

**Statement of Best Practice in Joint Working Between  
Glasgow City Council  
and  
Registered Social Landlords  
Operating in Glasgow**

**Homelessness Duty Protocol 2007**

**SECTION 1: INTRODUCTION**

- 1.1 This protocol is a working document that aims to provide a sound basis for positive, partnership working between the Glasgow City Council (GCC) and Registered Social Landlords (RSLs) in relation to the prevention and alleviation of homelessness and the creation and maintenance of sustainable tenancies and sustainable communities within the City. This protocol fits within an overall planning framework for the successful delivery of homelessness services in Glasgow. The protocol builds on joint working undertaken by GCC and RSLs in the Homelessness Duty Protocol Working Group (HDPWG), and is informed by research commissioned by GCC on the Section 5 referral process and by an investigation into tenancy sustainment jointly funded by GCC and Glasgow Housing Association (GHA).
- 1.2 The **legislative and contractual** framework which sets out duties and responsibilities for GCC and RSLs are as follows:

GCC

Housing Scotland Act 2001 Sections 1,2,3,4 and 6

RSL

Housing Scotland Act 2001 sections 5 and 6

GHA

Housing Scotland Act 2001 sections 5 and 6

Contractual arrangements under the stock transfer agreement.  
Remodelled Management Agreements

All partners to this protocol acknowledge the provisions of the Homelessness etc (Scotland) Act 2003 particularly relating to:

- S11 notifications to the local authority
- the abolition of priority need by 2012.

Further guidance is contained in the Scottish Executive Code of Guidance on Homelessness 2005

- 1.3 GCC and RSLs agree that the principal aims of this protocol are to provide a framework which maximises positive outcomes for homeless households. However RSLs may adopt a variety of different mechanisms e.g. Choice Based Lettings (CBL) and Common Housing registers (CHRs) to process allocations. All partners are committed to agreeing referral arrangements which facilitate the most efficient rehousing of homeless households and will develop appropriate processes within this framework as required.
- 1.4 GCC will make Section 5 referrals directly to RSLs who will respond to referrals and fulfil the duty to provide appropriate permanent accommodation within the framework of this protocol. Responses to referrals and offers of accommodation will be made directly to the relevant Community Casework Teams (CCTs) by RSLs. Procedural guidance has been developed and is incorporated in this protocol (see Section 4). It will be kept under review by the HDPWG.
- 1.5 At all times this Protocol takes account of the wider context of preventing and alleviating homelessness in Glasgow and seeks to provide a fair and effective method of meeting the needs of homeless households.
- 1.6 GHA's homelessness functions will be delivered through the Local Housing Organisation (LHO) network and governed by Management Agreements.
- 1.7 In particular the Protocol seeks to ensure the smooth operation of the legislative duty upon RSLs, and the contractual obligation on LHOs, to comply with requests from the local authority to rehouse homeless people, in accordance with Section 5 & Section 6 of the Housing (Scotland) Act 2001. The terms of the legislation, and the guidance or regulations issued by Ministers in accordance with it, take precedence over the terms of this Protocol.

## **SECTION 2: PLANNING FRAMEWORK**

- 2.1 The effectiveness of this protocol will depend on a planning framework being developed and implemented across the city by GCC and RSLs.
- 2.2 The framework will provide accountability and transparency to the Section 5 referral process and enable constructive dialogue and good working relations. Effective information sharing between GCC and RSLs will be an essential part of this process.
- 2.3 To facilitate effective planning, CCTs will provide a breakdown of homeless households requiring permanent accommodation by size type and location at agreed quarterly meetings with RSLs.
- 2.4 The property database, initiated and maintained by GCC Development and Regeneration Services (DRS), has been developed using information provided by RSLs. This database will underpin the planning framework and be the main source of information for targeting referrals to RSLs. However, on occasion, CCTs may request additional information.
- 2.5 Details of RSL voids turnover by size, type and area will be made available to the Homelessness Partnership and CCTs. RSLs will also provide information annually on details of RSL demolitions, rehab programmes and development activity which will affect their void turnover and ability to house homeless households.
- 2.6 Homeless prevention is a strategic objective for all partners as set out in Glasgow's Homelessness Strategy. Prevention practice by RSLs should be highlighted to the Glasgow Homelessness Partnership (GHP). This will be taken into consideration when evaluating and monitoring prevention outcomes for potentially homeless households (see Section 3).
- 2.7 Information provision is the starting point for the formal framework but both RSLs and the GHP agree that there needs to be mechanisms in place to talk to each other.
- 2.8 A programmed schedule of quarterly meetings will agree:
  - The framework for the local area
  - Information sharing
  - CCT needs for property and anticipated demands on RSLs for Section 5 referrals - locally agreed minimum planning targets
  - Monitoring reports
- 2.9 RSLs and CCTs may wish to add to these arrangements to suit local circumstances. These will be additions to the planning framework and must be agreed in writing to ensure continued transparency of processes.

- 2.10 Both RSLs and CCTs will provide information to agreed timescales. It will be the CCT manager's responsibility to collate this information and develop an area plan.
- 2.11 Each area plan will be considered by the HDPWG annually who will be responsible for ongoing monitoring of the framework.

### **SECTION 3: PREVENTION OF HOMELESSNESS**

- 3.1 GCC and RSLs will work jointly to prevent homelessness occurring where this is possible and reasonable.
- 3.2 GCC and RSLs will work together to raise awareness of best practice in homelessness prevention and tenancy sustainment. This may be through joint training, staff briefings, regular meetings and/or annual or other events.
- 3.3 Partners will make advice and information available aimed at preventing homelessness.
- 3.4 Where an RSL becomes aware that a tenancy is likely to fail, every endeavour must be made to obtain any appropriate support for the tenant to prevent homelessness occurring. It is recognised however that some households with complex needs may fail to engage with preventative measures.
- 3.5 Where an RSL is seeking to evict a tenant, Social Work Services must be informed prior to booking the case into court.
- 3.6 In instances where an RSL tenant is made temporarily homeless by fire or flood, GCC may be required to provide temporary accommodation as an emergency measure whilst the RSL arranges alternative accommodation. The alternative accommodation must be arranged as soon as possible and the cost of temporary accommodation will normally be met through the RSL's insurance.

## SECTION 4: THE REFERRAL PROCESS

- 4.1 Each RSL will have a named officer(s) to action Section 5 Referrals. Having completed a homelessness assessment and established a duty to re-house, the GCC caseworker will select the RSLs to which referrals will be made. Effectively this means that multiple referrals may be made. Where that RSL is in another casework area, the referral will be made through the local casework team.
- 4.2 This is done by taking into account:
- The areas where the homeless household requests housing.
  - Code of Guidance on Homelessness
  - The Planning Framework
  - Agreed processes
- 4.3 The caseworker will make formal Section 5 referrals to the selected RSLs. There is no requirement to make an informal enquiry before a Section 5 referral is made. The caseworker can contact RSLs informally if there is a need to do so.
- 4.4 When making a Section 5 referral the caseworker will disclose all the relevant information available about the homeless households including:
- Relevant details, if any, of tenancy history for the past 5 years  
*(This is covered in more detail in Appendix 1)*
  - Information concerning assessed support needs and details of the actual packages of support that will be provided, including contact details of support providers and care managers
  - Any other relevant information (this is covered in more detail in Section 5) of which the RSL should be aware in attempting to ensure that:
    - An appropriate (sensitive) let can be made, and
    - The tenancy can be successfully sustained
- 4.5 The decisions on referral remain with the caseworker. Any offer of a property by an RSL will be based on the information provided by the caseworker.
- 4.6 The caseworker will refer the case to the RSLs by an agreed method, such as email, fax or through Common Housing Register procedures
- 4.7 The referral will include information about the contact details for the homeless household as well as any family member or adviser who needs to be involved. It will also specify any particular needs eg literacy or visual impairment and any particular language requirements.

4.8 The RSL may wish to make contact with the person to clarify circumstances, requirements and preferred location, and explain tenancy terms. RSLs should not use such contacts to re-examine the homeless assessment. The RSL can, however, proffer to GCC information that it had not previously been aware of when making the initial assessment. Any reassessment decision will be made by the CCT but appropriate information will be taken into account.

4.9 RSLs response is one of the following:

**Situation A:** RSL indicates it will be able to comply with the request.

**Situation B:** RSL indicates willingness to comply but cannot indicate when a suitable property will become available within a 6 week period or beyond.

**Situation C:** RSL indicates it has good reason not to comply.

**Situation D:** Where multiple referrals have been made to RSLs and an offer of permanent accommodation has been accepted, the caseworker will contact the other RSLs by the agreed method to withdraw other referrals for that household. (See paragraph 4.6)

#### **Situation A: RSL indicates it will be able to comply with the request**

I. RSLs response should indicate, if known already, the property it proposes to offer (address, size, any other key features such as garden, major adaptations, etc) and proposed date of entry, which will normally be within six weeks of the original request.

(A) GCC to confirm proposed offer is acceptable. The RSL will then make an offer of accommodation on behalf of GCC, thereafter, GCC will formally write to the applicant to discharge duty.

(B) Where GCC doesn't approve the RSL's proposed offer the reason will be given and the RSL may be asked to identify another property.

II. The offer and the opportunity to view will normally remain open for maximum of 3 working days. An extension may be agreed by exception after joint consideration of the circumstances.

III. Household to accept or refuse the offer within maximum of 2 working days of viewing. In exceptional circumstances a longer period of time might be agreed.

IV. RSL to communicate outcome of offer to the caseworker within one working day of receipt of household's decision; where household has accepted, RSL also to confirm to the caseworker agreed date of entry.

V. Where the household has not accepted the offer, the reason for the refusal will be communicated to the caseworker.

(A) If the reason for the refusal can be addressed by some remedial action by the RSL (e.g. poor condition of property) the caseworker will check with the RSL whether this work will be carried out.

(B) It will be the caseworker's responsibility to determine whether GCC Homelessness Statutory duty has been discharged. This will normally be done within 3 working days of the information about the refusal being received.

(C) If the caseworker finally concludes that the offer is not reasonable to occupy, for whatever reason, and that the duty has not been discharged then the RSL may be asked to make another offer.

- VI. If the caseworker decides that the reason for refusal is unreasonable, then (s)he will counsel the homeless household about the implications of refusing it. The homeless household will be informed at this stage of the right to have this decision reviewed under GCC's obligations for review of homeless decisions. The RSL will hold the property for up to 3 working days after the refusal has been received to provide for the possibility of the applicant changing their mind after counselling and deciding to accept the offer. Otherwise the RSL will have no further obligation to GCC on that occasion in relation to that house, unless there is a formal appeal process initiated by the applicant. In this case an individual void property may not be kept available pending the outcome of the appeal. The RSL will undertake to make another suitable property available should this be the decision from the appeal panel. If the RSL cannot make another property available, GCC will be responsible for the lost rent pending the outcome of the appeal where the offer is to remain open.

**Situation B: RSL indicates willingness to comply but cannot indicate when a suitable property will become available**

- I. RSL response indicates willingness to comply but that no properties of the type requested are likely to be available within 6 weeks. RSL to give the caseworker approximate estimate of possible availability
- II. Caseworker to consider RSL response and, within 5 working days, respond to RSL. Where there is good reason to locate the homeless household within the RSL despite the lack of availability or where the need for a specific size or type of property will make availability problematic, the caseworker's options are:
  - A. Within the 5 day period, to negotiate with the RSL, in conjunction with the homeless household, an alternative timetable for compliance: in legal terms this effectively means that the caseworker is **(1)** accepting the RSL's good reason not to comply within a reasonable period; and **(2)** making an alternative request. By agreement, the alternative timetable

may need to be subject to fortnightly review by both parties, as the RSL may not be able to specify exactly when a vacancy will arise. Initial negotiation may be by telephone or in person, but outcome should be by the agreed method.

- B. To withdraw the request (this may occur after formal contact between the parties to discuss likely/possible timescales).
- III. Where by mutual agreement a Section 5 referral is accepted with an extension to the normal 6 week turnover target such a referral will be monitored and reported separately to avoid adverse affects on performance figures.

**Situation C: RSL indicates it has good reason not to comply**

- I. RSL response specifies its reasons for non-compliance, which shall be in line with the Ministerial guidance. In other words the RSL will be stating that, based on current availability and turnover figures, they cannot comply. RSLs making such a response should quote turnover details.
- II. As agreements about Section 5 referrals in clearance areas will be made within the Planning Framework, it will not be acceptable for RSLs to refuse a Section 5 referral on this ground for the remainder of their stock.
- III. The caseworker to consider the RSL response and, within 2 working days, respond to the RSL. The Caseworker's options are:
  - (A) Within the 2-day period, to contact the RSL to discuss the RSL's response; this could lead to the RSL agreeing to reconsider the request
  - (B) To withdraw the request (this may or may not be after formal discussions with the RSL)
  - (C) To indicate commencement of period of 5 working days within which the parties must reach agreement or submit to dispute resolution or arbitration (this would arise only where formal discussions between the parties have ended in stalemate)
- IV. **Dispute Resolution** - in the case of dispute, Senior Officer(s) from GCC and RSLs will review the circumstances. Before arbitration, recourse may be had by agreement to a third party, who may be a member of the HDPWG and suitably qualified to offer a suggested resolution of the dispute in keeping with legislation.

## **SECTION 5: INFORMATION EXCHANGE**

- 5.1 Where GCC, in making a homelessness assessment, believes that the applicant has previously resided in a property owned by the RSL either as:
- The tenant or
  - A member of the tenant's household

The RSL will co-operate in supplying relevant information requested about such residence details.

- 5.2 In making a referral to an RSL, GCC will provide all relevant information about the homeless applicant. (see Section 4: The Referral Process)
- 5.3 Relevant information will be given about an applicant's current circumstances (including tenancy history, if any, over the past 5 years), relevant to an appropriate allocation and the sustainability of a tenancy. It must not be used to question the caseworker's decision.
- 5.4 Exchange of all relevant information is essential for both the prevention of homelessness and for the sustainability of permanent tenancies offered to homeless persons. At all stages processes will be compliant with confidentiality requirements and the Data Protection legislation.

## **SECTION 6: ARBITRATION**

- 6.1 In accordance with the provisions of Section 6 of the Housing (Scotland) Act 2001 the parties to this Protocol will agree to the appointment of an arbiter who will have the final say in the event of disputes arising from the RSL's refusal to comply with a request from GCC to re-house a homeless household. The Scottish Executive has issued guidance to LAs and RSLs in this respect.

## **SECTION 7: TRACKING AND MONITORING OF REFERRALS**

- 7.1 The RSL will immediately (within 1 working day) notify the caseworker of the outcome of both successful referrals and refused offers.
- 7.2 The agreed method of reporting from RSLs to GCC will include:
- The total number of referrals received and their outcome
  - Data on the overall number (including sizes and types) of lets by RSL, by source category (e.g. own waiting list, transfers, homeless referrals, etc)
  - All figures must be agreed between relevant CCTs and individual RSLs.
- 7.3 On a quarterly basis GCC will supply to all RSLs total figures for both the period in question and, cumulatively, for the year so far:
- The total number of homeless acceptances for permanent accommodation – broken down by RSL
  - An analysis of referrals made to each RSL within the City and their outcome
  - The monitoring information should be viewed in the context of all of the responses to homelessness in Glasgow including special lets for homeless persons and the prevention of homelessness.
- 7.4 The monitoring information should therefore include:
1. Details of Section 5 referrals made
  2. Numbers accepted/refused
  3. Time taken from referral to offer of permanent accommodation
  4. Details of households referred directly from homelessness projects

Monitoring information should include actions taken to prevent homelessness.

## **SECTION 8: REVIEWING THE OPERATION OF THE PROTOCOL**

- 8.1 The Protocol is an evolving and dynamic document. Representatives of RSLs and GCC will meet on a quarterly basis to discuss and review the general operation of the Protocol based on monitoring information and consider the need for any change to it. In particular, account will be taken of decisions overturned on appeal and decisions reached at arbitration.
- 8.2 The HDPWG will take a strategic overview of the implementation of this protocol. The group will agree the figures on Section 5 referrals which will inform the annual report which is submitted to GCC around the activity of allocations to homeless households.

## **Appendix 1**

Relevant Information

All Section 5 Referrals to RSLs should contain the standard items identified below:

*(Headings for relevant information may be added to individual needs)*

<b>Name</b>	
<b>Address:</b>	
<b>Tel:</b>	
<b>Household Details</b>	
<b>I-World Reference (if available)</b>	
<b>Contacts:</b>	Lead Caseworker:  Support Worker:  Other Agency Involvement:
<u>Previous Addresses</u> <i>(previous 5 years)</i>	
<b>Support Needs Identified by CCT:</b> (eg substance abuse/mental health needs/communication issues – interpreters, literacy – state whether support is being provided)	
<b>Community Safety Issues:</b>	<b>History of Violence:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>  <b>Visit:</b> Alone <input type="checkbox"/> Pair <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Office <input type="checkbox"/> Not at Home <input type="checkbox"/>
<b>Support Issues:</b>	Timescales for Support: Tenancy Sustainment Issues:

## **Appendix 2**

The Homelessness Duty Protocol Working Group (through GCC Development and Regeneration Services Housing Investment) has recently been collating information requested from Housing Associations. The purpose of the request is twofold. Primarily, for the protocol to work effectively, up to date information on stock type/size etc and void turnover rate is needed by Community Casework Teams to enable them to make better informed referrals to Housing Associations. The aim is to contribute to a more efficient and effective referral process. This has benefits for each partner and homeless applicants.

Secondly, the information that has been requested will be important for other housing planning purposes. In addition to the above the request also includes information on adaptations, special needs provisions, rehabilitation etc. This data will aid the development of local strategies (Area Development Frameworks) by Local Housing Forums and the citywide Local Housing Strategy. An accurate information database will enable us to further develop an evidence based approach to planning across a number of housing/housing related activities; this will be of benefit to all partners.

As indicated at the roll out exercises on this request organised at the end of 2006 it is planned to update this information annually and for it to be available to all partners.

### **Appendix 3**

The remit of the Homelessness Duty Protocol Working Group is as follows:

- Prevent and alleviate homelessness in Glasgow
- Work together in the creation and maintenance of sustainable tenancies
- Provide a sound basis for positive partnership working between GCC and RSLs.
- Revise the operation of the current Homelessness Duty Protocol between GCC and GHA.
- Revise the operation of the current Homelessness Duty Protocol between GCC and RSLs.
- Develop one Homelessness Duty Protocol for the City.
- Assess the effectiveness of the operation of the protocol
- Develop good practice
- Develop a suitable Planning Framework
- Review and adapt the protocol as necessary
- Take cognisance of legislative requirements