Homelessness & Your rights for help

**1. If You Are Homeless or Threatened with Homelessness**

* **Your Rights:**
  + Right to apply for homelessness assistance from your local council (regardless of priority need, intentionality, or local connection).
    - This means that even if you don't have a specific vulnerability, if you've become homeless intentionally, or if you don't have strong ties to the area, the council *still* has to accept your application and provide *some* level of assistance. This crucial right ensures that *everyone* facing homelessness can access help. It's a safety net designed to prevent people from being turned away without any consideration of their situation.
  + Right to an assessment of your housing needs.
    - The council *must* conduct a thorough evaluation of your individual circumstances. This isn't just a quick chat; it's a detailed look at:
      * The reasons *why* you're homeless or threatened with homelessness.
      * Your current living conditions (even if that means sleeping rough).
      * Any specific needs you have, such as health issues (physical or mental), disabilities, your family situation, and any support you might need to access those.
    - This assessment is the foundation for determining what kind of assistance you're entitled to by law. A proper assessment ensures that the help you get is tailored to *your* situation.
  + Right to a Personalised Housing Plan.
    - After the assessment, the council *must* work *with you* to create a tailored plan. This isn't something they do *to* you; it's a collaborative process. The plan should outline the steps that *will* be taken to address your homelessness, including:
      * Specific actions that *both* you and the council will take.
      * Clear timelines for those actions.
      * Who is responsible for each step.
    - You have a right to be actively involved in creating this plan, to make sure it addresses your needs, and that you understand what's expected of you.
  + Right to "reasonable steps" being taken by the council to either prevent your homelessness (if threatened) or relieve your homelessness (if already homeless).
    - This is a core duty of the council. "Reasonable steps" can vary, but the council has to show they are *actively* trying to help. This could include:
      * Providing advice and information in a way you can understand.
      * Mediating with landlords or family members to resolve disputes.
      * Helping you find alternative accommodation, including private rentals.
      * Providing temporary accommodation while longer-term solutions are sought.
    - The council can't just sit back and do nothing.
  + Right to be provided with suitable temporary accommodation if you are eligible, homeless, and in priority need.
    - If you're deemed to be in "priority need" (e.g., you have dependent children, are pregnant, or are vulnerable), *and* you're eligible for assistance, the council has a duty to provide you with accommodation while they work on a more permanent solution. "Suitable" is key: the accommodation must be:
      * Safe: Free from hazards and risks.
      * Accessible: Meeting your needs if you have a disability.
      * Appropriate: The right type of accommodation for your household.
* **How to Access Your Rights:**
  + **Apply to your local council:** Submit a homelessness application to the housing department of your local council.
    - This is your first crucial step. Contact your local council as soon as you become aware that you are homeless or threatened with homelessness. You can usually do this in person, by phone, or online. Be prepared to provide information about your situation and circumstances. Don't delay - the sooner you apply, the sooner they can start to help. Ask for a specific appointment if possible, and make a note of the date and time you contacted them, and who you spoke to.
  + **Cooperate with the council:** Provide all necessary information and documentation.
    - The council will need information from you to assess your needs and decide what help you can get. This might include:
      * Proof of identity (passport, driving license, etc.).
      * Tenancy agreements.
      * Eviction notices.
      * Medical records.
      * Financial information (payslips, benefit statements).
    - It is essential to provide this information promptly and accurately. Keep copies of everything you give them.
  + **Engage in the assessment process:** Clearly explain your housing situation and your needs.
    - The assessment is your opportunity to explain your situation in detail. Be clear, be honest, and provide as much relevant information as possible. This includes:
      * Why you are homeless or threatened with homelessness.
      * What your housing needs are (e.g., number of bedrooms, specific facilities).
      * Any challenges you are facing (e.g., health problems, lack of income).
    - The more information you provide, the better the council can understand your situation and provide appropriate help. Take notes with you, and don't be afraid to ask questions.
  + **Work with the council to develop your Personalised Housing Plan:** Ensure the plan includes steps that *both* you and the council will take.
    - This plan is a roadmap to resolving your homelessness. Work actively with the council officer to develop a plan that is realistic and achievable. Make sure you understand:
      * What actions the council will take, and when.
      * What you are expected to do, and any deadlines.
      * How progress will be monitored.
    - Don't agree to anything you don't understand or can't do.
  + **Keep records:** Document *all* interactions with the council, including dates, times, and names of officers.
    - Maintaining detailed records is vital. This documentation can serve as evidence of your interactions with the council and can be crucial if you need to challenge a decision or make a complaint. This includes:
      * Notes of all meetings and phone calls.
      * Copies of all letters and emails.
      * Reference numbers for your case.
  + **If you are not receiving the minimum help you are entitled to:**
    - **Make a formal complaint** to the council's housing department. Ask for their complaints procedure.
    - Contact **Shelter** for advice. They can help you understand your rights and how to challenge the council's decision.
    - Contact a **solicitor** specialising in housing law. They can advise you on your legal options, including applying for a judicial review.
    - Report the issue to the **Local Government Ombudsman**. They investigate complaints about councils.
* **Questionnaire:** Have you:
  + Applied to your local council for homelessness assistance? (Yes / No)
  + Been offered an assessment of your housing needs? (Yes / No)
  + Been involved in the creation of a Personalised Housing Plan? (Yes / No)
  + Seen the council take reasonable steps to prevent/relieve your homelessness? (Yes / No)
  + If eligible, been provided with suitable temporary accommodation? (Yes / No)
  + If you answered "No" to any of the above, you may not have received the minimum help you are entitled to.
* Legal Requirements and Checklist:
  + ***Your Local Council*** *Legal Duties:*
    - Accept your application for homelessness assistance.
    - Conduct a thorough assessment of your housing needs.
    - Work with you to create a Personalised Housing Plan.
    - Take reasonable steps to prevent or relieve your homelessness.
    - Provide suitable temporary accommodation if you are eligible, homeless and in priority need.
  + *Checklist of what YOU need from the council:*
    - Acknowledgement of your application.
    - A scheduled assessment of your housing needs.
    - A copy of your Personalised Housing Plan.
    - Evidence of the steps they are taking to assist you.
    - Details of your temporary accommodation, if applicable, including suitability.
  + *Checklist of what the council needs from YOU:*
    - Full cooperation with their inquiries.
    - Provision of all necessary documentation.
    - Attendance at scheduled meetings.
    - Clear and honest communication about your situation.
    - Engagement in the development of your Personalised Housing Plan.

**2. If You Are in Priority Need**

* **Your Rights:**
  + Right to be provided with suitable temporary accommodation while the council takes steps to secure longer-term accommodation.
    - If you fall within a "priority need" category, the council has a stronger duty to assist you. This means they *must* ensure you have somewhere safe to stay in the short term while they work on finding a more permanent housing solution. The suitability of this accommodation is paramount. It must:
      * Meet your basic needs (e.g., adequate space, working facilities).
      * Not worsen any vulnerabilities (e.g., be accessible if you have a disability, be in a safe area if you've experienced abuse).
      * Be reasonable for you to occupy.
  + Right to be offered suitable settled accommodation.
    - Ultimately, the goal is to move you into "settled accommodation," which provides a more stable and long-term housing solution. The council has a duty to take reasonable steps to help you secure such accommodation, and if they are directly securing the accommodation, it must be suitable for your needs and circumstances. This includes affordability.
* **How to Access Your Rights:**
  + **Provide evidence of priority need:** You'll need to show that you fall into one of the priority need categories. This could include:
    - Dependent children: Provide birth certificates, child benefit letters, or school records.
    - Pregnancy: Provide a letter from your doctor or midwife confirming your pregnancy.
    - Vulnerability due to age, illness, disability, or mental health condition: Provide medical records, letters from healthcare professionals, or evidence of disability benefits. For mental health, make sure the evidence clearly states how your condition affects your ability to manage in unsuitable accommodation.
    - Having been a care leaver: Provide documentation from the local authority that placed you in care.
    - Fleeing domestic abuse: Provide evidence such as police reports, restraining orders, or letters from domestic abuse support services. The Domestic Abuse Act 2021 gives specific rights, so make sure this is clearly documented.
  + **Ensure your Personalised Housing Plan reflects your priority need:** Make sure the plan outlines *exactly* how the council will meet its duty to provide you with suitable accommodation, both temporary and settled.
    - Your housing plan should clearly state that you are in priority need and detail the steps the council will take to provide you with both temporary and settled accommodation that meets your specific needs. It should also include details of any support you will receive while in temporary accommodation.
  + **If you are not being provided with suitable temporary accommodation or offered suitable settled accommodation:**
    - **Request an urgent review** of the suitability of the accommodation from the council.
    - Contact **Shelter** or a housing solicitor immediately.
    - If the accommodation is endangering your health or safety, contact the council's environmental health department.
    - You can also complain to the **Local Government Ombudsman**
* **Questionnaire:** Have you:
  + Provided evidence of your priority need to the council? (Yes / No)
  + Been provided with suitable temporary accommodation that meets your needs? (Yes / No)
  + Been offered suitable settled accommodation? (Yes / No)
  + Does your Personalised Housing Plan reflect your priority need? (Yes / No)
  + If you answered "No" to any of the above, you may not have received the minimum help you are entitled to.
* Legal Requirements and Checklist:
  + ***Your Local Council*** *Legal Duties:*
    - Provide suitable temporary accommodation, taking into account your specific needs arising from your priority need status.
    - Take reasonable steps to secure suitable settled accommodation for you.
    - Ensure that any accommodation offered is affordable and meets your household's needs.
  + *Checklist of what YOU need from the council:*
    - Confirmation in writing that you have been assessed as being in priority need.
    - Details of how your temporary accommodation meets the legal requirements of suitability.
    - A clear plan and timeline for securing suitable settled accommodation.
    - Information about your rights to review and appeal any decisions regarding accommodation.
  + *Checklist of what the council needs from YOU:*
    - All documentation and evidence to confirm your priority need status.
    - Cooperation with the council in the search for suitable settled accommodation.
    - Prompt communication regarding any changes in your circumstances.

**3. If You Are Threatened with Homelessness**

* **Your Rights:**
  + Right to receive assistance from the council to *prevent* you from becoming homeless.
    - The emphasis here is on prevention. The council has a duty to work with you to *try* and stop you from losing your current accommodation, rather than just waiting until you are actually homeless. This proactive approach aims to reduce the trauma and disruption associated with homelessness.
  + Right to this assistance if you are threatened with homelessness within 56 days.
    - The 56-day timeframe is crucial. If you are likely to become homeless within this period, the council *must* take steps to help you. This timeframe allows for early intervention and gives the council time to put preventive measures in place. It's important to act well before the 56-day mark if possible.
* **How to Access Your Rights:**
  + **Contact your local council as soon as possible:** *Do not* wait until you are actually homeless.
    - Early contact is key. The earlier you approach the council, the more options are likely to be available, and the more effective the prevention efforts can be. Even if you think your situation is not urgent, it's best to get advice.
  + **Provide evidence of the threat of homelessness:** This could include:
    - A valid Section 21 notice from your landlord: Provide a copy of the *entire* notice, and make sure it's correctly served.
    - Notice from a friend or family member that you can no longer stay with them: Provide a written statement or any other relevant communication, with clear dates.
    - Evidence of rent arrears or other financial difficulties: Provide bank statements, letters from creditors, or any other documentation that demonstrates your financial situation. Show how these difficulties will lead to homelessness.
  + **Work with the council on prevention measures:** This might include:
    - Negotiating with your landlord: The council may be able to help you negotiate a repayment plan or resolve any issues that are putting your tenancy at risk. They may also be able to advise you on your rights as a tenant.
    - Helping you to find alternative accommodation: The council can assist you in your search for a new home, providing advice and information on available options, including private rentals and social housing.
    - Providing financial assistance: In some cases, the council may be able to provide financial help, such as help with rent arrears or a deposit for a new tenancy. This assistance is not always guaranteed, so be prepared to discuss your financial situation in detail.
  + **If the council is not taking adequate steps to prevent your homelessness:**
    - Make a complaint using the council's official complaints procedure.
    - Contact **Shelter** for further assistance and advice.
    - Consider seeking legal advice from a solicitor.
    - Report the matter to the **Local Government Ombudsman**.
* **Questionnaire:** Has the council:
  + Actively engaged with you to prevent your homelessness? (Yes / No)
  + Offered advice and assistance within 56 days of the threat of homelessness? (Yes / No)
  + Explored all possible prevention options, such as landlord mediation or financial aid? (Yes / No)
  + Developed a Personalised Housing Plan that focuses on preventing your homelessness? (Yes / No)
  + If you answered "No" to any of the above, you may not have received the minimum help you are entitled to.
* Legal Requirements and Checklist:
  + ***Your Local Council*** *Legal Duties:*
    - Take reasonable steps to prevent you from becoming homeless.
    - Provide assistance if you are threatened with homelessness within 56 days.
    - Work proactively to explore all options to prevent homelessness.
  + *Checklist of what YOU need from the council:*
    - Confirmation in writing of the steps they are taking to prevent your homelessness.
    - Evidence that all prevention options have been explored.
    - A Personalised Housing Plan with clear actions aimed at preventing your homelessness.
    - Information about your rights if prevention measures are unsuccessful.
  + *Checklist of what the council needs from YOU:*
    - Prompt and detailed information about your situation.
    - Any documentation that demonstrates the threat of homelessness.
    - Your cooperation with prevention measures.
    - Attendance at meetings and appointments.

**4. If You Are Homeless**

* **Your Rights:**
  + Right to receive assistance from the council to help you secure settled accommodation.
    - Even if you are already homeless, the council has a duty to help you find a more permanent housing solution. This assistance should be tailored to your individual needs and circumstances. They should work with you to develop a plan, and actively help you in your search.
  + Right to temporary accommodation if you are eligible and in priority need.
    - If you meet the criteria for priority need, the council *must* provide you with somewhere to stay while they work on finding you settled accommodation. This ensures that you are not left without shelter while more long-term solutions are explored. The accommodation must be suitable, and they should not keep you in temporary accommodation indefinitely.
* **How to Access Your Rights:**
  + **Apply to your local council immediately:** The sooner you apply, the sooner the council can begin to assist you.
    - Prompt action is essential. Contact the council as soon as you become homeless. Delays can make it more difficult to find suitable accommodation and can worsen your situation. If you are sleeping rough, tell the council this immediately.
  + **Provide details of your current situation:** Explain *exactly* where you are staying (if anywhere) and *why* you are homeless.
    - Be prepared to provide a clear and detailed account of your current circumstances. This will help the council to understand the urgency of your situation and to provide the most appropriate assistance. The more detail you provide, the better.
  + **Cooperate with the council's efforts to help you find accommodation:** This may involve attending meetings, viewing properties, and providing further information.
    - Finding accommodation often requires active participation. Be willing to attend appointments, view potential properties, and provide any additional information the council may need. Keep a record of your own efforts to find accommodation.
  + **If the council is failing to provide adequate assistance:**
    - Escalate the matter within the council's housing department.
    - Seek advice from **Shelter**.
    - Consider instructing a solicitor.
    - Complain to the **Local Government Ombudsman**.
* **Questionnaire:** Has the council:
  + Provided assistance to help you secure settled accommodation? (Yes / No)
  + Provided you with temporary accommodation, if eligible and in priority need? (Yes / No)
  + Actively worked with you to develop a plan to find settled accommodation? (Yes / No)
  + Kept you informed about the progress of your case and the options available to you? (Yes / No)
  + If you answered "No" to any of the above, you may not have received the minimum help you are entitled to.
* Legal Requirements and Checklist:
  + ***Your Local Council*** *Legal Duties:*
    - Take reasonable steps to help you secure suitable settled accommodation.
    - Provide suitable temporary accommodation if you are eligible and in priority need.
    - Work actively with you to find a housing solution.
  + *Checklist of what YOU need from the council:*
    - An acknowledgement of your application for assistance.
    - A Personalised Housing Plan outlining the steps to be taken to secure settled accommodation.
    - Details of any temporary accommodation offered, including its suitability.
    - Regular updates on the progress of your case.
  + *Checklist of what the council needs from YOU:*
    - Full details of your current housing situation.
    - Cooperation with their efforts to find accommodation.
    - Attendance at meetings and viewings.
    - Prompt responses to any requests for information.

**5. If You Have Mental Health Problems**

* **Your Rights:**
  + Right to have your mental health needs considered by the council when assessing your housing needs.
    - The council has a legal obligation to take your mental health into account when evaluating your situation. This means they *must* understand how your mental health may affect your ability to find and *maintain* suitable housing. They should work with other agencies, such as social services and mental health teams.
  + Right to be considered in priority need if your mental health condition makes you vulnerable.
    - If your mental health problems make you particularly vulnerable, you *may* be classified as being in priority need, which gives you greater entitlement to assistance, including the right to temporary accommodation. The council must assess the impact of your condition on your ability to cope with homelessness.
  + Right to be offered suitable accommodation that meets your mental health needs.
    - Any accommodation offered to you *must* be appropriate for your mental health needs. This could mean ensuring the accommodation is in a safe and stable environment and that you have access to any necessary support services. Consider things like proximity to services, noise levels, and the overall environment.
  + Right to a Personalised Housing Plan that addresses your mental health support needs.
    - Your housing plan should outline how your mental health needs *will* be met. This might include referrals to mental health services or support groups, and how these referrals will be made.
* **How to Access Your Rights:**
  + **Inform the council of your mental health condition:** Provide medical evidence, such as letters from your doctor or mental health professional.
    - It is crucial to provide the council with evidence of your mental health condition. This will help them understand the severity of your situation and the level of support you require. Include details of any medication, treatment, or support you are currently receiving.
  + **Explain how your mental health condition affects your housing needs:** Describe *specifically* how it impacts your ability to obtain and maintain accommodation.
    - Clearly explain how your mental health condition affects your ability to manage a tenancy, live independently, or cope with the challenges of homelessness. Give specific examples.
  + **Request accommodation that is suitable for your needs:** This might include accommodation in a safe and supportive environment, with access to mental health services.
    - Be specific about the type of accommodation and support you need. For example, you may need accommodation that is close to mental health services or in a quiet and stable environment. You may also need adaptations to the property.
  + **Ensure your Personalised Housing Plan includes mental health support:** This could include referrals to mental health services, support with medication, and help to maintain your accommodation.
    - Advocate for your needs to be included in your housing plan. This will help to ensure that you receive the support you need to manage your mental health and maintain your accommodation. The plan should include who is responsible for providing this support, and how it will be funded.
  + **If your mental health needs are not being adequately considered:**
    - Involve your mental health support worker, advocate, or social worker.
    - Contact a solicitor specialising in community care law in addition to housing law.
    - Seek assistance from a charity specialising in mental health, such as Mind or Rethink Mental Illness.
    - Complain to the Local Government Ombudsman.
* **Questionnaire:** Has the council:
  + Acknowledged and considered your mental health needs in their assessment? (Yes / No)
  + Assessed whether your mental health condition makes you vulnerable and in priority need? (Yes / No)
  + Offered you accommodation that is suitable for your mental health needs? (Yes / No)
  + Ensured your Personalised Housing Plan addresses your mental health support needs? (Yes / No)
  + If you answered "No" to any of the above, you may not have received the minimum help you are entitled to.
* Legal Requirements and Checklist:
  + ***Your Local Council*** *Legal Duties:*
    - Take into account your mental health needs when assessing your housing needs.
    - Consider whether your mental health condition makes you vulnerable and in priority need.
    - Provide accommodation that is suitable for your mental health needs.
    - Ensure your Personalised Housing Plan addresses your mental health support needs.
  + *Checklist of what YOU need from the council:*
    - Written confirmation that your mental health needs have been considered.
    - An explanation of how your mental health needs have informed their decisions.
    - Details of any accommodation offered, and how it meets your mental health needs.
    - Inclusion of mental health support services in your Personalised Housing Plan.
  + *Checklist of what the council needs from YOU:*
    - Detailed information about your mental health condition and its impact on your housing needs.
    - Medical evidence and supporting documentation.
    - Cooperation with any referrals to mental health services.
    - Clear communication about your needs and preferences.

**6. If You Are Not Eligible for Assistance**

* **Your Rights:**
  + Right to receive information and advice from the council.
    - Even if you are not eligible for *full* housing assistance, the council *still* has a responsibility to provide you with information and advice about your housing options and other support services that *may* be available to you. This is sometimes called signposting.
* **How to Access Your Rights:**
  + **Request information and advice from the council:** Even if you are not eligible for housing assistance, the council *should* provide you with information about other housing options and support services.
    - Make a formal request for information and advice. Be clear about the type of information you need and the support services you are seeking. Ask for this information in writing.
  + **If the council fails to provide adequate information and advice:**
    - Make a formal complaint to the council.
    - Contact **Shelter** or **Citizens Advice**.
    - Complain to the **Local Government Ombudsman.**

**7. Challenging a Council Decision**

* **Your Rights:**
  + Right to request a review of the council's decision if you are dissatisfied with it.
    - If you disagree with a decision the council has made about your case, you have the right to ask them to reconsider it. This is an important safeguard that allows you to challenge decisions you believe are unfair or incorrect. You should do this as soon as possible.
  + Right to appeal the review decision to the county court on a point of law.
    - If you are still dissatisfied after the internal review, you *may* be able to appeal to the county court, but *only* on a point of law. This means the court will consider whether the council applied the law correctly. You will likely need legal representation for this.
  + Right to apply for judicial review if the council has acted unlawfully.
    - In certain circumstances, you can apply for judicial review, which is a process where the High Court examines the lawfulness of a decision made by a public body, such as the council. This can be used if the council has acted outside its powers or has not followed the correct procedures. This is a complex legal process.
* **How to Access Your Rights:**
  + **Request an internal review:** Do this as soon as possible, and *in writing*. It's best to do it within 21 days of the decision if possible, but you may still be able to request a review after this time.
    - Requesting a review is the first step in challenging a decision. Do this promptly and in writing, clearly stating the reasons *why* you disagree with the decision. Provide any evidence you have. Ask for a copy of the council's review procedure.
  + **Gather evidence:** Collect *any* documents or information that support your challenge.
    - The more evidence you can provide, the stronger your case will be. This might include:
      * Letters and emails.
      * Notes from meetings and phone calls.
      * Copies of documents you provided to the council.
      * Witness statements.
  + **Seek legal advice:** A solicitor or housing advisor can help you with the review and appeal process.
    - Challenging a council decision can be complex. Seeking legal advice *early on* can significantly improve your chances of success. A solicitor or housing advisor can help you understand your rights, gather evidence, and present your case effectively. They can also help you with legal aid applications, if you are eligible.
  + **Consider legal action:** If the internal review is unsuccessful, you *may* be able to appeal to the county court or apply for judicial review.
    - If all other avenues have been exhausted, you may need to take legal action to protect your rights. A solicitor can advise you on the best course of action and represent you in court. This is a serious step, and you should be fully aware of the potential costs and risks.
  + **If you believe the council's decision is unlawful or the review process is unfair:**
    - Contact a solicitor specialising in public law.
    - Apply for judicial review.
    - Complain to the **Local Government Ombudsman.**

**8. Help From Various Sources**

* **Local Council:** Your local council is your primary point of contact for homelessness assistance. They can provide advice, temporary accommodation, and help you find a more permanent housing solution. However, their resources can be limited, and their decisions can be challenged.
* **Homeless Help:** A new charity based in Leicester, but helping the whole of the UK. They fight by your side, filling in forms and helping you find the words you need. It is run by people who were once homeless. This lived experience can be invaluable.
* **Shelter:** A national charity that provides free housing advice and support to anyone facing homelessness or housing problems. They offer a helpline, online advice, and legal services. Shelter is a good source of reliable information and advocacy.
* **Crisis:** A national charity dedicated to ending homelessness. They provide support services, campaign for policy change, and conduct research into the causes and solutions to homelessness. Crisis often works on systemic issues.
* **Citizens Advice:** Can provide advice on a wide range of issues, including housing rights, benefits, and debt. They can help you understand your options and access the support you need. Citizens Advice offers broad advice, not just housing-specific.

**Key Points to Remember:**

* **Act quickly:** Housing rights can be time-sensitive.
  + Prompt action is crucial when dealing with homelessness. Delays can limit your options and make it more difficult to get the help you need. Some rights have strict time limits.
* **Keep records:** Document *everything*.
  + Detailed records are essential. They can serve as evidence, help you track the progress of your case, and be invaluable if you need to challenge a decision. This is your protection.
* **Seek advice:** Don't hesitate to get help from a solicitor, housing advisor, or advocacy service.
  + Navigating the homelessness system can be complex and challenging. Professional advice and support can make a significant difference. Many services are free.
* **Be persistent:** Navigating the system can be challenging, but it's important to assert your rights.
  + You may need to be persistent and advocate strongly for your needs. Don't be afraid to ask questions, challenge decisions, and seek further assistance if you are not getting the help you are entitled to. You have a right to be treated fairly.