

**Advocate to council**

**Homelessness application / request for interim s.188 temporary accommodation / request that personal possessions are protected**

**URGENT**

By first class post & email to [EMAIL ADDRESS]

Manager  
Homelessness Assessment Team  
[ADDRESS]

[DATE]

Dear Sirs

**Our client: [NAME] of [ADDRESS]**

**Homelessness application**

**Request for interim accommodation and protection of belongings**

I write on behalf on [NAME]'s behalf. I am their [money advisor / support worker / social worker] and am currently assisting them [with their housing and benefit issues / in connection with the Council's responsibilities towards them as a former relevant child].

I hereby confirm that [NAME] wishes to apply for accommodation and for assistance in obtaining accommodation on grounds of homelessness.

[OR]

I understand that [NAME] [asked for assistance with housing on [DATE] when they telephoned/ visited you / is due to contact / visit your offices today and ask for help with obtaining accommodation] on grounds of [impending] homelessness.

Please:

- Take the following information into account.
- Confirm to me in writing, by return, that the authority has secured interim temporary accommodation from this evening, and the address of that accommodation.
- [If there is a risk personal possessions may be lost or damaged] Confirm to me in writing what action has been taken to prevent the damage or loss of [NAME]'s personal possessions, and
- Forward to me, in due course, a copy of the notification of [NAME]'s homelessness assessment and personal housing plan.

**Circumstances**

*[Summarise your client's circumstances. Some illustrative examples are given below. Amend this section according to the particular facts]*



In what follows I have summarised my understanding of [NAME]'s current circumstances. Please do not hesitate to contact me if you have any queries.

[NAME] is [#]-years-old. [He/She] is single. [OR] [His/Her] household consists of the following additional persons:

[NAME]	[Relationship, eg Wife / Son etc]	DOB: [DATE]
[NAME]	[RELATIONSHIP]	DOB: [DATE]

*[If a person hasn't been residing with the client as a member of their family, given reasons why they're a person who might reasonably be expected to reside with the applicant. The following provides some illustrative examples]* While [NAME] has not been residing with [APPLICANT'S NAME] [s/he] is a close relative who will be providing practical support, and lacks settled accommodation [himself/herself] [OR] is a dependent child whose mother has agreed should now reside with our client [OR] is his partner and is expecting his child.

*[Address eligibility on immigration and nationality grounds]* [NAME] is a British citizen who has resided in the UK since birth. [OR] [NAME] is subject to immigration control but *[specify ground on which applicant is eligible, e.g.]* was granted leave to remain as a refugee on [DATE]. [OR] [NAME] is a [EEA COUNTRY] national and was granted settled status by the Home Office under the EU Settlement Scheme on [DATE].

*[Confirm homelessness status and when accommodation was/is due to be lost]* On [DATE] [NAME] was excluded from their accommodation, when [NAME OF LICENSOR] withdrew permission for them to stay in their home. [S/he] is presently without accommodation. [OR] On [DATE] [NAME]'s mother asked [him/her] to leave the family home at [ADDRESS] [OR] On [DATE] [NAME]'s landlord excluded [him/her] from [his/her] accommodation at [ADDRESS]. [OR] [NAME]'s current accommodation is not reasonable to continue to occupy because *[give reasons, e.g. she would be at risk of domestic abuse from [NAME OF PERPRATOR] [OR] she would be at risk of violence from [NAME OF PERPETRATOR] [OR] there is a monthly shortfall of £[xx] between the contractual rent and housing element of universal credit and s/he simply does not have the financial means to both pay the rent and meet the costs of the necessities of life].*

*[Set out facts that support your contention that the applicant falls into one or more of the relevant priority need categories. If necessary refer to the priority need definitions set out in section 189(1) of the Housing Act 1996 and The Homelessness (Priority Need for Accommodation)(England) Order 2002]*

*[Dependent child]*

The applicant's partner [NAME] has a three-year-old child [NAME], date of birth [DATE], who resides with and is dependent on her and the applicant.

*[Pregnancy]*

[NAME] informs me that she is pregnant. She intends to obtain a maternity certificate from her doctor shortly, having only established her pregnancy on [DATE]. She has so far been unable to attend an appointment because of her impending homelessness and having to take steps (albeit unsuccessfully) to obtain accommodation.



*[Homeless because of domestic abuse]*

[NAME] left her last accommodation at [ADDRESS] on [DATE] having been the victim of domestic abuse from [NAME OF PERPETRATOR].

In broad terms, the abuse consisted of *[briefly summarise what your client suffered, e.g. economic abuse by [NAME], in that he sought to exercise sole control over their joint bank account, and sought to exercise control over the spending of money and purchases]*.

*[Vulnerability because of mental illness. Give reasons why the applicant would be more at risk of harm than the ordinary person when becoming homeless. Give specific particulars of, for example, how they would be unable to cope with the consequences of becoming homeless, why their health or welfare would deteriorate, why they would not be able to undertake tasks necessary for obtaining accommodation etc. The following is merely an illustrative example]*

[NAME] suffers from anxiety, depression and post-traumatic stress disorder. We understand this is likely to have resulted from being abused by a relative when she was a child. I understand she is currently receiving treatment from their general practitioner, including anti-depressants and anti-psychotic medication ([NAME OF MEDICATION/DOSAGE] mg).

I further understand that the uncertainty over [NAME]'s current housing situation has led to a significant deterioration in her state of mind, an exacerbation of her symptoms and referral by the GP to a psychiatrist for further evaluation and treatment.

[NAME] has a history of self-harm. On [DATE] she indicated to me there has recently been an escalation of self-harming incidents. It is a matter of considerable concern that [NAME] has, as recently as [DATE], stated an intention to commit suicide.

I am very concerned that there is a genuine risk of suicide or self harm. I am firmly of the view that being rendered homeless is very likely to result in a further deterioration of [NAME]'s mental health, and that she will be practically unable to cope with being homeless or take timely action to obtain accommodation due to the cumulative effects of her various mental health conditions.

*[Vulnerable because of physical disability]*

[NAME] suffers from restricted movement due to previous spinal surgery. She is consequently unable to undertake ordinary day-to-day tasks, and requires care and support with preparing food, housework and laundry. [NAME] would consequently be unable to cope with being homeless.

*[18 to 20-year-old care leaver]*

[NAME] was in the care of the social services authority (i.e. "looked after, accommodated or fostered") from the age of [#] to [#].

[NAME] is *not* a 'relevant student'.

The social worker is [NAME] of [NAME OF SOCIAL SERVICES AUTHORITY]. They can be contacted at [EMAIL ADDRESS; TEL NO ETC.].

*[Vulnerable because of old age]*



[NAME] is 67-years-old. As a result of his advanced age I do not expect that [NAME] will be able to cope with being homeless. While [NAME] appears presently to be in relatively good health this has been in the context of having accommodation. [NAME] will clearly be less able than a younger person to cope with the effects of becoming homeless. In particular, I am concerned that his arthritis and general welfare would be adversely affected should he become homeless. I am firmly of the view that his health would quickly deteriorate.

*[Vulnerable because of non-domestic violence]*

[NAME] left her last accommodation at [ADDRESS] on [DATE] having been the victim of [threats of] violence at the hands of [NAME OF PERPETRATOR].

It appears that the nature of the [violence / threats of violence] suffered by [NAME] has had a significant and lasting effect on her. Specifically, she suffers from anxiety, hyperarousal and depression. She is isolated, withdrawn, and is unable to undertake ordinary day-to-day tasks.

[NAME] is currently receiving treatment from her general practitioner, including anti-depressant medication ([MEDICATION NAME; DOSAGE]), and has been referred for counselling. She has a doctor's appointment this week and intends to obtain written confirmation of her conditions.

*[Over 20 years & vulnerable because of care]*

[NAME] is [#]-years-old. She was looked after and accommodated by [NAME OF SOCIAL SERVICES AUTHORITY] between the ages of [#] and [#].

It is my opinion that [NAME] is clearly vulnerable as a direct result of the time she spent in care. This is because *[give reasons why the applicant would be more at risk of harm than the ordinary person when becoming homeless. Give specific particulars of, for example, how they would be unable to cope with the consequences of becoming homeless, or why their health or welfare would deteriorate, why they would not be able to undertake tasks necessary for obtaining accommodation etc.]*

*[Homeless because of flood, fire or other disaster]*

[NAME] ceased to be able to occupy his previous accommodation at [ADDRESS] on [DATE], when it became inhabitable due to a [fire/flood].

*[Vulnerable due to custody]*

From [DATE] to [DATE] [NAME] was in prison, following a conviction for [OFFENCE]. The prolonged length of [NAME]'s stay in custody has adversely affected his ability to cope with independent living. This is evidenced by the fact that he has been unable to obtain accommodation since his release and has required intensive support.

[NAME] has been diagnosed with post-traumatic stress disorder as the result of a serious assault which occurred in custody in [MONTH, YEAR]. We understand this condition adversely impacts upon his ability to undertake everyday tasks and cope in certain situations. [NAME] is due to see his general practitioner shortly when he intends to ask for a letter confirming the nature of his condition and the prognosis.



*[If there is a risk personal possessions may be lost or damaged]*

While living at [ADDRESS] [NAME] accumulated a significant amount of personal possessions, including items of furniture and white goods. The possessions remain in the flat, but [NAME OF LANDLORD/LICENSOR] has informed [NAME] that they will be disposed of if they are not removed. [NAME] does not know of anyone who can remove and store the belongings. Neither does [s/he] have the financial means to arrange removal and storage.

## Law

You will no doubt be aware of the various duties owed by local housing authorities to persons under Part 7 of the Housing Act 1996, including:

- The duty to commence inquiries (“take a homeless application”) to determine what duty is owed to the applicant if they apply for accommodation or ask for help in obtaining accommodation and the authority has reason to believe they may be homeless or threatened with homelessness (HA 1996, s.184(1)).
- The duty to secure that suitable temporary accommodation is available for the applicant’s occupation, together with anyone who might reasonably be expected to reside with them, where the authority has reason to believe the applicant may be eligible for assistance on immigration and nationality grounds, may be homeless and may have a priority need (s.188(1)), until the applicant is notified of a decision as to what duties are owed under Part 7 (s.188(1ZA) to (3)).
- The duty to assess the applicant’s circumstances, formulate a personal housing plan and notify the applicant of the same, where the authority is satisfied they are eligible and either homeless or threatened with homelessness (s.189A(1)-(8)).
- The duty to notify the applicant, upon the completion of inquiries, as to what duty is owed under the homelessness legislation (s.184(3)).
- The duty to take reasonable steps to prevent loss or damage to the personal possessions of the applicant and any other persons who might reasonably be expected to reside with them, where the authority has reason to believe there is a danger of any personal property being damaged or lost because of the person’s inability to protect it or deal with it, if a duty is also owed under section 188, 189B, 190, 193, 195 or 200 (s.211(2)).

You will also, no doubt, be aware that:

- The above duties arise irrespective of:
  - Any possibility of referral of the applicant’s case to another local authority on grounds of local connection.
  - Any possibility that the applicant’s homelessness may be intentional.
- A person has a priority need for accommodation if they *[refer to those priority need categories that are relevant on the particular facts, e.g.] [will be significantly more vulnerable than the ordinary person when becoming homeless (Hotak v Southwark LBC [2015] UKSC 30 / are aged between 18 and 20 and at any time after reaching 16, but while still under 18, but are no longer, looked after, accommodated or fostered (Article 4(1) of The Homelessness (Priority Need for Accommodation)(England) Order 2002) /*



are aged over 20 and are vulnerable as a result of having been in care (Article 5(1) of The Homelessness (Priority Need for Accommodation)(England) Order 2002).]

- The interim duty threshold test is low (*R (Aweys) v Birmingham CC* [2007] EWHC 3240 (Admin); *R (Kelly & Mehari) v Birmingham CC* [2009] EWHC 3240 (Admin); Code of Guidance, para 15.5). As such the duty may be triggered by the applicant simply informing you of their circumstances.
- It is not for the applicant to 'prove his case' by, for example, providing documentary evidence of their homelessness and priority need status. Rather, the burden is on the authority to make such inquiries as are necessary to establish what duties are owed under Part 7 of the 1996 Act (*R v Woodspring DC ex p Walters* (1984) 16 HLR 73, QB; *R v Reigate and Banstead DC ex p Paris* (1984) 17 HLR 103, QB; *R v Barnet LBC ex p Babalola* (1995) 28 HLR 196, QB; *R v Wandsworth LBC ex p Dodia* (1997) 30 HLR 562, QB).

## Conclusion

It is clear there is reason to believe that [NAME] may be eligible for assistance on immigration and nationality grounds, may be homeless and may have a priority need.

## Request for urgent response

Please confirm in writing by [*insert date and time, e.g.*] 4.00p.m. today:

1. That the Council has taken a homeless application and commenced inquiries under section 184(1) of the 1996 Act.
2. That the Council has, from today, secured suitable interim accommodation.
3. The address of the temporary accommodation.
4. What action is being taken to prevent [NAME]'s personal possessions being lost or damaged.

Alternatively, if the authority is refusing to commence inquiries or refusing to secure interim accommodation, please confirm in writing your reasons for this decision.

So that we may advise our client please also forward to us, in any event:

5. A copy of the Council's decision when inquiries are completed as to what duty is owed.
6. A copy of your assessment of our client's circumstances under section 189A.
7. A copy of our client's housing plan.
8. Copies of any subsequent notifications and correspondence in connection with the homelessness application.

We enclose signed authority for us to act on our client's behalf and for the disclosure of confidential information.

If we do not receive a response by [*insert date and time e.g.*] 4.00 p.m. today we will assume that you are refusing to commence s.184 inquiries and refusing to secure interim temporary accommodation.



*[If agency does not provide legal advice]*

We would then refer our client to solicitors so **[s/he]** may be advised and assisted in commencing judicial review proceedings against the authority.

*[If agency provides legal advice]*

In these circumstances we are instructed to commence judicial review proceedings against the authority.

We look forward to hearing from you shortly.

Yours faithfully

**[NAME]**

**[JOB TITLE]**

*Enc: Signed authority from **[CLIENT'S NAME]** authorising **[NAME OF AGENCY]** to act on their behalf and authorising disclosure of confidential information*

