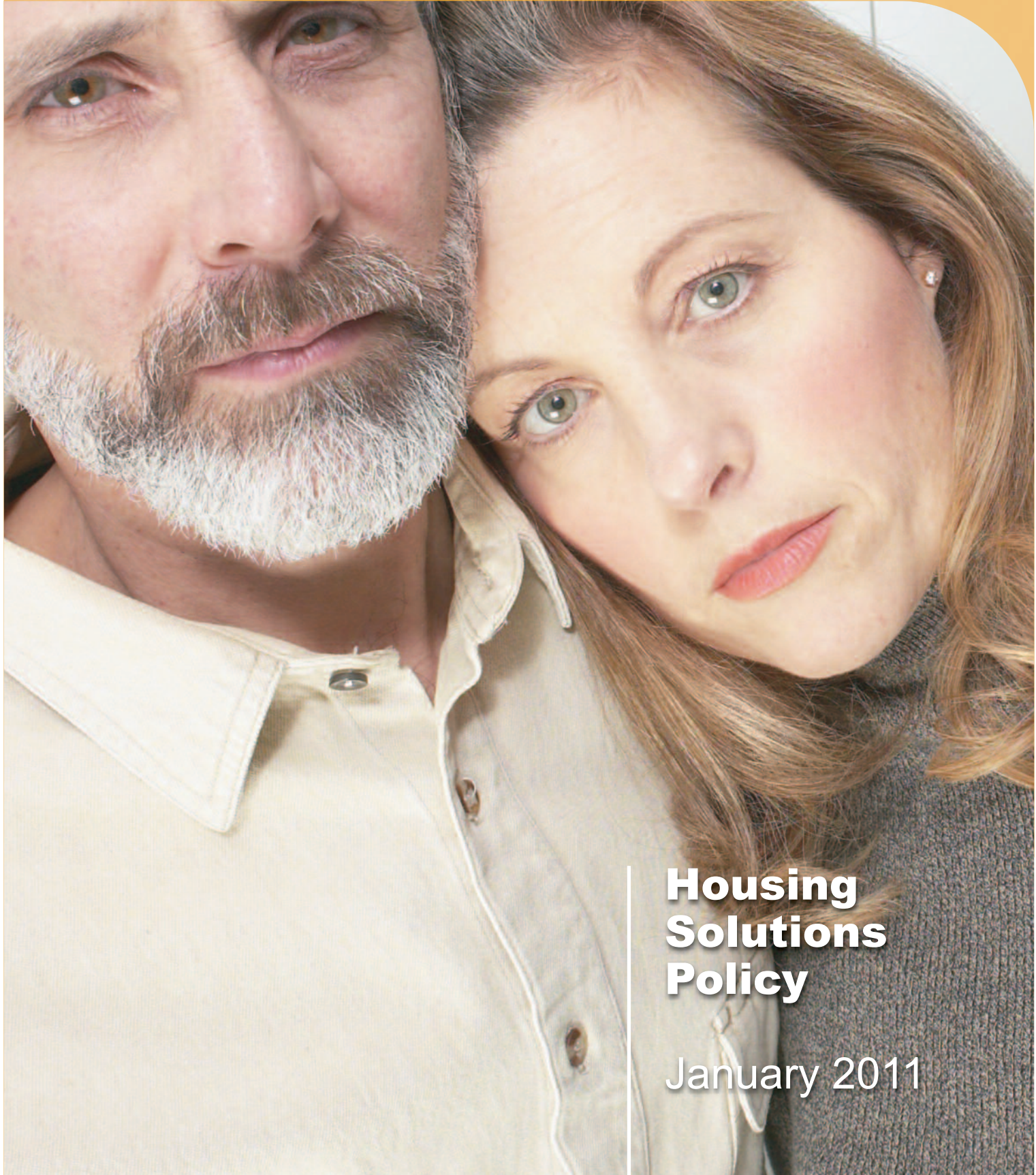


Housing Solutions Service



**Housing
Solutions
Policy**

January 2011

Contents

Section 1 - Introduction	03
Section 2 - Housing options and prevention of homelessness	05
Section 3 - Applying to the Council as homeless	12
Section 4 - The Homelessness investigation	15
Section 5 - The Homeless decision	19
Section 6 - Offer of Accommodation	22

Introduction

Welcome to Durham County Council's Housing Solutions policy. This policy outlines not only the Council's legal requirements, but how it has put these requirements into practice.

Legal Requirements

Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) requires local authorities to ensure that advice and information about homelessness and preventing homelessness is available to everyone in the County free of charge. It also requires local authorities to assist individuals and families who are homeless or threatened with homelessness.

Our Commitment

The Council's key priorities for accessible and responsive services are to:

- Aim to prevent or relieve Homelessness.
- Provide excellent services with a high level of customer satisfaction.
- Provide equal access to the service for all customers.
- Provide translation facilities or interpret information for people whose first language is not English.
- Provide an out of hours homelessness service.
- Ensure consistent, prompt, accurate and fair homelessness assessments.
- Ensure equal access to permanent accommodation.
- Provide a wide range of information available to service users seeking housing advice.
- Review and respond to the changing needs of service users in housing need.
- Ask for service user views of the service and aim for a high level of customer satisfaction.

Further Assistance

The Council will provide the following services if a person is having difficulty reading this document:

- An interpretation service if their first language is not English.
- Signing if there is evidence of hearing or speech impairments.
- Large print or magnifier if they are visually impaired.
- An interview with a fully trained member of staff.
- An interview with an officer of the same gender if requested, particularly if they are experiencing harassment, violence or threats of violence.
- An interview with an officer to explain the content of this document if they require further clarification.
- Advice booklets and/or leaflets for further information.

Out of hours Emergencies

Durham County Council provides an 'out of hours' emergency response to those who are homeless or threatened with homelessness. The contact numbers are listed on the contact information sheet detailed on back cover. This must only be used in the event of an emergency outside office hours.

The operative will provide emergency advice and try and prevent the homelessness from occurring, and in some cases, may arrange temporary accommodation.

Equalities Statement

We are committed to including equality and diversity in everything we do. This includes eliminating unlawful discrimination, promoting equality of opportunity and access, and valuing diversity in the delivery of our services. When making decisions regarding applications we will take into account issues regarding equality and diversity.

Customer Satisfaction

It is important that, in order to develop the service to meet the requirements of customers, comments and suggestions on the service are gained and used to inform future service improvements.

The Council is committed to considering all views and comments received to aid the development of the service. A customer questionnaire will be supplied to each person who completes an initial assessment interview and will also be sent with all homeless application decision letters.

Housing options and prevention of homelessness

The Homelessness Act 2002 requires local authorities to take a more strategic approach to tackle and prevent homelessness. This requires local authorities to produce a Homelessness Strategy.

County Durham has a sub regional Homelessness Strategy. The Strategy has three objectives:

- To prevent homelessness.
- To ensure that sufficient, appropriate and affordable accommodation is available for people who are homeless or at risk of homelessness.
- To support people who are homeless or who are at risk of repeat homelessness.

Key to prevention is the early intervention in cases - encouraging individuals to seek assistance at the earliest possible stage when experiencing difficulties which may lead to homelessness.

This policy aims to outline the service an applicant will receive when they request assistance because they are homeless or at risk of becoming homeless.

Initial Assessment Procedure

Preventing Homelessness

The Housing Solutions Service provides free, impartial and confidential advice and assistance. If an applicant feels they are homeless, threatened with homelessness or experiencing housing difficulties, early intervention is key to preventing homelessness. Awareness-raising throughout the County highlights the importance of contacting the Housing Solutions Service as soon as the applicant finds themselves in difficulty that could result in homelessness. Advice will be provided in each of the areas and at access points listed in back cover.

The Housing Solutions Service may operate an appointment system for interview. If this is the case an appointment can be booked through the following routes:

- At main reception.
- Over the phone.
- Via a third party, for example, a solicitor.
- In writing to the Housing Solutions Service.
- Email: housingsolutions@durham.gov.uk

Details of the above are included on the back cover for each of the areas.

An appointment will be offered within ten working days unless the applicant has nowhere to sleep that night. If the latter is the case, an emergency appointment will be arranged for the same day.

If a person is ill, house bound, or unable to call into one of the offices, a home visit or a meeting at a mutually convenient place can be arranged. We can also arrange for an appointment on a Saturday morning if the applicant works during normal office hours or is unable to attend the office during these hours for any other reason.

An Initial Assessment form will be completed at the interview stage taking details of the applicant's current circumstances. In all cases the applicant will be given detailed housing options advice, including:

- Advice on the Council's Housing Register and Allocation Policy.
- Advice on waiting lists of other housing providers in County Durham.
- Information on Private renting.
- Tailored advice or sign-posting on any other related issue such as debt advice, housing benefit and support services.
- Other housing options such as:
 - Renting a room.
 - Private landlords accreditation scheme.
 - Supported housing.
 - Purchasing property.
 - Affordable housing.
 - The mortgage rescue scheme.

The Housing Solutions Officers will work with the applicant to:

- Prevent a homelessness situation from occurring if possible.
- Explain the processes of the prevention stages.
- Assist in locating alternative accommodation such as a housing association, local authority or privately rented property.
- Provide them with a detailed information pack on their options.
- Purchase accommodation, if financially viable.
- Find information on affordable housing schemes.

Proactive methods of prevention and support will be offered throughout the County responding to the needs of service users.

All prevention work will be carried out at the same time as the investigation and decision on the homeless application.

All prevention work and advice will be tailored to the individual's needs however the following list is typical of how homelessness can be prevented and the services we offer:

1. Parents/relatives or friends not being able or willing to accommodate.

Home visits will be made to all parents/family/friends unless there is a risk to the applicant by doing so. Ideally the applicant will also be present when the visit takes place. The aim of the home visit will be to re-secure the accommodation within the household for the applicant. This situation may not be permanent but it will be long enough to allow time for officers to work with the applicant to provide the best possible outcome.

The home visit will be carried out within 48 hours from the initial assessment form being completed.

2. Relationship breakdown (non-violent)

Owner occupiers

An assessment will be made on the applicant's circumstances and the following is typical of the questions that may be asked (this list is not exhaustive and there may be further questions depending on the circumstances):

- Who owns the property i.e., is it jointly owned?
- Are there any children involved?
- Where is it intended the children will remain?
- Is there any reason why the applicant cannot remain in the property until alternative accommodation is found?
- Are there any re-possession proceedings underway?
- What is going to happen to the property i.e. taken over by another party or sold?

Depending on the response to the assessment, further advice will be given although the applicant will be advised to seek their own legal advice on their rights in relation to the property.

Alternative accommodation may be sourced for the applicant whilst advice is sought. This may be with other family or friends of the applicant.

Rented accommodation

An assessment will be made on the applicant's circumstances and the following are typical of the questions that may be asked (this list is not exhaustive and there may be further questions depending on the circumstances).

- Is it a sole or joint tenancy?
- What type of tenancy – do they have the right to assign?
- Are there children involved in the relationship?
- Is it appropriate to transfer the tenancy into the name of the partner who will have a residence order for the children. A court order in ancillary relief proceedings can transfer the tenancy into a sole name in any circumstance.
- Is there any debt owed on the tenancy?

Generally the partner who will have primary responsibility for the care of any children will remain in the family home and we will work with the other party to seek alternative accommodation. Is this partner able to remain in tenancy until alternative accommodation is found, or do they have alternative family/friends to stay with on a temporary basis?

3. Domestic abuse

Any applicant fleeing domestic abuse will have tailored advice to ensure the current risk is removed. The type of advice and assistance will be considered depending on the wishes and safety of the applicant.

In all cases, the applicant will be advised that they remain at risk if they stay in the home and that it would be in their (and their children's) interests to leave. They will also be advised to seek urgent legal advice from a family solicitor (legal aid may be available).

Typical questions would be:

- Do they wish to move to an alternative address?
- Do they need specialist outreach support?

If they are at risk at their current address, every attempt will be made to offer temporary accommodation preferably in a refuge (if available). This will be provided until it is safe to return to the property or until alternative accommodation is found.

If the applicant wishes to remain in their own accommodation it may be necessary to advise them to seek legal advice on their rights to the accommodation as well as their rights in obtaining a non-molestation order, occupation order, or an injunction against the other party.

Referrals will be made to a domestic violence outreach worker, if available, should the client wish to have support. The outreach worker will provide advice and assistance they may need around the domestic abuse and may assist the applicant to plan their move from the matrimonial home.

4. Harassment

Any applicant fleeing harassment will have tailored advice to remove the current risk. The type of advice and assistance will be considered depending on the wishes of the applicant, and whether it is considered safe.

Typical questions would be:

- Does the applicant wish to remain in their current accommodation?
- Do they wish to move to an alternative address?
- Is it unreasonable for the applicant to remain in the current accommodation?
- Have the police been notified?
- Has there been any contact with the appropriate Anti-social Behaviour Officer?

Advice will be given depending on the circumstances however it may be necessary to ask the applicant to seek legal advice on their rights to obtain an injunction against the other party.

A referral will be made where appropriate to the Anti-Social Behaviour Officer - harassment in any form is unacceptable, and therefore action against the perpetrator should be progressed. This will only be done if the applicant is not at risk.

5. Mortgage arrears

Legal advice will be suggested as well as contacting the lender if that has not been done already. The Housing Solutions Officer can liaise with mortgage lenders on behalf of the applicant (with the applicant's consent).

The following information would be required if the Housing Solutions Officer is to act on behalf of the applicant:

- What kind of mortgage is it i.e. repayment/endowment?
- Is there any insurance linked to mortgage i.e. payment protection/indemnity insurance?
- Is it a sole or joint mortgage?
- How many payments have been missed, and the arrears amount?
- Are difficulties likely to be long or short term?
- Is it realistic to try and keep the home, or would it be better to sell?
- Has there been any action taken by the lender, and if so, at what stage is it?
- Is the applicant suitable for either the Mortgage Rescue Scheme or the Homeowners Mortgage Support Scheme?

A financial statement may also be required listing income, outgoings and everything that is owned. In all circumstances the applicants will be advised to seek independent legal advice from the Citizens Advice Bureau or a solicitor.

6. Rent arrears council tenancy/ Registered Social Landlords / Housing Association

The Housing Solutions Officer will work with the Tenant and the Landlord to try and come to some arrangements to repay the debt. However it may be suggested to seek legal advice or advice from Citizens Advice Bureau or a solicitor. This will happen in every case where the Local Authority is the landlord to ensure that the tenant receives appropriate independent advice.

The appropriate advice and assistance will depend very much on the individual circumstances and the following factors are likely to influence this:

- What kind of tenancy is it? (introductory or secure?)
- Is it a sole or joint tenancy?
- How many payments have been missed and the amount of arrears?
- Are difficulties likely to be long or short term?
- Is it realistic to try and keep the home or seek alternative accommodation?
- Has there been any action taken by the landlord, and if so, what stage are they at?

After discussing the above options a decision must be made on what appropriate action should be taken. A financial statement should be completed listing income, outgoings and everything that is owned at risk.

7. Rent Arrears (Private Landlord)

The Housing Solutions Officer will work with the Tenant and the Landlord to try and come to some arrangements to repay the debt. However it may be suggested to seek legal advice or advice from Citizens Advice Bureau.

The appropriate advice and assistance will depend very much on the individual circumstances, and the following factors are likely to influence this:

- What kind of tenancy is it? (assured or assured shorthold?)
- Is it a sole or joint tenancy?
- How many payments have been missed and the amount of arrears?
- Are difficulties likely to be long or short term?
- Is it realistic to try and keep the home or seek alternative accommodation?
- Has there been any action taken by the landlord, and if so, what stage are they at?

After discussing the above options a decision must be made on the best course of action. A financial statement should be completed listing income, outgoings and everything that is owned.

8. Loss of rented or tied accommodation due to termination or other reasons of an Assured Shorthold Tenancy

Consideration needs to be given on the reason for the loss of tenancy and advice will be tailored to this. If it is the natural end of the tenancy then advice will be given on all other housing options available.

The landlord will be contacted and asked for the reasons for "Notice to Quit". Consideration will be given as to whether any conflicts could be resolved by acting as a mediator. With negotiation, this could lead to the tenancy being extended allowing the person to remain in their home. It may be that the landlord has an alternative property that could be rented.

9. Required to leave National Asylum Support Service accommodation

Any service user presenting because of having to leave National Asylum Support Service accommodation will have a letter from National Asylum Support Service advising them they are required to leave the accommodation. They will also have a letter from the Home Office to advise that their application to claim asylum in this country has been accepted.

We must check at this stage they have "recourse to public funds", in other words that they are entitled to claim benefits or benefit from government funds (such as having access to treatment under the NHS).

Negotiations can be made with the provider of the National Asylum Support Service property to extend the leave date, although this will probably be short term.

10. Discharge from e.g. hospital, prison, care

Prevention work will start as soon as possible for any person being discharged from hospital, prison, care etc. to try and arrange accommodation in time for their release.

Where possible, visits will be made to speak with the service user regarding their housing need. All relevant applications will be completed and regular contact will be kept with both the service user and the institution up until discharge. The ideal solution will be that accommodation is available when they are either permanently or temporarily discharged.

11. Repeat homelessness/tenancy sustainment

- Does the applicant wish to remain in their current accommodation?
- Do they need support in order to be able to remain there?

Identify what support is needed to assist them to be able to stay in their home. Help may be needed with budgeting and debt management, claiming benefits, accessing health or specialist services, basic life skills, and emotional support.

Referrals will be made using the common referral form to the appropriate agency to assist in the support.

12. Advice/assistance and promotion of service

Training will be carried out for other County Council departments and external stakeholders to ensure that they understand the Housing Solutions Team's service and how it operates.

Leaflets regarding the service, inclusive of other support services, are available. Appropriate leaflets are given in the initial assessment interview.

The Housing Solutions Service will distribute leaflets in all the local services within Durham County Council regarding housing options, homelessness and prevention of homelessness.

Section 3

Applying to the Council as homeless

In the event that no prevention intervention can stop the applicant becoming homeless, a homeless application will be completed.

The definition of homelessness

A general definition is that someone is homeless in law, if:

- They do not have accommodation that they have a legal right to occupy.
- They have accommodation that is not accessible and/or physically available to them (and their household).
- They have accommodation but it would not be reasonable for them to continue to live in it.

It would not be reasonable for someone to continue to live in their home, for example, if it was likely to lead to violence against them (or a member of their family) or if the property was in such a state of disrepair that it was not habitable.

If the applicant is under the age of 18 a referral will be made to Children and Young Peoples Services for an assessment of the young person's accommodation requirements under the Children Act 1989 via the Joint Protocol for 16/17 year olds.

The homelessness assessment

At the homelessness interview, the officer will speak to the applicant regarding their circumstances. They will photocopy any relevant documentation which the applicant has provided to support their case. If insufficient evidence is provided, the Housing Solutions Officer must make enquiries to gain additional information in this regard. The applicant will be advised that a decision on their case cannot be made until the Housing Solutions Officer is satisfied that they have received all the relevant information.

Interim accommodation

If the investigating officer has reason to believe that the applicant may be:

- Eligible for assistance.
- Homeless or threatened with homelessness.
- In priority need.

The Council has a duty to provide interim accommodation, if required, whilst further investigations are made.

Temporary accommodation

The Council is striving to minimise the use of Bed & Breakfast accommodation as it is both impractical and expensive. It should only be used in emergency situations when nothing else is available. The Bed & Breakfast procedure will be followed and all other options should be exhausted, in line with this policy, before the applicant is admitted to a Bed & Breakfast.

The Council has access to other temporary accommodation, and this may be used to house applicants on a temporary basis until a decision has been reached or permanent accommodation found.

If there is a request for a review of the decision, temporary accommodation may be provided. This is at the discretion of the Council, and each case will be considered individually.

Refuges and hostels

The Housing Solutions Service has an accommodation directory which includes telephone numbers for hostels and refuges. For confidentiality reasons, the numbers are not stated within this policy but the Housing Solutions Officer is able to provide details as required.

Applicant refuses offer of interim accommodation

Applicants are not entitled to a choice of interim accommodation. Whilst interim accommodation must be suitable for the applicant and their household, the applicant does not have the right to ask for a review of its suitability. If they refuse the offer, no further duty will be owed in terms of offering any more interim accommodation. However, individual reasons for refusal will always be considered prior to deciding whether to make a further offer or not.

Removals and storage

If there is a risk to any personal possessions the Council may have a duty to ensure that personal possessions, including pets, are protected from loss or damage. A danger of loss or damage to personal property means that there is a likelihood of harm, not that harm is a possibility. Applicants must be unable to protect their property, for example if they are ill or unable to afford storage.

The Council will impose various conditions on the assistance that they are providing to applicants as follows:

- A reasonable charge will be imposed for storage, removals and accommodation for pets.
- The Council reserves the right that once the duty is fulfilled under section 211 of the housing act 1966 they will inform the applicant that their possessions must be removed and that if the applicant chooses to keep the property in storage they will take over responsibility for the payment and removal under the relevant removal company's policy and the Council will hold no liability.

Petty cash

If bus fare, taxi fare or any other reasonable expense is required to assist the applicant with getting to the accommodation, this may be taken from the 'emergency assistance' reserve.

Applicants from outside the County

Anyone from outside of the County can present as being homeless to the Council. The same process will be carried out for the applicant as outlined above. However, if our investigations reveal that they do not have a local connection to the County, the Housing Solutions Service can refer them to the local authority where they have a connection. If the person is actually homeless and the authority has reason to believe a duty is owed under section 193, the authority has a duty to provide them with interim accommodation whilst a decision is made. If it is decided to refer them as homeless to another local authority, the Council must continue to provide them with accommodation until the other local authority has accepted the referral.

If a person has applied to this Council fleeing violence, it would not be reasonable to expect them to return to the local authority where they have a local connection. In such cases, consideration would be given towards accepting a duty to re-house them if they satisfy all of the necessary criteria, and they want to be re-housed in Durham County.

No local connection anywhere

If an applicant has no local connection anywhere, the duty to secure accommodation will rest with the Council that has received the application.

Section

4

The Homelessness Investigation

To make a decision on the homeless application, the Housing Solutions Officer will need to consider and verify all the information that the applicant has given.

If the applicant was able to bring all the required information to their interview, and the Housing Solutions Officer is able to confirm the facts of the case, a decision can be made fairly quickly

If insufficient information was provided at the interview, and the Housing Solutions Officer needs to make further enquiries to verify the applicant's situation, more time will be needed to make a decision.

When making a decision, the Housing Solutions Officer will need to decide whether the applicant:

- Is eligible for assistance.
- Is homeless or threatened with homelessness.
- Is in priority need.
- Is not intentionally homeless.
- Has a local connection.

The following sections provide a brief definition of the above criteria. Full definitions and further guidance can be found in the 'Homelessness - Code of Guidance for Local Authorities'.

Eligible for assistance

Certain groups of persons from abroad are denied eligibility to apply for homeless assistance. The provisions for eligibility are complex and a clear definition is supplied in the 'Homelessness Code of Guidance for Local Authorities'. Persons lacking mental capacity (within the meaning of the Mental Health Act) may also be ineligible for accommodation.

Persons subject to immigration control

Such an applicant within the meaning of the Asylum and Immigration Act 1996 is not eligible for homeless assistance unless they fall within a class of persons prescribed by regulations by the Secretary of State.

An applicant subject to immigration control within the meaning of the Asylum and Immigration Act 1996 means a person who under the Immigration Act 1971 requires leave to enter or remain in the UK (whether or not leave has been given).

Any person, who is not from a country within the European Economic Area (EEA) which includes the UK, will be a person subject to immigration control. The Code of Guidance outlines which countries are members of the EEA at Annex 17.

If there is any uncertainty about the applicant's immigration status, the Council may contact the Home Office Immigration and Nationality Directorate, using the procedures set out in Annex 21 of the Code of Guidance. The applicant must be advised in advance of doing this to provide them the opportunity to withdraw their application if they choose to do so.

Persons subject to immigration control who are eligible for homelessness assistance

- A person granted refugee status.
- A person granted exceptional leave to enter or remain in the UK without condition that they should make no recourse to public funds.
- A person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the Common Travel Area (CTA).

A full outline of this definition is included in the Code of Guidance at point 5.8.

Asylum seekers

Asylum seekers whose claim for asylum was made after 2nd April 2000 will not be eligible for homelessness assistance. Some asylum seekers whose claim for asylum was made before 3 April 2000 may be eligible for such assistance.

Homeless or threatened with homelessness

A person is homeless if:

- They have no accommodation in the UK or elsewhere which they have a legal right to live in.
- They are fleeing violence or threats of violence.
- Their family is forced to live apart.
- It is unreasonable to remain in the current accommodation i.e. due to financial difficulties or disrepair.
- They have accommodation that is not acceptable or (where the accommodation is a mobile home such as a caravan or houseboat) where there is nowhere to site the accommodation.

A person is threatened with homelessness if they are likely to become homeless within the next 28 days.

In priority need

A person is in priority need if:

- They have dependent children or they or their partner is pregnant.
- They are 16/17 year old and are not owed a duty by Children and Young Peoples Service under the Children Act 1989.
- They are under 21 and were in care between the ages of 16 and 18.
- They are homeless because of an emergency e.g. a fire or flood.
- They are considered to be vulnerable as a result of one of the following:
 - Old age.
 - Mental illness or disability.
 - Physical or learning disability.
 - Having been looked after, accommodated or fostered by a Local Authority and they are over 21.

- Having been a member of the armed forces.
- Having been in prison or custody.
- Having to leave their home because of violence or threats of violence from another person or threats of violence from another person which are likely to be carried out, or:
- Any other special reason (further explanation is provided in the 'Homelessness: Code of Guidance for Local Authorities', section 8.12).

The test of vulnerability for applicants in all of the above categories is “whether, when homeless, they would be less able to fend for themselves than an ordinary homeless person and, as a result, they are more likely to suffer injury or detriment, in circumstances where a less vulnerable person would be able to cope without harmful effects”.

Intentionally homeless

A person is intentionally homeless if there:

- Has been a deliberate act or omission (both act and omission have to be deliberate - i.e. a failure to pay rent).
- The applicant ceased to occupy accommodation.
- That was as a direct result of the act/omission.
- The accommodation was available for the applicant.
- It was reasonable for him to continue to live there.

Local connection

A person has a local connection with Durham County Council if they have:

- Been living in the County for 3 of the last 5 years.
- Been living in the County for the last 6 months.
- Permanent employment in the County.
- Close relatives who have lived in the County for the last 5 years.
- Special needs that connects them to the area (e.g. they need specialist medical or support services which are only provided in the County).

If a person has a stronger connection with another local authority area than they do with Durham County Council, the Council will normally refer them to that Council for assistance. However, a person will not be referred to another council area if they are at risk of violence in their County.

Checks

The type of checks that the Housing Solutions Officer will need to make will depend on the applicant's circumstances and the reasons why they are presenting as homeless.

Below is a list of agencies that may be contacted to verify certain types of information that the applicant has provided. The examples are a guideline only as every case is different.

Information to be verified	Agency who could confirm it:
Rent position, previous tenancy problems, Anti-social behaviour, availability of the Tenancy etc,	Private landlord Housing Association Other Local Authority
Family history/circumstances, medical Conditions, vulnerability etc,	Social Services GP Health Authority Connexions Schools/Colleges Other family members, e.g. parents
Financial situation, availability of Property etc,	Mortgage Company Bank/Building Society Employer Solicitor
Harassment/violence etc,	Police Social Services Solicitor Women's Aid/Victim Support

Vulnerability

The Housing Solutions team will operate an Enhanced Housing Support Protocol. This protocol will seek to address the support needs of vulnerable people who are homeless or at risk of losing their home. The protocol will work alongside other initiatives that may be in place, for example, a prevention fund or rent guarantee scheme.

In addition, we will work with providers of support and will include support around sustainable tenancies, social and health support needs.

The main homelessness duty

Certain households, for example, families with children, households which include someone who is vulnerable (due to, for example pregnancy, old age, and physical or mental disability) have a priority need for accommodation. The Council must ensure that suitable accommodation is available for applicants who are assessed to have a priority need, if they are homeless through no fault of their own. Accommodation may be provided in properties belonging to the Council, Housing Associations, Private Landlords or supported housing.

When applicants make an application as homeless an officer will complete the form with them. This is then assessed in accordance with the Housing Act 1996 as amended by the Homelessness Act 2002 and with the 'Homelessness Code of Guidance for Local Authorities'.

When all the investigations have been completed, a decision can be made outlining whether the application is to be accepted or refused.

The Council will aim to inform all homeless applicants of our "minded" decision in writing as soon as possible. This will be in the form of a letter outlining the decision the Council intends to make. The applicant will be given the opportunity to make further representations at this point.

A final decision will be notified to the applicant, where possible, within 33 days of the application whether or not further representations have been received. A copy of all correspondence must be kept with the homelessness application.

Even if no duty is owed to an applicant, advice and assistance will be given to try and secure alternative housing. The Housing Solutions Service will use a range of prevention tools to assist in this process, for example, making use of the Bond Guarantee Scheme or Prevention Fund.

The written decision will give the Council's conclusions on all of the following:

- The applicant's homelessness.
- Their eligibility for assistance.
- Whether they are in priority need.
- Whether they are intentionally homeless.
- Whether they have a local connection.

Unintentionally homeless and in priority need

For any decision of 'unintentionally homeless' and 'in priority need' the Council has a duty to secure permanent accommodation. Applicants will be helped to apply to Durham Key Options, County Durham's Choice Based Lettings Scheme. Once the applicant has been advised of the homeless decision the banding within Durham Key Options will be amended to reflect the increased priority for housing. For further information please see leaflet - Homelessness and Choice Based Lettings: Frequently asked questions.

Not homeless or threatened with homelessness

For any decision of 'NOT Homeless', there is no duty to secure permanent accommodation for the applicant however, homelessness advice and assistance will be made available including a list of housing options.

No priority need

If an applicant is not in priority need, and also is intentionally homeless, then the only duty the Council owes is to provide advice and assistance. There is no duty or even power to provide temporary accommodation.

Where an applicant is not in priority need, but is not intentionally homeless, the Council has the power (rather than a duty) to provide temporary accommodation for that person.

The Council will consider whether to exercise that power on a case by case basis. The first consideration will always be whether there is surplus temporary accommodation available. Thereafter, the Council will consider the circumstances of each individual applicant in order to reach a decision.

Where temporary accommodation is offered on this basis, it is likely to be short term and a short notice period is likely to be imposed. This is to ensure that there is sufficient temporary accommodation available so that the Council is able to secure temporary accommodation for those to whom it owes a duty.

Intentionally homeless

For any decision of 'intentionally homeless' there is no duty to secure permanent accommodation for the applicant however, homelessness advice and assistance will be made available, including a list of housing options.

If the applicant is actually homeless and in priority need, the Council has a duty to provide temporary accommodation for a reasonable period to provide a chance for the applicant to find a property of their own. If the applicant is already in interim accommodation pending a decision, the Council has a duty to let them remain there for a reasonable length of time to allow them the opportunity to secure accommodation.

No local connection - referral to another council (s.198)

The Housing Solutions Team will contact the relevant housing authority and advise that a referral is to be made to them. The proforma for S.198 referrals will then be completed and forwarded to the Council with whom the local connection exists. Whilst the other council is considering the referral, the Council has a duty to secure temporary accommodation for the applicant until a decision has been reached.

Request for a review of our homeless decision

If the applicant disagrees with the decision regarding their homeless application, they have the right to request a review. To do this, they must put their request and the reasons why they feel an incorrect decision has been made to the Housing Solutions Team within 21 days from the date they are notified. All applicants are told about their right to a review in their decision letter. The Council has discretion to consider a late appeal - such cases are considered on their own merits.

This request can be verbal, in writing or via a third party. If in writing, the applicant can supply a letter or complete a 'Request for a Review' proforma.

The review will be carried out by an officer who was not involved in the original decision, and who is senior to the officer (or officers) who took the decision.

Review outcome

Once the decision has been made and the appropriate area Team Manager is satisfied that the review details have been fully considered, a decision letter and outcome of assessment will be sent to the applicant. By law reviews must be completed within 8 weeks. However, if the case is complicated and more time is required, the Council can ask for the applicant's permission to extend the review period.

Review is successful

If the review is successful, the applicant should be advised in writing that the original decision has been changed. The new decision will be explained in writing together with any new duty owed.

Review is unsuccessful

If the review is unsuccessful, the applicant will be advised within the outcome of assessment document. The covering decision letter advises the applicant that, if they disagree with the review decision because they feel it is wrong on a point of law, they have the Right of Appeal to the County Court. If the applicant wishes to appeal they must put their request in writing to the County Court within 21 days of the review outcome letter. On an appeal the County Court will agree, disagree, or change the review decision as it deems appropriate.

Section 6

Offer of Accommodation

Once an applicant has been accepted as homeless, an offer of accommodation will be made of either one of the Council's properties, other registered social landlords or with a private landlord, depending on what becomes available.

Provisional offer

If the property is not yet ready for viewing, the accommodation officer will phone the applicant to make a provisional offer. If the applicant cannot be contacted by phone, a letter will be sent to the applicant. The applicant will be advised on the time scale in which they need to decide whether or not they are interested in the property.

Formal offer

When the property is available for viewing an accompanied viewing, where appropriate, is arranged with the applicant. The housing provider will attend the property with the applicant. This provides the opportunity for information to be shared with the applicant regarding the property, the locality and amenities. The tenancy start date is usually the following Monday, therefore, the applicant should be encouraged to reach a decision as quickly as possible. However, if the applicant is vulnerable and/or requires a member of their family or a friend to view the property with them, such arrangements should be made and additional reasonable time will be granted.

Choice based lettings

Choice based lettings is a new, open and transparent way to let properties which allows applicants to see for themselves the number and type of properties available. Applicants will bid for available properties and feedback is provided on the number of bids submitted and banding of successful applicants.

Applicants will be placed in one of six bands according to their assessed need.

Those applicants accepted as statutorily homeless with a full duty to be housed under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) will be given Allocation Band B or C depending on circumstances for a three month period which can be extended if necessary in certain circumstances. This does not apply to those applicants in Band F.

If after this time accommodation has not been secured then a direct offer will be made in an area as close to the applicant's areas of choice as possible.

Any refusal of a reasonable offer of accommodation, whether via a successful bid on a property on the applicant's part, or via a direct offer as outlined above, outside of the three month priority period, will result in the local authority's duty to house being discharged as a reasonable offer of accommodation will have been made but refused.

Registered Social Landlord

The duty to house may be discharged by nominating the applicant to a Registered Social Landlord. The applicant will be advised of the nomination in writing and will be advised that the Housing Association will contact them directly. A 'final offer' letter will be sent to the applicant which outlines the details of the offer, the right of appeal against suitability of the property offered and the discharge of the Council's homelessness duty towards them if the offer is accepted. The applicant must sign the declaration section of this letter and return it to the Housing Solutions Team advising that they understand the content of the final offer letter.

If the applicant decides to accept the offer, the Housing Association will arrange the viewing and sign up etc. the homelessness duty is then fulfilled and a duty fulfilled letter must be sent to the applicant.

Private landlord

The duty to house may be discharged by nominating to a private landlord. The applicant will be advised of the nomination in writing, and will be advised of the procedure for contacting the landlord. A 'final offer' letter will be sent to the applicant which outlines the details of the offer. The applicant has the right to refuse any offer of accommodation in the private rented sector. Any refusal will not discharge the homeless duty owed and Durham County Council will still have a duty to secure suitable, permanent housing.

If the applicant accepts an offer of private rented accommodation the applicant must sign the declaration section of this letter and return it to the Housing Solutions Service advising that they understand the content of the final offer letter and their right to request a review of the offer.

If the applicant decides to accept the offer, the landlord will arrange the viewing and sign up etc. If there is no review pending then the homelessness duty is then fulfilled and a duty fulfilled letter must be sent to the applicant.

Applicant requests a review of the suitability of offer

The applicant has the right to request a review of any offer of accommodation if they feel it is not suitable, whether they decide to accept it or not. They must submit their request and reasons why they feel the offer was unsuitable to the Council.

This request can be verbal, in writing or via a third party. If it is in writing the application may be in the form of a letter or the applicant may complete a 'Request for a Review' proforma.

Outcome of the review

After the appropriate Locality Manager has conducted the review, they will write to the applicant or their representative informing them of the final decision and reasons for it.

If the review is successful, the applicant will be advised that another offer of accommodation will be made to them.

Housing Solutions Service



Contact details for your local Housing Solutions Team

Chester-le-Street, Civic Centre, Newcastle Road, Chester-le-Street, County Durham, DH3 3UT.
Office; 0191 387 1919, Out of Hours; 01388 722 538

Durham City, 17 Claypath, Durham City, County Durham, DH1 1RH.
Office; 0191 301 8470, Out of Hours; 01388 722 538

Wear Valley, Civic Centre, Crook, County Durham, DL15 9ES.
Office; 01388 761613, Out of Hours; 01388 722 538

Derwentside, Front Street, Stanley, County Durham, DH9 0SU.
Office; 01207 639639, Out of Hours; 01388 722 538

Teesdale, Teesdale House, Galgate, Barnard Castle, County Durham, DL12 8EL.
Office; 01388 761613, Out of Hours; 01388 722 538

Sedgefield, Council Offices, Green Lane, Spennymoor, County Durham, DL16 6JQ.
Office; 01388 816 166, Out of Hours; 01388 722 538

Easington, Main Office, Seaside Lane, Easington Village, County Durham, SR8 3TN.
Office; 0191 527 0501, Out of Hours; 01388 722 538

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Email: housingsolutions@durham.gov.uk



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