

HOUSING ADVISORY BOARD
18 JANUARY 2023
CABINET
26 JANUARY 2023

AMENDED SEVERE WEATHER EMERGENCY PROTOCOL (SWEP) FOR ROUGH SLEEPERS

1. Summary

- 1.1. The Severe Weather Emergency Protocol (SWEP) for Rough Sleepers sets out the arrangements the Council puts in place to minimise harm or death to anyone who might be sleeping rough during periods of severe weather, through the provision of emergency shelter and support.
- 1.2. The Protocol has been reviewed and updated in light of changes in criteria and operational working practices.

2. RECOMMENDATIONS

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- 2.1. That, for the reasons detailed in the body of the report, the Board notes the [amended] Severe Weather Emergency Protocol (SWEP) for Rough Sleepers, at Appendix A to the report and recommends to Cabinet, the approval of the Protocol.

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- 2.2. That the Severe Weather Emergency Protocol (SWEP) for Rough Sleepers, at Appendix A to the report, be approved.
- 2.3. That the Director for Housing and Public Protection be granted delegated authority to make any in-year amendments to the Protocol, as required.

3. Background and Discussion

- 3.1. In July 2011, the Government implemented its plan 'Vision to End Rough Sleeping: No Second Night Out' to assist people off the streets. This was born mainly out of an increase in rough sleeping, especially in London, and subsequent deaths that occurred on the streets during periods of severe cold weather. As a result, the Severe Weather Emergency Protocol (SWEP) is an emergency response to prevent threat to life of people sleeping rough and is activated by local authorities.
- 3.2. The Council was already committed to working with partners to assist rough sleepers off the streets but also recognised that in extreme weather, rough sleepers are particularly vulnerable to harm and death. In response to this, the Council developed and implemented the current Severe Weather Emergency Protocol (SWEP) for Rough Sleepers (the Protocol) in 2010, which sets out the

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arrangements the Council puts in place to ensure that people are not at risk of harm or dying on the streets in Dartford during extreme cold weather.

- 3.3. Rising bills and the cost of living, including the rise in housing costs, are forcing more people onto the streets. When the Protocol is triggered, all rough sleepers with no alternative accommodation options and deemed at risk are housed in emergency accommodation by the Council for the duration of the severe weather. This is provided in and out of office hours and supported by Porchlight. Over the last two years (2020/21 and 2021/22), the Protocol has been activated four times and has assisted four rough sleepers.
- 3.4. Homelessness legislation criteria will not be applied in the decision to assist a person sleeping rough during the period the Protocol is activated. This means that the individual is not required to demonstrate eligibility for assistance (including whether they have any recourse to public funds), priority need, intentionality or local connection. To be assisted under the Protocol, they must only be at risk and have nowhere to sleep indoors. Alongside providing emergency accommodation during periods of extreme weather, an assessment will also be undertaken to determine whether a duty is owed under Part 7 of the Housing Act 1996 for ongoing housing assistance.
- 3.5. A review of the Protocol has been undertaken to ensure it remains up to date and to adjust to changes in criteria and operational working practices. The review has found that overall, the Protocol has worked well since its implementation in 2010. In previous years, the Council has worked in close partnership with the Dartford Churches Homeless Project (New Avenues) who also provided a shared space accommodation and support solution for rough sleepers through their Winter Shelter. This arrangement meant that when the Protocol was activated, there were often no rough sleepers on the streets as they had been accommodated by the Winter Shelter.
- 3.6. During the Covid-19 pandemic, the Winter Shelter was not able to provide a shared bed space provision due to the risks associated with separate households sharing facilities. The Council also experienced difficulties in securing suitable accommodation quickly. To mitigate these challenges, the Council has looked at different ways to ensure there is sufficient provision, including block booking temporary accommodation, which is a similar model that was used during lockdown. Whilst the Dartford Churches Homeless Project no longer runs a Winter Shelter, they continue to work with the Council and provide outreach support to rough sleepers in the Borough.
- 3.7. It is also recognised that increasingly severe weather events now occur throughout the seasons and are not confined to extreme cold weather in the winter. Traditionally, SWEP arrangements have been triggered when the night time temperature is predicted to be zero degrees Celsius or below for three consecutive nights. However, any conditions that increase the risk of harm to people sleeping

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rough can be classed as severe. This means the impact of rain, snow, wind and heat are also now included as criteria for triggering the Protocol.

3.8. The Protocol (Appendix A), has been updated to reflect the changes in the categories of severe weather conditions that will trigger the Protocol for securing the provision of emergency accommodation for people sleeping rough in the Borough (See Section 2 of the Protocol).

4. Relationship to the Corporate Plan

4.6. This report relates to the Corporate Plan’s ‘Housing’ strategic aims to ‘facilitate quality, choice and diversity in the housing market, assist in meeting housing need in Dartford and deliver high quality services to service users’; and to ‘create strong and self-reliant communities’. The report also relates to the Corporate Plan’s ‘Council Performing Strongly’ strategic aim to ‘provide high quality services that reflect public aspirations and demonstrate improvement’.

5. Financial, legal, staffing and other implications and risk assessments

Financial Implications	The costs of providing temporary emergency accommodation under the Protocol is met through the Council’s temporary accommodation budget.
Legal Implications	<p>The duties of local authorities to provide assistance to people who are threatened with homelessness or are already homeless, are set out in Part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness (Priority Need for Accommodation) (England) Order 2002. The Homelessness Reduction Act 2017 places additional duties on local authorities, including an enhanced prevention duty and a relief duty.</p> <p>The Protocol provision is a discretionary service. The provision of shelter from local authorities is not a statutory duty unless a person is considered homeless and in priority need for assistance, even during severe weather when the conditions may be life threatening. However, there is a widely recognised humanitarian obligation on local authorities to do all they can to prevent deaths and serious harm on the streets, and for their partners and the public to support these efforts.</p>
Staffing Implications	None

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Administrative Implications	None
Public Sector Equality Duty	A Customer Access Review on the amended Protocol was carried out and signed-off to be published and can be viewed at https://www.dartford.gov.uk/equality-diversity/customer-access-reviews . The review concluded that the Protocol will have a positive impact on individuals sleeping rough during the period the Protocol is activated, thereby providing the opportunity to assist all rough sleepers regardless of homelessness eligibility under the legislation.
Crime and Disorder Duty	None
Climate Impact Assessment	No implications
Risk Assessment	N/A

6. Details of Exempt Information Category

Not applicable.

7. Appendices

Appendix A – [Amended] Severe Weather Emergency Protocol (SWEP) for Rough Sleepers

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
		Sarah Williamson (01322) 343470	Housing Services/ Housing & Public Protection	N/A