

APPENDIX A



Draft

# Severe Weather Emergency Protocol (SWEP) for Rough Sleepers

December 2022

If you or anybody you know requires this or any other council information in another language, please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.



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Calls are welcome via Relay UK

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## 1. INTRODUCTION

- 1.1. Severe Weather Emergency Protocol (SWEP) is an emergency response to prevent threat to life of people sleeping rough and is activated by local authorities.
- 1.2. The Council's Severe Weather Emergency Protocol (SWEP) for Rough Sleepers (the Protocol) sets out the arrangements it will put in place to minimise threat to life to anyone who might be sleeping rough during periods of severe weather, through the provision of emergency shelter and support.
- 1.3. While the Council works year-round on its commitment to end rough sleeping in the Borough, there is an extra pressure on the Council in periods of severe weather (including extreme heat) to prevent the loss of life on the streets.
- 1.4. 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 cold or 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.
- 1.5. The objectives of this Protocol are to:
  - Ensure that no one dies on the streets due to severe weather;
  - Ensure that every effort is made to engage rough sleepers with support services during periods of severe weather;
  - Work with rough sleepers to end their homelessness.

## 2. SEVERE WEATHER

- 2.1. There is no single definition of severe weather for the purposes of activating the Protocol – any conditions that increase the risk of harm to people sleeping rough can be classed as severe. This includes extreme cold, snow, wind, rain and heat.
- 2.2. **Cold:** extreme cold can cause serious health problems and death for those who are exposed overnight or for long periods of time. Historically, the Protocol was triggered when the forecast was zero degrees or below for three days. It is now best practice to take a common sense approach, where any forecast approaching zero is considered. The impact of rain, snow and wind chill are taken into account; and the 'feels like' temperature is checked, along with conditions underfoot (e.g. ice). The Council recognises there are benefits to opening provision for temperatures that are above freezing as this can be just as harmful, and for maintaining this provision over longer periods.
- 2.3. **Wind:** high winds can lead to an increased risk of injury through uprooted trees, falling walls, dislodged pieces of roofing and other debris. The Council will

consider the location of local rough sleeping sites and the potential for harm from gale-force winds. This is a particular issue for rural areas where people are, for example, sleeping in tents.

- 2.4. **Rain:** heavy or sudden prolonged rain can lead to flooding and landslides. People sleeping under bridges, on river banks or near the sea, streams or canals may be particularly at risk, but there may be less obvious flood risks, for example drains or gullies. Standing water, puddles and flooding may continue to be a risk after rainfall has stopped. As well as increased risk of drowning, being stuck in the rain and unable to change out of wet clothes/shoes afterwards can lead to a range of health problems, including trench-foot. There is also an increased risk of loss or damage to belongings such as identification documents.
- 2.5. **Heatwaves:** temperatures of around 25 degrees Celsius and over are associated with excess summer deaths. People sleeping rough may find it difficult to source drinking water, sun protection, cool showers and cool spaces to spend time; thereby increasing risks around dehydration, sunburn and sunstroke.

### **3. ACTIVATION AND DEACTIVATION OF THE PROTOCOL**

- 3.1. The Council subscribes to and checks the [Met Office's](#) daily weather warning forecast alerts for Dartford.
- 3.2. When the Protocol is activated, the Council will:
  - Notify by email relevant internal services including the Housing Service, Customer Services, Enforcement and Regulatory Services, Waste and Parks, Communications Team and the Out of Hours Service;
  - Place a message on the Council's internal Intranet to notify that the protocol has been activated;
  - Notify by email elected Members;
  - Notify by email voluntary and statutory sector partners, including Porchlight who provides outreach to rough sleepers.
  - Issue posts on the Council's social media platforms;
  - Update the website to inform the protocol has been activated;
  - Ensure that suitable accommodation provision is available;
  - Alert all known rough sleepers that the protocol has been activated in order that they can access shelter from the severe weather;
  - Keep the weather forecast under daily review;
  - Deactivate the protocol and notify relevant persons, including rough sleepers, accordingly when the period of severe weather ends;
  - Ensure appropriate record keeping relating to the provision under the SWEP.

## 4. ELIGIBILITY FOR ASSISTANCE

- 4.1. The Council will not apply homelessness legislation criteria<sup>1</sup> in its 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.
- 4.2. The individual must only:
- Be at risk if they continue to sleep rough during the course of the severe weather;
  - Have nowhere to sleep indoors during the course of the severe weather (indoors does not include cars, sheds or garages);
  - Agree to the assistance offered by the Council (and its partners/support providers);
  - Abide by the rules of the Protocol's accommodation provider;
  - Not be too high a risk, where that risk cannot be appropriately managed (see section 6).

## 5. REFERRALS

- 5.1. Referrals for assistance under the Protocol can be made by:
- Any voluntary and statutory agency concerned about a rough sleeper – for example, Police, Porchlight, Dartford Churches Winter Shelter etc.;
  - Parish/Town Councils;
  - Rough sleepers self-referring for assistance;
  - Members of the public concerned about a rough sleeper.
- 5.2. Referrals for assistance under the Protocol can be made as follows:
- Telephone: 01322 343114
  - Email: [triage@dartford.gov.uk](mailto:triage@dartford.gov.uk)
  - Out of hours: 0345 634 1212
- 5.3. Members of the public can at any time (while the Protocol is activated or when not activated), report a person sleeping rough to the Council (using the above contact details) or via StreetLink (online [www.streetlink.org.uk](http://www.streetlink.org.uk)/ telephone 0300 500 0914). StreetLink will send the details to the Council or outreach service in which the person has been seen, to help them find the individual and connect them to support.
- 5.4. If the person needs urgent medical attention or it is believed they are under 18 years of age, the emergency services should be called on 999.

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<sup>1</sup> Housing Act 1996, Homelessness Act 2002, Homelessness Reduction Act 2017

- 5.5. Any person referring for assistance is requested to provide the following information:
- A specific location of the rough sleeper to enable the outreach team to find them;
  - The time the rough sleeper has been seen at the location;
  - Any information that will help identify them (gender, approximate age, what the person looks like, what they are wearing etc.).
- 5.6. If the individual meets the eligibility criteria set out in Section 4, they will be offered emergency accommodation for the duration of the severe 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.
- 5.7. It is recognised that some rough sleepers may refuse assistance, even during periods of extreme weather. There are a range of reasons why people may refuse and, ultimately, individuals may make choices that other people find hard to understand. If someone continues to refuse help during severe weather despite being at risk of, or already experiencing, harm, it may be grounds to engage statutory services such as emergency services and mental health teams.

## **6. MANAGING RISK AND CHALLENGING BEHAVIOUR**

- 6.1. The low threshold nature of SWEP provision can increase risk across a number of areas, both for people using and delivering the service. Examples include people accessing unfamiliar facilities, people who are banned from services, people where there is little information held about them, or people who are reluctant to engage. Risk assessments can be provided to emergency accommodation providers to help manage risk.
- 6.2. Whilst every possible attempt will be made to find suitable accommodation, in rare incidences, where the risk is unmanageable, some rough sleepers may have to be excluded from being provided with SWEP accommodation until those risks can be mitigated in some way. Where there are concerns regarding risk, anti-social behaviour and unacceptable behaviour, the Housing Solutions and Private Sector Manager will review the case to see if there are any alternative ways to prevent rough sleeping during the severe weather whilst at the same time managing the risks.

## **7. FINANCIAL IMPLICATIONS**

- 7.1. The cost of providing temporary emergency accommodation under this protocol is met through the Council's temporary accommodation budget.

## **8. DATA PROTECTION**

- 8.1. The Data Protection Act 2018 and the UK GDPR regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.

- 8.2. The Council needs to collect and use certain types of information about its service users in order to carry out its everyday business and to fulfil its objectives and its statutory functions.

The Council's:

- **Data Protection Policy**  
(<https://www.dartford.gov.uk/council-democracy/data-protection-policy>) sets out how it will protect special category and criminal convictions personal data; and
- **Homelessness Services (Housing Solutions) Privacy Notice**  
(<https://www.dartford.gov.uk/privacy-notice/homelessness-services>) explains that the Council collects personal information to administer these services.

## 9. COMPLAINTS

- 9.1. If an individual is not satisfied with the service they have received under this protocol, the Council's **Corporate Complaints Procedure** (<https://www.dartford.gov.uk/complaints>) can be followed. Complaints leaflets are also available from the Council offices.

## 10. EQUALITY AND DIVERSITY

- 10.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
- 10.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.
- 10.3. A **Customer Access Review** (<https://www.dartford.gov.uk/equality-diversity/customer-access-reviews>) has been undertaken to assess the impact this Protocol will have on affected persons with protected characteristics. The review concluded that the Protocol will have a positive impact as the Council will assist all rough sleepers regardless of eligibility under the homelessness legislation.

## 11. MONITORING AND REVIEW

- 11.1. The following information will be recorded and used to monitor the extent of rough sleeping in the Borough:
- Number and composition of rough sleepers
  - Number of nights accommodated for each rough sleeper
  - The cost of emergency accommodation per night for each rough sleeper

- 11.2. Temporary accommodation expenditure and any additional pressures placed on the service, will also be monitored.
- 11.3. This Protocol will be reviewed by the Housing Solutions and Private Sector Manager on an annual basis. This will be carried out in consultation with our key stakeholder partner organisations working with rough sleepers.