

Accessing help if you are at risk of homelessness – What are my rights?



KNOW YOUR RIGHTS
TOOLKIT



Introduction

In this Know Your Rights toolkit, we address what to do if you are homeless, or when you are at risk of homelessness and signpost you to organisations who can help you with this.

We understand that after a diagnosis of blood cancer can impact every aspect of your life, and we are here to support you. If you have blood cancer and are worried about homelessness, you may feel more vulnerable. Talking about your concerns and worries can really help; if you are concerned about your housing situation or your finances you can contact our welfare officer, using the details at the end of this toolkit.

If you are worried about becoming homeless within the next 56 days, get in touch with the homeless prevention service at your local council as soon as possible so they can advise you about your rights and help you understand your options. This is known as making a "homeless application", even if you have not yet left your existing home yet.

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Find out what your rights are

Homelessness takes many different forms and can be an extremely worrying time for all those involved, especially if you have a blood cancer diagnosis. In many cases early effective intervention can prevent homelessness occurring, or if that isn't possible, to ensure that people can move into safe and appropriate accommodation with the support they need. If addressed at an early stage, it will ensure you are aware of your rights, options and what services are available to help.

The 2017 Homeless Reduction Act came into force on the 3rd April 2018 and represents a significant change to homeless legislation. The act creates a duty in law, on the part of the Local Authority to prevent homelessness, which will be done by developing jointly with every eligible person, a homeless prevention and relief plan. Everyone who approaches a local authority because they are

facing homelessness or actually homeless should receive some assistance, whether they are in priority need or not, and irrespective of whether they may be considered intentionally homeless.

There are many situations where the council must accept you are homeless. Under the Homeless Law, you don't have to be living on the streets, or not have a roof over your heads to be considered homeless and the council may have a legal duty to help you with housing.

For example:

- You don't have a 'roof over your head' i.e. you are street homeless
- You're at risk of losing your home i.e. being evicted or asked to leave
- You can't afford to stay where you are
- You are staying with friends or 'sofa surfing'

- Your accommodation is temporary, for example, a bed and breakfast, a hostel or a temporary self-contained flat
- Your housing is overcrowded
- Your accommodation is in poor condition and is dangerous
- You have nowhere to put your caravan or houseboat
- You're at risk of violence or abuse where you are living. This can be from a partner, ex-partner or family member, or someone in your area.

If one or more of the above apply, you may be eligible for help from the council. If there is a reason to believe you might be homeless or threatened with homelessness within 56 days, and need help, you can make a homeless application.

Preventing homelessness

Are you about to become homeless and need help?

Homelessness is a costly experience that can be damaging to individuals and their families. It is in everyone's best interest to do all that they can to prevent homelessness.

There are different measures that can be taken that will depend on the particular circumstances involved. Actions to prevent homelessness could be taken by you, the council or the individual or organisation involved in your threat of homelessness. The key is for you to seek advice at the earliest opportunity if you have concerns that you may have to leave your current home.

The kind of help you should receive ranges from providing advice, someone to act as a mediator/negotiator, financial assistance, referrals to accommodation and support providers, signposting to relevant services, support with identifying and securing private rented accommodation or

maximising your priority on the housing register, (according to your circumstances).

I am struggling to afford mortgage repayments

It may be the loss of your employment, reduced income, increased living costs, poor health, or other difficulties that you are experiencing that leads you to difficulties in meeting your mortgage payments. You should always try to address your difficulties as soon as you can, because the sooner you request help, the sooner you will receive it.

Before the lender can take any action against you, there are a number of steps they need to follow. If you ignore your mortgage difficulties the consequences could be severe and lead to repossession and homelessness. Before it gets to any court action, there is a lot of practical help and support that you can obtain. Speak to your

mortgage provider to see if they can offer any solutions. You can also contact the Housing Advice team at the council for further advice and assistance.

I am finding it difficult affording the rent on my property

If you are finding it difficult affording the rent on your property, you should speak to your landlord as soon as possible to let them know that you are experiencing problems and keep in regular contact with them. Find out if you are entitled to receive housing benefits to cover your rent. You could use a benefit calculator to see if you are eligible to any other benefits in relation to meeting your housing costs, maximising your income and making your housing more affordable given your circumstances. Contact your council who will have a dedicated housing advisor who can advise on these matters and

hopefully keep you in your home.

Make a list of any debts you may have, making sure that you pay your priority debts first. For example, prioritise your rent, Council Tax, Gas, Water and Electricity.

Write a list of your income and outgoings to see how much you can afford to pay back. Consider seeking advice from National Debtline or StepChange.

I am renting from a private landlord and have been served with a notice to quit

You should contact your housing options service at your local council immediately for advice and assistance if your landlord has served you with notice asking you to leave. You should not wait for your landlord to have served possession from the courts before you notify them.

Preventing homelessness (cont.)

Are you about to become homeless and need help?

Prevention work will begin with the housing needs adviser who can check to make sure your notice is legally compliant and explain the contents if you are not sure. They will also try to help to rescue your tenancy by talking to and negotiating with your landlord.

If your notice is legally compliant, and your tenancy cannot be saved, the council will owe you the prevention duty to try to help you get re-housed before you become homeless.

For anyone living in a housing association tenancy, homeless prevention work will often involve helping to resolve breaches of tenancy or rent arrears including court work.

Where necessary, support will be given to help identify and secure alternative private rented accommodation and may assist with a rent deposit if this scheme is available at your local council.

My home is no longer suitable because of an illness or disability

If you rent your home from a housing association, you should contact your housing officer at the earliest possible opportunity to discuss possible adaptations to your home or transfer options. If you own your home or rent a private property, **please contact Adult Social Care**. They will have a look into your situation to find out what you need to support you in your home. They will complete a needs assessment with you and then write a report about you that will identify what changes to your housing could make your life easier. If you do not own your home, you will need permission from your landlord to make any changes to physical features.

My relationship has broken down with my partner

Relationship breakdown are very difficult and will often have a major impact on your life. As a result of the relationship breakdown, your housing situation may have to change. For example, you may have to meet the costs of your accommodation on a reduced income, and plan for a move into alternative accommodation and make arrangements for your children.

The council may be able to offer you specific housing advice and information, but you could also consider the following:

- Join the Council Housing Register so you can be considered for a housing association home
- Make an application to welfare benefits
- Make an application for

housing benefit when you are in rented accommodation and also an application for the Council Tax Reduction Scheme

- Consider child maintenance options
- Consider mediation methods through organisation such as Relate and family mediation

I have experienced domestic abuse, violence, harassment or a hate crime

If you are fleeing domestic abuse, the council have a duty to support you to flee to emergency accommodation. This may be a refuge or interim accommodation.

Domestic abuse is an incredibly scary and distressing situation. There is advice, help and support available from services such as the National Domestic Abuse helpline, or Women's

Preventing homelessness (cont.)

Are you about to become homeless and need help?

Aid. You will be offered a confidential appointment with a Housing Advisor who will listen to your circumstances sensitively, sympathetically and professionally.

Appropriate advice will then be given to ensure you retain a safe and secure roof over your head. They will help you consider safe options which may include moving home, social housing, private rented accommodation or supported accommodation, which may be to a different area.

In any event where you are experiencing violence, harassment or abuse or you are being threatened with this, you should contact the police by calling **999**.

The Housing Options Team will be able to support you in considering a variety of housing options and try to prevent you in becoming homeless. They will give you tailored advice so that you may make informed

decisions about how best to meet your needs. Some of the following may be available options, although not suitable for everyone:

- Shared Ownership
- Mutual Exchange
- Social Housing
- Home Ownership
- Sheltered Housing
- Supported Housing
- Private renting



What should I do if I am already homeless?

Will I get interim/temporary accommodation if I am homeless now?

In some cases, the council will provide you some temporary accommodation immediately if they have reason to believe that you are eligible, homeless, if you meet the immigration conditions and are in priority need and have nowhere to stay. People in priority need are people who need housing more urgently than others because they are vulnerable. **You may be classed as vulnerable** because you have a disability under the law.

This is a form of emergency accommodation and is provided while the council continue to make inquiries to find out what further duties may be owed to you. If you are given interim/temporary accommodation it could be a hotel, bed and breakfast or other forms of

shared accommodation. If accommodation can't be found in your local area, you may have to move away from your preferred area temporarily. This accommodation is not suitable or long term but is there to safeguard you in an emergency.

The Homeless Reduction Act 2017 set out that specific public bodies must refer people to the Local Authority who they believe to be homeless or threatened with homelessness within 56 days.

I am about to leave hospital but I don't have anywhere to go

You should tell the hospital nursing staff as soon as possible, so they know you will be homeless upon discharge from hospital. They will ask the hospital discharge team to help if they can. They may refer you to the housing team at the council. The housing team

will then assess your situation and in certain circumstances, they may offer you temporary accommodation. If you are within 56 days of discharge, and have no home to return to, the housing team will support you whilst they decide if they have a duty to re-house you.

What happens next once I contact the Housing Team?

When you have approached the council and made your homeless application, whether you are at risk of homeless within the next 56 days, or already homeless, the council will arrange an appointment with you, where they will carry out a full assessment of your situation, housing needs and support needs.

What happens during the assessment?

When you attend your appointment, the council will need to see the following:

- Proof of identity
- Tenancy agreement and any notice asking you to leave
- Wage slips or proof of benefits or any other income
- Child benefit or tax credit letter for any children who live with you
- A letter from your midwife, or front copy of your green notes

if you are pregnant

- A letter from your GP or hospital for any medical conditions
- Any documents that show your immigration status, such as passport or visa showing you have the right to live in the UK

The housing advisor will assess your housing and support needs and discuss your situation with you. They must give you a personal housing plan, specific to your needs so that you can work together to solve the problem and find you somewhere suitable to live.

What is a personal housing plan?

The council will devise the personal housing plan (PHP) with you and will include looking at what you can afford and any particular needs you may have, for example relating to your health.

The aim of the PHP is that you and the council will work together – for no less than 8 weeks.

The plan will set out steps/ actions that you and the council will do to prevent you from becoming homeless, or, to try to find suitable and affordable housing, if you have already lost your home. Some of your steps will be compulsory, whilst others will be ‘recommended’. All of the steps should be reasonable.

What will the council do to help me?

Within the plan, some of the steps for the council may include:

- Advise on you your tenancy rights or debts
- Negotiate with your landlord, provide grants or loans to pay off rent or mortgage
- Support you with claiming for benefits

In order to help you find alternative accommodation the council will:

- Help you to find a private tenancy
- May provide a payment towards a deposit or rent in advance
- Make an offer of a council or housing association home, or refer you to a supported housing project

What actions will I be asked to do?

- You will need to apply to the housing register and ensure that you are bidding for eligible housing every week
- Look for affordable housing in the private rented sector
- Get help to address any benefit or debt advice
- Consider mediation – This action is used to help resolve problems between family members, neighbours,

What happens next once I contact the Housing Team? (cont.)

housemates and landlords. It's not appropriate in every case but can be very effective and may help to find a suitable solution to keep you in your home. Mediation can also help with different types of disputes, such as rent arrears, repairs or evictions. The council can arrange mediation to help resolve a housing problem.

The criteria for deciding what the council can help with is laid down in the Housing Act 1996). The caseworker looking into your homeless application is responsible for assessing your situation and will need to look at 5 conditions to decide what you qualify for and what duties the local authority have towards you.

What does it mean if I am owed the prevention duty?

The council's first duty to

check is if they can help you to stay in your home or find a new one and is known as the "prevention duty". If you are owed a prevention duty, the council must work with you for 56 days to help you stay in your home if you're going to be homeless. This is known as "threatened with homelessness". If your situation changes so you become homeless you will move into the relief duty and the council will continue to work with you for a further 56 days.

What does it mean if I am owed the relief duty?

Once it has been established that you are eligible and homeless, you will be owed the "relief duty". The council will work closely with you for 56 days to support you to find new accommodation. If you are also in priority need, they must give you emergency housing.

Under the relief duty the council will stop helping once your

housing situation has been resolved, and the place chosen is available for you to occupy for at least 6 months. If you refuse a suitable offer of housing, the council can end the relief duty and stop helping you.

In order to qualify for extra help and long term housing, you must meet all five conditions.

These are:

1. Be eligible for help.

- You are a British citizen living in the UK or
- An EU citizen working in the UK or
- An EU citizen with settled status or
- From outside the EU but allowed to claim benefits

2. Be legally homeless – as defined further up in the toolkit.

3. Be in priority need.

- You are a family with children under 16 (or under 19 if they are still dependant on you)

- Pregnant
- Care leaver aged 18-20
- Homeless due to fire, flood, or disaster
- Classed as vulnerable, for example, if you are disabled, or have a serious health condition or fleeing from domestic violence

4. Didn't make yourself homeless intentionally – see the Intentional heading further down.

5. Have a local connection to the area the council is responsible for.

- Live or work in the area
- Have close family living in the area
- Need specialist healthcare in the area

If the council decide that you meet the first three conditions, but you have made yourself intentionally homeless they must provide

What happens next once I contact the Housing Team? (cont.)

temporary accommodation for a reasonable amount of time but this is only for a few weeks. You will then need to move out, as the council will not have a duty to rehouse you.

Intentional homelessness – what does this mean?

Part of the enquiries carried out by the council have to involve considering whether you have become homeless as a result of doing something which caused you to lose your accommodation. Examples include:

- Not paying your rent but you could afford to do so
- If you have been evicted for antisocial or criminal behaviour
- Left or gave up your home when you could have stayed

How do councils determine vulnerability?

The council will need to decide whether you are vulnerable. To do this they must consider whether you are 'significantly more vulnerable than that of an ordinary person needing homeless help'. The council will need to consider whether you would be at greater risk of suffering greater harm or detriment than the ordinary person who is made homeless. You will be classed as significantly more vulnerable if the harm or detriment would make a noticeable difference to your ability to deal with the consequences of homelessness.

The council must assess your whole situation, and consideration must be given as to whether you have any support from family or support services.

The council should get expert opinions from medical professionals or social services.

They should also consider chapter 8 of the homelessness code of guidance.

The Equality Act 2010 also requires councils to reduce discrimination. For example, they must consider if a person has a disability and how this will affect them if they become homeless.

It would be advisable to ask your GP, consultant or medical team to write you a letter to support your case and outline how it will affect your health if you have nowhere to stay.

What happens if we don't get a solution? - Main Housing Duty

If homelessness has not been solved at the end of a certain period of time, (on average around 150 days), the personal housing plan will be closed and the council will make the decision on the homeless application based on the above criteria to see whether the council can offer extra help. They will need to make a "main housing duty" decision.

Under the main housing duty, the council must ensure that suitable accommodation is available for you and your household, until the main housing duty is brought to an end. This is usually once your housing situation has been resolved and you have an offer of settled accommodation for at least 12 months. They can stop helping if you refuse an offer of housing.

Challenging a homeless application decision

If you disagree with the council's decision about any of the decisions made throughout your homeless application you should challenge it by asking for a review. This is the case if:

- The council decide you are not eligible for housing
- The council offer you unsuitable accommodation
- The council say you don't have a priority need and don't have to help you with housing
- If you're not happy with your housing plan
- The council say you don't have a local connection

You must ask for the review within 21 days of getting the decision letter and it must be put in writing, 28 days, if you live in Northern Ireland.

If you live in England, Wales or Northern Ireland

In England and Wales, you can find your local council's contact details at [gov.uk/find-your-local-council](https://www.gov.uk/find-your-local-council).

If you are homeless or at risk of homelessness within the next 56 days, in Northern Ireland, you can call the Housing Executive on **03448 920 900**.

In Scotland

If you are homeless or at risk of homelessness within the next 8 weeks, contact your local council, you can find your local contact details at [gov.uk/find-your-local-council](https://www.gov.uk/find-your-local-council).

Further information

Call our welfare officer on **07903 219525** or email advocacy@leukaemicare.org.uk for more information on topics covered in this toolkit.

Here are some additional resources who offer independent support and advice if you are homeless or at risk of homelessness:

Citizens Advice Bureau provides up to date confidential, free advice to help people with problems with benefits, work, debt, money and legal issues, including those which affect housing: citizensadvice.org.uk/housing/homelessness

Shelter provides advice, support and legal services including a free helpline open 365 days a year, web chat, and local advice centres offering one to one, face to face help and support on subjects including homelessness, finding a place to live, repossessions, eviction and money and arrears.

If you live in **England**, you can call shelter's free advice line on **0808 800 444** or visit England.shelter.org.uk

If you live in **Scotland**, you can call Shelter's free housing advice line on **0808 800 444** (select **2 for Scotland** if you are calling from a mobile) or visit Scotland.shelter.org.uk

If you live in **Wales**, you can call Shelter Cymru's housing advice line on **0345 075 5005** or visit sheltercymru.org.uk

If you live in **Northern Ireland**, you can call Shelter NI on **028 9024 7752** or visit shelterni.org. You can also call the Housing Rights Northern Ireland on **028 9024 5640** or textphone **028 9073 1577**.

Money Advice Service is an independent service set up by the government to help people make the most of their money, giving unbiased money advice to everyone across the UK. <https://www.moneyadviceservice.org.uk/en>

National Housing Advisory Service uses the NHAS factsheets to help you if you are at risk of homelessness, struggling with debt or if you are finding it difficult to pay your rent or mortgage due to rent increases. <https://www.nhas.org.uk/public/factsheets>

National Debtline is a debt advice charity run by the money advice trust. It is free and confidential and will help you to deal and take control of your debts. It is for people in England, Scotland, and Wales. You can visit their website here: <https://nationaldebthelp.org.uk/Debt-Help>. You can also contact them on **0800 808 4000**.

StepChange offers free advice and a range of solutions to help you pay, and manage debts or write off debt. You can visit here: <https://www.stepchange.org>. You can also contact them on **0800 138 1111**.

National Debt Help UK Is Government approved and will help you freeze debts, stop creditors chasing monies owed and allow you to pay monies back at a set period. <https://nationaldebthelp.org.uk/Debt-Help>

Homeless Link have a website where you can search for support near you if you live in England. This includes advice and health services, day centres, night shelters and hostels for homeless people throughout England. Visit <https://www.homeless.org.uk/homeless-england/search-near-me>

About Leukaemia Care

Leukaemia Care is a national charity dedicated to ensuring that people affected by blood cancer have access to the right information, advice and support.

Our services

Helpline

Our helpline is available 8:30am – 5:00pm Monday - Friday and 7:00pm – 10:00pm on Thursdays and Fridays. If you need someone to talk to, call **08088 010 444**.

Alternatively, you can send a message via WhatsApp on **07500068065** on weekdays 9:00am – 5:00pm.

Nurse service

We have two trained nurses on hand to answer your questions and offer advice and support, whether it be through emailing support@leukaemicare.org.uk or over the phone on **08088 010 444**.

Patient Information Booklets

We have a number of patient information booklets like this available to anyone who

has been affected by a blood cancer. A full list of titles – both disease specific and general information titles – can be found on our website at www.leukaemicare.org.uk/support-and-information/help-and-resources/information-booklets/

Support Groups

Our nationwide support groups are a chance to meet and talk to other people who are going through a similar experience. For more information about a support group local to your area, go to www.leukaemicare.org.uk/support-and-information/support-for-you/find-a-support-group/

Buddy Support

We offer one-to-one phone support with volunteers who have had blood cancer themselves or been affected by

it in some way. You can speak to someone who knows what you are going through. For more information on how to get a buddy call **08088 010 444** or email support@leukaemicare.org.uk

Online Forum

Our online forum, www.healthunlocked.com/leukaemia-care, is a place for people to ask questions anonymously or to join in the discussion with other people in a similar situation.

Patient and carer conferences

Our nationwide conferences provide an opportunity to ask questions and listen to patient speakers and medical professionals who can provide valuable information and support.

Website

You can access up-to-date information on our website, www.leukaemicare.org.uk.

Campaigning and Advocacy

Leukaemia Care is involved in campaigning for patient well-being, NHS funding and drug and treatment availability. If you would like an update on any of the work we are currently doing or want to know how to get involved, email advocacy@leukaemicare.org.uk

Patient magazine

Our magazine includes inspirational patient and carer stories as well as informative articles by medical professionals: www.leukaemicare.org.uk/communication-preferences/

Leukaemia Care is a national charity dedicated to providing information, advice and support to anyone affected by a blood cancer.

Around 34,000 new cases of blood cancer are diagnosed in the UK each year. We are here to support you, whether you're a patient, carer or family member.

Want to talk?

Helpline: **08088 010 444**

(free from landlines and all major mobile networks)

Office Line: **01905 755977**

www.leukaemiacare.org.uk

advocacy@leukaemiacare.org.uk

Leukaemia Care,
One Birch Court,
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Leukaemia Care is registered as a charity in England and Wales (no.1183890) and Scotland (no. SC049802).

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Leukaemia Care
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