and new restrictions on people's lives (e.g. a new lockdown in London), any government funding announcements and any better and more detailed understanding of Covid-19. The Policy will terminate on 30 September 2020, unless terminated earlier or extended beyond this date by Cabinet / Cabinet Member Signing; at this point the Policy will be reviewed to consider its costs and the Council's financial position.