

Daventry District Council

Homelessness Prevention Scheme Policy

Adopted 6th December 2018



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1. Introduction

- 1.1 Homelessness is a serious issue for those facing it. It also imposes costs on society including increases costs of providing public services such as healthcare. For the Council, there are specific costs associated with homelessness, notably the provision of temporary accommodation for certain groups of people.
- 1.2 This Homelessness Prevention Scheme has been developed to support Daventry District Council's proactive and flexible approach to prevent and relieve homelessness. It provides that the Council can spend money on offering the right type of assistance to prevent homelessness, consequently saving substantial money that would have been required for temporary accommodation.
- 1.3 The Council's Homelessness Prevention Scheme is a way to offer assistance to those that are homeless or threatened with homelessness.
- 1.4 The Council will provide advice and assistance in order to prevent or relieve homelessness. However, it is sometimes necessary to use targeted financial assistance. The provision of financial assistance through this scheme is discretionary and one of a number of options that may be suitable for those determined as requiring and eligible for assistance.
- 1.5 This document provides the criteria of the scheme and scope of the financial assistance that the Council may provide in circumstances of threatened or actual homelessness.
- 1.6 In this document references to:
 - 1.6.1 The 'Housing Options Service' are references to be part of the Council, or organisation working on behalf of the Council, responsible for administering assistance under the Scheme at the relevant time.
 - 1.6.2 The 'Housing Options Manager' are references to the person who is responsible for managing the Housing Options Service.
 - 1.6.3 'Preventing' homelessness include measures taken to delay homelessness with the intention that this will allow people time to find solutions and thereby prevent them becoming homeless.

2. Context and Objectives

2.1 Part 7 of the Housing Act 1996 places certain duties on local authorities to provide advice and assistance to those that are either homeless or threatened with homelessness. Published guidance relevant to this Act acknowledges the importance of taking a flexible approach toward applications for assistance. This scheme provides a flexible and proactive approach to the prevention of homelessness, with the aim of helping those who are in most need.

2.2 This policy supports the Homelessness Strategy as set out within the Council's Strategic Housing Plan.

2.3 The objectives of the Daventry Homelessness Prevention Scheme are to:

- Reduce the impact of homelessness on vulnerable people.
- Prevent or relieve homelessness.
- Reduce the number of people requiring temporary accommodation.

2.4 The Scheme will seek to achieve those objectives in relation to eligible people in accordance with the criteria set out in Section 4 by:

- Providing financial assistance to those threatened with homelessness, to enable them to retain their existing accommodation.
- Providing financial assistance to those who are homeless that will enable them to access suitable housing.
- Providing financial assistance in order to extend the people can remain in a property until a planned move can be made, where homelessness would have otherwise occurred.

3. Measures

3.1 The Homelessness Prevention Scheme will be used for the following purposes where it necessary to do so in order to prevent, delay or relieve homelessness:

- To cover rent payments where it has been requested by a landlord in advance (rent in advance).
- To cover the upfront cost required to secure a tenancy (rental deposit).
- To cover the cost of outstanding rent payments (rent rescue) where it is reasonable to do so.
- For other one off payments, in exceptional circumstances only, the result of which will prevent, delay or relieve homelessness

3.2 When engaging with people who are homeless or at risk of homelessness, the Council will provide advice on financial assistance under this scheme. Where assistance under this scheme is not suitable, advice will be provided on other housing options.

4. Eligibility

4.1 The Council will direct the assistance offered to individuals or households who satisfy the following qualification criteria.

- Be eligible within the meaning contained under Part VII of the Housing Act 1996.
- Be homeless or threatened with homelessness within the meaning contained under Part VII of the Housing Act.
- The applicant is 18 years old or over.
- Have a current local connection to the Daventry District specifically, have been living or working in the District for no less than 6 months, this is applied unless identified that assistance is required to assist with domestic abuse, or where the applicant has served in the armed forces¹.

4.2 Financial assistance will only be provided if the Council is satisfied of the following:

- That the assistance will provide a medium to long term solution for the prevention, delay or relief of homelessness.
- The property concerned is, and continues to be, affordable (having taking into account any assistance given and repayment of this, if applicable).
- The size of the property is suitable for its occupiers i.e. by not exceeding the needs of the household, by not causing the property to be overcrowded.
- The property is of a decent standard e.g. complies with various housing standards.
- In cases of assistance to access into a House in Multiple Occupation (HMO), that the HMO property is suitably licenced.

4.3 In making a decision on eligibility for this scheme, the Housing Options Service will also have regard to the following:

- Unacceptable behaviour including but not limited to anti-social behaviour, breach in a current or former tenancy, and/or eviction.
- If any previous financial assistance has been granted.
- If there are any previous or current debts.
- Affordability of homelessness prevention loan assistance repayments, if applicable.
- Sustainability and suitability of what the proposed assistance would cover.
- If there are any alternative source of funding reasonably available to the applicant.

4.4 Each case is considered and assessed on its own merits by the Housing Options Service. The determination of eligibility, in cases where there is doubt, will be decided by the Housing Options Manager.

¹ Defined as regular or reserved forces as contained within the Armed Forces Act 2006

5. Availability and application of funds

5.1 Financial assistance offered under this policy will normally be made by way of an interest free loan. The loan is repayable by instalments.

5.2 In very exceptional circumstances only assistance may be by way of a grant.

5.3 Financial assistance that is agreed will not be paid directly to the recipient of the assistance but instead will be directly transferred to letting agent, landlord or other relevant entity as a single lump sum.

5.4 An offer of assistance in line with this policy is subject to the Council having sufficient funding for the purpose of preventing and relieving homelessness.

5.5 Funding is limited and therefore, when offered as a loan to acquire a tenancy, assistance for rent is capped at the level of the local housing allowance which would apply for the household concerned. For rental deposits, assistance is capped at be one and a half times the local housing allowance which would apply for the household.

6. Application

- 6.1 A Homelessness Prevention Scheme application is required in order to be considered for this assistance, following an initial interview with the Housing Options Service.
- 6.2 As part of the application process the Housing Options Service will always carry out a financial suitability check on all applicants requesting assistance to ensure that repayment of the proposed assistance would be affordable for the foreseeable future.
- 6.3 Where possible the Housing Options Service will advise if the Scheme is suitable based on the information previously supplied. However the final decision will be based on documentation required to be provided and other checks.
- 6.4 Failure to provide documentation on request to support an application will result in the refusal of assistance.
- 6.5 The consideration of suitability will be based on satisfaction of eligibility and a financial assessment.
- 6.6 Where it has been agreed that the Scheme is suitable following full application and assessment, any financial assistance provided in accordance with this policy will only be awarded provided the applicant enters into an agreement with the Council. The written agreement will detail the financial assistance that has been offered, the full amount, and the details of repayments. The prospective recipient will be required to enter into the agreement before funds are processed.
- 6.7 For financial assistance relevant to securing a tenancy once a property has been identified by the client, the Council will require:
- a) Details of the property.
 - b) Details of the landlord or agent.
 - c) Confirmation of the amount payable in advance rent and/or rental deposit.
- 6.8 The Council will not consider financial assistance for securing a tenancy where a tenancy agreement has already been signed.
- 6.9 The Council can carry out an inspection where it sees fit in order to ascertain if a property is suitable.

7. Repayment

- 7.1 Repayments of loan amounts are arranged through written mutual agreement between applicants that are considered as eligible for this Scheme and the Housing Options Service.
- 7.2 Repayments are paid by instalments, the frequency (for example, weekly, fortnightly, or monthly) and amounts of which will be set out in the offer of assistance. Repayment instalments will be based on an assessment of income and expenditure and will not exceed what can be reasonably afforded by the applicant.
- 7.3 Payment must be made directly to the Council using the details provided when the assistance has been agreed.
- 7.4 Where circumstances change and affordability of the agreed amount alters, the recipient may request a review of their repayments. In such instance a new assessment of affordability will be undertaken to ascertain what can be reasonably afforded. An instance where a request for review would occur would be a loss, reduction or rise in income.
- 7.5 In cases where an agreement has been made to offer assistance to more than one individual, each will be jointly and severally responsible for the repayment.
- 7.6 Where a property has been secured on behalf of the applicant as a rent deposit, and the Council has been registered as paying the sum in a deposit protection scheme, the beneficiary of the assistance will be liable to refund the Council should the deposit not be returned in full at the end of the tenancy.
- 7.7 Where the recipient of the assistance fails to make payment in accordance with their agreement as required by 7.1 above, and has not requested a review as detailed in 7.4, or where the result of a review has determined that the initial repayments are affordable yet go unpaid, the Council will follow its debt recovery procedure.
- 7.8 A breach of the financial assistance agreement may result in the Council providing no further support under this scheme.

8. General requirements

8.1 It will be a requirement of an application for assistance under this scheme that applicants:

- a. Accept that the Council will make all necessary enquiries to other organisations in order to see if the assistance being offered would be suitable and affordable.
- b. Provide all necessary information to the Housing Options Service, such as financial information and/or documentation and bank statements.
- c. Accept data sharing as set out in 10.3.

8.2 It is a requirement that the recipient of any financial assistance provided under this policy agrees any terms and conditions including any financial commitment that they are taking on. Conditions shall include:

- a. Any offer of assistance under this scheme will not endorse any particular private rented sector landlord nor will it be a recommendation of a tenant to a landlord.
- b. The Council is not responsible for tenants that are accepted through this scheme and therefore will not provide reference to or on behalf of prospective tenants.
- c. For assistance for rental deposits, the Council reserves the option of securing the property on behalf of the recipient, in which case the Council will be registered as paying the sum on any deposit protection documents ensuring its immediate return to the Council on end of tenancy. This does not remove the responsibility for the tenancy being that of the tenant. Therefore, should a rent deposit not be returned in full to the Council, the recipient of the financial assistance will be required to repay the difference.

8.3 Assistance will not be approved where it is apparent that the request is the result of a deliberate act or omission.

8.4 There is no limit set on the number of times an application for this assistance can be sought. However, except in exceptional circumstances no other financial assistance under this policy will be agreed until any previous debt is repaid in full to the Council.

9. Complaints

- 9.1 If the recipient or prospective recipient is not happy with the way that their request has been handled they should make their complaint to the Housing Options Manager in the first instance, in writing. Response to this should be within 21 days of receipt. Following this, should the recipient or prospective recipient remain unsatisfied with the response, then the formal steps as set out in the Council's current Complaints Procedure should be used to further the matter.

10. Data Protection and Information Sharing

- 10.1 The information that applicants provide is likely to be considered personal data and/or special category data as defined in the Data Protection Act 2018 and the General Data Protection Regulations (GDPR).

Employees of the Council will treat all personal data/special category data provided by applicants in accordance with the Council's Data Protection Policy and Procedures and in line with the Privacy Notice set out in the Application form.

10.2 Right of Access

All applicants for homeless prevention assistance through this scheme have the right to see information held about them by the Council, in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). The right applies to all personal information regardless of the date that information was recorded.

With regard to housing assistance records, applicants have a right of access to information held about themselves and members of their family held for the purposes of that application. This right of access extends only to 'personal' information, namely, factual information and expressions of opinion which relate to a living individual. In certain circumstances the Council may refuse access. This arises where, for example, the information:

- may identify a third party and that party has not consented to the disclosure;
- concerns an individual's health and disclosure may cause serious harm to the well-being of the applicant; or
- is held for the purpose of prevention or detection of crime or in respect of some other legal proceedings.

Requests for access to records can be made in writing by post or email:

Data Protection Officer, Daventry District Council, Lodge Road, Daventry, Northamptonshire NN11 4FP or email dataprotection@daventrydc.gov.uk.

Applications will be processed within one calendar month from the date that the request and proof of identity (e.g. driving licence/passport) are received. For more information go to the Council's website www.daventrydc.gov.uk and search for 'subject access request'.

Applicants have the right to challenge the accuracy of the information held about them and may request the erasure or correction of records which they believe to be inaccurate. If the Housing Options Manager or nominated officers agree that the information is inaccurate,

the record will be corrected and the applicant will be given a copy of the corrected documentation. If the Manager or nominated officer does not agree that the information is inaccurate, or refuses access to the information, the applicant has a right of appeal to the Information Commissioner. This information will be provided free of charge. Requests for information should be made to the Data Protection Officer at dataprotection@daventrydc.gov.uk

10.3 Information Sharing

The Council will share personal data with certain third parties for the specific purpose of dealing with the application for housing assistance. This information may be shared on a 'need to know' basis with relevant third parties, such as health professionals and contractors.

No other third parties will have access to this information, except where permitted or required by law. Except as required by law, no information will be provided to other members of the public without the consent of the applicant.