

Offering accommodation to street homeless people during the pandemic (England)

1. Who is this briefing for?

- The Leader of the Council, Housing Lead and other Cabinet members
- Senior officers in local authorities, including the Head of Housing, Head of Housing Options and Head of Rough Sleeping Team
- Homelessness strategy leads in local authorities

2. Introduction

The [pandemic alert level increased to 4](#) on 12 December 2021.

On 20 December 2021, Eddie Hughes MP, Minister for Rough Sleeping and Housing, [wrote](#) to all local authorities in England.

This letter has major and immediate implications for councils during the on-going coronavirus pandemic.

To protect the lives and health of street homeless people, we ask your local authority to implement the Ministerial directions in this letter as a matter of urgency.

Please forward this briefing to relevant people in your authority's housing, homelessness and rough sleeping teams.

3. Ministerial direction on providing accommodation

The Minister's letter directs councils to take the following action:

You should (subject to individual assessments) make offers of safe and appropriate accommodation to people who are rough sleeping now.

a) Direction on who to accommodate

The letter states people who are sleeping rough now include:

- i. People who were previously offered accommodation but rejected it or subsequently left it.
- ii. People new to rough sleeping.

b) Direction on non-UK nationals who aren't eligible for homelessness assistance

The letter states: 'It is critical that you include all non-UK nationals in your plans, and – as ever – ensure that you are exhausting all options within the law to support them.'

This includes a full and proper assessment of each individual's circumstances and need and considering in full what discretionary powers you have to support and/or accommodate them.

Following last year's [High Court judgment](#) (*Ncube v Brighton and Hove City Council*), the Minister's letter confirms the government's view that the circumstances are such as to enable you to exercise public health and emergency powers to provide accommodation under:

- Section 2B National Health Service Act 2006 and associated statutory guidance published in accordance with Section 73B,
- Section 138 Local Government Act 1972.

In the government's view the circumstances are such that application of the:

- General Power of Competence (Section 1 Localism Act)

may be necessary to avoid breach of a person's ECHR rights.

c) Direction on safe and appropriate accommodation

The letter states that 'one of the most immediate ways to prevent transmission of COVID-19 amongst those sleeping rough is to provide self-contained accommodation'.

The letter confirms that it is vital the Government's [COVID-19: provision of night shelters operating principles](#) (updated 13 December 2021) are followed.

They require that communal accommodation should not be opened without written agreement from the local authority and the local Director of Public Health, based on a comprehensive risk assessment.

4. Funding for accommodation

The Ministerial letter (in Annex A) details the ring-fenced allocation of £25m in funding to 309 local authorities to provide safe and appropriate emergency accommodation.

This 'Protect & Vaccinate' funding package was [announced](#) on 20 December 2021 by the Department for Levelling Up, Housing and Communities (DLUHC) to help to increase vaccine uptake among people who are homeless and sleeping rough.

In May 2021, DLUHC [allocated](#) £203m in Rough Sleeping Initiative (RSI) funding for 2021/22 to 281 local areas.

The Ministerial letter confirms that the deadline for local authorities to apply for Rough Sleeping Initiative funding for 2022-2025 has been extended from 4th to 25th February

2022, given the additional work required to respond to the challenges posed by the Omicron variant.

Consequently, full RSI 2022-2025 allocations will be confirmed after 1 April 2022.

If you have insufficient funding to procure, or continue paying for, emergency accommodation and support for street homeless people in your area, including those new to the streets, then this should not be a reason not to honour the Minister's letter.

Instead, you should **ask DLUHC for further funding**.

5. Statutory homelessness duties to street homeless people

We remind you of your [duties under homelessness legislation](#) to everyone who is homeless, including those who are street homeless.

The homelessness legislation requires all local housing authorities to:

- **Accept applications** for assistance from all street homeless people who approach them.
- Where they are *satisfied* the person is:
 - (i) Homeless under the law and
 - (ii) eligible for assistance (e.g. not subject to immigration control), they must:
 - Assess** both their housing and support needs and
 - Provide a personalised plan** based on the assessment, detailing what steps will be taken to help them into a suitable, settled home.
- If there they have *reason to believe* a person may be:
 - (i) homeless under the law
 - (ii) eligible for assistance
 - (iii) in [priority need](#) (including people over 70yrs or those vulnerable to COVID-19)
 - Provide interim accommodation** while they make further enquiries.

For further information about legal powers and duties to accommodate outside the homelessness legislation, we **recommend the Law Centres Network briefing** for local authorities: [Exhaust All Options](#) (January 2022).

PRACTICE RECOMMENDATIONS

Throughout the pandemic, and since publication of the Minister's December letter, we've seen some particularly poor practice from local housing authorities to street homeless people – or those at risk of street homelessness.

Below are some key good practice points:

Offer accommodation to people who are homeless due to self-isolation

[Government guidance](#) requires people to self-isolate straight away if they:

- Have symptoms of COVID-19 (while they arrange and await a PCR result)
- Have tested positive for COVID-19
- Are not fully vaccinated and live with someone who has symptoms or is positive
- Have been told to self-isolate (e.g. by track & trace)

We've helped people (or are aware of cases) who've been asked to leave night-shelters or homeless hostels because they're required to self-isolate and the night-shelter or hostel has nowhere suitable for them to do so.

The [Government guidance to local authorities on self-isolation practical support](#) states that anyone who is required to self-isolate may be supported in doing so by the local authority using specific Practical Support funding.

To prevent street homelessness and the spread of infection, **use the Practical Support funding** to offer safe and appropriate emergency accommodation and support to people at risk of street homelessness because they're required to isolate.

Offer safe and appropriate accommodation first, and then assess

We've helped people who've been left on the streets pending an assessment, either by outreach services (e.g. via Streetlink referrals) or under homelessness legislation.

Sometimes, limited staff resources have resulted in delays in assessment, and thereby offers of accommodation, leaving people on the streets for days or even weeks.

Not everyone who is street homeless beds down at night. People new to the streets have no bedding, while others are too afraid, especially young people and those who are afraid of gender, race, or religious-based harassment or attack.

Some street homeless people may be able to find sofa-surfing opportunities for occasional nights, but still have to wander the streets or sit in public places, such as stations, during the day.

To prevent people being left at risk on the streets, **accommodate first and assess later**. An assessment that someone has nowhere suitable to stay, day or night, should be enough to meet the threshold for emergency accommodation during a pandemic.

If the outcome of a subsequent assessment is that people are not deemed to be street homeless (because they already have safe and appropriate accommodation), they can subsequently be asked to leave emergency accommodation and return.

Refer people through to emergency accommodation teams

We've helped people who've been told by Housing Options Teams that they can't offer accommodation and they should call the Rough Sleeping Team.

Street homeless people don't always have mobile phones, in some cases because they've been stolen or broken or:

- are unable to charge phones,
- don't have the money to top up pay-as-you-go credit or
- don't have smartphones or data packages to look up information or fill in forms.

Put procedures in place to ensure the first point of contact in the local authority takes responsibility for referring through to the right person.

Street homeless people shouldn't be given further numbers to call.

As well as creating barriers to accommodation and support, this can have a detrimental effect on a person who is on the street, or at risk of street homelessness. It can make them feel that no one really cares about their frightening and degrading predicament.

It's very difficult to be persistent in getting through to help when trying to survive on the streets. It's easy to lose heart. A kind and empathetic voice at the end of phone, who says how they'll help, can make all the difference.

Make sure people have adequate support in emergency accommodation

While surviving on the streets is frightening and exhausting, anxiety and depression can set in once people are safely accommodated, as a result of the trauma of being in 'survival mode', isolation and worries about the future.

During the first national lockdown, there was really good practice in London and some other major cities, with regional and local government ensuring that support workers (e.g. from St Mungos) were available.

But in other areas, local authorities booked people into budget hotel or hostel rooms with no support offered. Some people had no food storage or cooking facilities and no money for food (e.g. people with no recourse to public funds).

We've helped people who reported they were left alone and isolated, not knowing what would happen to them next, and in some cases while experiencing severe mental and physical health crises, including potentially lethal alcohol and drug withdrawal.

Some people in this situation were asked to leave emergency accommodation because they'd broken strict rules to remain in their rooms when trying to solve their immediate problems – or who left because they lacked support.

At the very least, provide people with the **name and number** of someone they can contact for support and **put procedures in place** to cover for them during absence or busy periods.

This is vital for safeguarding and ensuring health and safety. It's also important in supporting people who have **questions about vaccination, or need practical help to access it**, keeping pressures off the already overstretched NHS.