

Homelessness Duty Protocol Agreement

Signed for on behalf of

Sanctuary Scotland HA Ltd

(name of RSL)

Signed for on behalf of

**Glasgow City Council
Homelessness Services**

Name (please print)

Robert Campbell

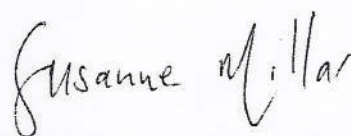
Name (please print)

Susanne Millar

Signature



Signature



Position

Housing Manager

Position

Assistant Director Social Work Services

Date:

3 March 2014

Date:

25th April 2013

Statement of Best Practice in Joint Working Between Glasgow City Council and Registered Social Landlords Operating in Glasgow

Homelessness Duty Protocol April 2013

SECTION 1: INTRODUCTION

1.1 This protocol is a working document that aims to provide sound basis for positive, partnership working between Glasgow City Council (GCC) and Registered Social Landlords (RSLs) in relation to the prevention and alleviation of homelessness and the creation and maintenance of sustainable tenancies and sustainable communities within the City. This protocol fits within an overall planning framework for the successful delivery of homelessness services in Glasgow. The protocol builds on joint working undertaken by GCC and RSLs in the Homelessness Duty Protocol Working Group (HDPWG).

1.2 The **legislative and contractual** framework which sets out duties and responsibilities for GCC and RSLs are as follows:

GCC

Housing Scotland Act 2001 Sections 1,2,3,4 and 6

RSL

Housing Scotland Act 2001 sections 5 and 6

Glasgow Housing Association (GHA)

Housing Scotland Act 2001 sections 5 and 6

Contractual arrangements under the stock transfer agreement.

All partners to this protocol acknowledge the provisions of the Homelessness etc (Scotland) Act 2003 particularly relating to:

- Section 11 notifications to the local authority
- The abolition of priority need by 2012.

1.3 Section 32B of The Housing (Scotland) Act 1987 (as amended by the Housing (Scotland) Act 2010)¹ places a legal duty on the council in relation to the assessment and provision of housing support. It is recognised by the council that RSLs will have an important role to play in supporting vulnerable households to access housing support services. The council will work with RSLs to ensure that housing support services are deployed effectively².

1.4 GCC and RSLs agree that the principal aims of this protocol are to provide a framework which maximises positive outcomes for homeless households. All partners are committed to agreeing referral

¹ <http://www.legislation.gov.uk/asp/2010/17/section/158/enacted>

² Further guidance is contained in the Scottish Executive Code of Guidance on Homelessness 2005
<http://www.scotland.gov.uk/Resource/Doc/53814/0012265.pdf>

arrangements which facilitate the most efficient, consistent and sustainable re-housing of homeless households and will develop appropriate processes within this framework as required. The protocol also takes account of the wider context of preventing and alleviating homelessness in Glasgow and seeks to provide a fair and effective method of meeting the needs of homeless households.

- 1.5 GCC will make Section 5 referrals directly to RSLs who will respond to referrals and fulfil the duty to offer appropriate permanent accommodation within the framework of this protocol or any locally agreed timescales based on RSL's lettings plans. Responses to referrals and offers of accommodation will be made directly to the relevant Community Casework Teams (CCTs) by RSLs. Procedural guidance has been developed and is incorporated in this protocol (see Section 4). It will be kept under review by the HDPWG.
- 1.6 In particular the Protocol seeks to ensure the smooth operation of the legislative duty upon RSLs, to comply with requests from the local authority to re-house homeless people including refugees who have leave to remain and who have sought assistance under homelessness legislation from GCC, in accordance with Section 5 & Section 6 of the Housing (Scotland) Act 2001. The terms of the legislation, and the guidance or regulations issued by Ministers in accordance with it, take precedence over the terms of this Protocol in the event that there is any conflict between them.

SECTION 2: PLANNING FRAMEWORK

- 2.1 The effectiveness of this protocol will depend on a planning framework both at a strategic and operational level being developed and implemented across the city by GCC and RSLs.
- 2.2 The framework will provide accountability and transparency to the Section 5 referral process and enable constructive dialogue and good working relations.
- 2.3 Effective information sharing between GCC and RSLs will be an essential part of this process.
- 2.4 To facilitate effective planning, agreed regular meetings between RSLs and CCTs will be held. The framework for these meetings will be agreed locally. The HDPWG will monitor the effectiveness of these local arrangements. CCTs will provide information which demonstrates demand from homeless households requiring permanent accommodation by
 - Family Composition
 - Size
 - Type
 - Location
- 2.5 The programmed schedule of regular meetings will agree:

- The Local Planning Framework, which will detail:
 - Anticipated lets number and type of lets for homeless households
 - Local information sharing arrangement
 - Monitoring arrangements
- 2.6 Details of RSL Letting Plans, voids turnover by size, type and area will be made available to CCTs. RSLs will also provide information annually on details of RSL demolitions, rehab programmes and development activity which will affect their void turnover and ability to house homeless households. RSLs and CCTs will monitor offers of accommodation which are refused. CCTS may also request additional information in order to deliver an effective service to homelessness applicants.
- 2.7 The property database, initiated and maintained by GCC Development and Regeneration Services (DRS), has been developed using information provided by RSLs. This database will underpin the planning framework and be the main source of information for targeting referrals to RSLs. However, on occasion, CCTs may request additional information. The database will require to be updated by RSLs in the city to ensure accurate information is retained. See Appendix 1.
- 2.8 RSLs and CCTs may wish to adapt these arrangements to suit local circumstances. These will be additions to the planning framework and must be agreed by the RSL representative and a Casework Service Manager in writing to ensure continued transparency of processes.
- 2.9 Both RSLs and CCTs will provide information to agreed timescales. It will be the CCT manager's responsibility to collate this information and develop a local area plan.
- 2.10 Each area plan will be considered by the HDPWG annually who will be responsible for ongoing monitoring of the framework.
- 2.11 Homeless prevention is a strategic objective for all partners as set out in Glasgow's Local Housing and Homelessness Strategies. Prevention practice by RSLs should be highlighted to GCC Homelessness Services. This will be taken into consideration when evaluating and monitoring prevention outcomes for potentially homeless households (see section 3)
- 2.12 Tenancy sustainment is undeniably linked to homelessness prevention both in initially preventing homelessness from occurring and thereafter in ensuring that those experiencing homelessness maintain any future tenancy. Tenancy sustainment should be a strategic focus for joint working between RSLs and GCC Social Work Services via the Essential Connections Forums and operationally through joint working in localities. This will be taken into consideration when evaluating sustainment outcomes for previously homeless households. Tenancy Sustainment Protocols will be developed within the city.

SECTION 3: PREVENTION OF HOMELESSNESS

- 3.1 For GCC the prevention of homelessness is a corporate responsibility whereby all the departments of the council should have a focus upon preventing homelessness and sustaining tenancies. However, it is acknowledged that Social Work Services has a lead role. The city's RSLs also have an important role in supporting households to sustain their tenancies. Both parties acknowledge that joint working will secure better outcomes for vulnerable households and will therefore work together to prevent homelessness where possible.
- 3.2 GCC and RSLs will work together to improve practice in homelessness prevention and tenancy sustainment. We will work together to improve information sharing, care coordination and tenancy support including the provision of Housing Support Services.
- 3.3 We will encourage improved links at a local level through joint training, staff briefings, regular meetings and/or annual or other events. At a city-wide level the HDPWG will constitute a Practitioners' Forum to share good practice between GCC and RSLs. The Practitioners' Forum will meet at least quarterly.
- 3.4 Partners will make advice and information available aimed at preventing homelessness.
- 3.5 Where an RSL becomes aware that a tenancy is likely to fail, every endeavour must be made to obtain any appropriate support for the tenant to prevent homelessness occurring. GCC should make every effort to respond to all requests for assistance to support vulnerable households at risk of homelessness. It should be acknowledged that assistance may be better provided by agencies other than GCC. It is recognised however that some households with complex needs may fail to engage with preventative measures.
- 3.6 Where an RSL is seeking to evict a tenant, Social Work Services must be informed prior to booking the case into court, in line with the Prevention of Homelessness Statement of Best Practice. Locality Social Work Services will have the lead role in providing assistance to RSLs who contact Social Work Services in relation to prevention of eviction cases. Social Work Services will ensure that referral routes are known to local RSLs.
- 3.7 In instances where an RSL tenant is made temporarily homeless by fire or flood, GCC may be required to provide temporary accommodation as an emergency measure whilst the RSL arranges alternative accommodation. The alternative accommodation must be arranged as soon as possible and the cost of temporary accommodation will normally be met through the RSL's insurance.

SECTION 4: THE REFERRAL PROCESS

- 4.1 Each RSL will have a named officer(s) to action Section 5 Referrals. Having completed a homelessness assessment and established a duty to re-house, the GCC caseworker will select the RSLs to which referrals will be made. Effectively this means that multiple referrals may be made. The GCC caseworker will regularly update information on progress/outcomes of multiple referrals and make this information available to housing providers to whom referrals have been made. The timescale for this action will be agreed and conveyed to all stakeholders.
- 4.2 This is done by taking into account:
- The areas where the homeless household requests housing.
 - Code of Guidance on Homelessness
 - The Planning Framework
 - Agreed local processes
 - Availability of Housing Stock
- 4.3 The caseworker will make formal Section 5 referrals to the selected RSLs. There is no requirement to make an informal enquiry before a Section 5 referral is made. The caseworker can contact RSLs informally if there is a need to do so.
- 4.4 When making a Section 5 referral the caseworker will disclose all the relevant information available about the homeless households including:
- Household information including contact details and National Insurance Number
 - Relevant details, if any, of tenancy history for the past 5 years
(This is covered in more detail in Appendix 5.1)
 - Information concerning assessed support needs and details of the actual packages of support that will be provided, including contact details of support providers and care managers
 - First Language of the household
 - Any other relevant information of which the RSL should be aware in attempting to ensure that:
 - i. An appropriate (sensitive) let can be made, and
 - ii. The tenancy can be successfully sustained
- 4.5 The decisions on referral remain with the caseworker. Any offer of a property by an RSL will be based on the information provided by the caseworker. The receiving Landlord should not be requiring the Homeless household to complete a Housing Application Form prior to considering them for an offer.
- 4.6 In line with data security procedures the caseworker will refer the case to RSLs by an agreed secure method.

- 4.7 The referral will include information about the contact details for the homeless household as well as any family member or adviser who needs to be involved. It will also specify any particular needs e.g. literacy or visual impairment and any particular language requirements.
- 4.8 The RSL may wish to make contact with the person to clarify circumstances, requirements and preferred location, and explain tenancy terms. RSLs should not use such contacts to re-examine the homeless assessment. The RSL can, however, proffer to GCC information that it had not previously been aware of when making the initial assessment. Any reassessment decision will be made by the CCT but appropriate information will be taken into account.
- 4.9 RSL's response is one of the following:

Situation A: RSL indicates willingness to comply but cannot indicate when a suitable property will become available within a 6 week period or beyond. This should not be seen as an indication that the referral can be returned after the 6 weeks, but should trigger a process for review dialogue between the casework team and the RSL at the 6 week stage and regularly thereafter. The purpose of the dialog is to:

- Establish if there is still a likelihood of compliance
- Establish if the casework service still requires the referral to remain live
- Agree a further period for the referral to be actioned before another review

Any decision to withdraw the referral at any point in this process must remain with the caseworker although dialogue may inform this decision.

Situation B: RSL indicates it will be able to comply with the request

- I. RSLs response should indicate, if known already, the property it proposes to offer (address, size, any other key features such as garden, major adaptations, etc) and proposed date of entry, which will normally be within six weeks of the original request.
 - GCC to confirm proposed offer is acceptable. The RSL may then make an offer of accommodation to the applicant, however the RSL must inform GCC (normally by email or telephone) of the full details of the offer including viewing arrangements if any to allow GCC to write to the applicant in order to formally discharge its duty.
 - Where GCC doesn't approve the RSL's proposed offer the reason will be given and the RSL may be asked to identify another property.

- II. The offer and the opportunity to view will normally remain open for maximum of 3 working days. An extension may be agreed by exception after joint consideration of the circumstances.
- III. RSL to communicate outcome of offer to the caseworker within one working day of receipt of household's decision; where household has accepted, RSL also to confirm to the caseworker agreed date of entry.
- IV. Where the household has not accepted the offer, the reason for the refusal will be communicated to the caseworker to allow them to consider if the offer was reasonable.
- V. Household and GCC Caseworker to accept or refuse the offer within maximum of 2 working days of viewing. In exceptional circumstances a longer period of time might be agreed with the RSL.
 - If the reason for the refusal can be addressed by some remedial action by the RSL (e.g. poor condition of property) the caseworker will check with the RSL whether and when this work will be carried out.
 - It will be the caseworker's responsibility to determine whether GCC Homelessness Statutory duty has been discharged. This will normally be done within 3 working days of the information about the refusal being received.
 - If the caseworker finally concludes that the offer is such that it is not reasonable for the homeless person/household to occupy the property on offer, for whatever reason, and that the duty has not been discharged then the RSL may be asked to make another offer.
- VI. If the caseworker decides that the reason for refusal is unreasonable, then (s)he will counsel the homeless household about the implications of refusing it. The homeless household will be informed at this stage of the right to have this decision reviewed under GCC's obligations for review of homeless decisions. The RSL will not be required to hold the property but a further offer may be required at a later date if the applicant changes their mind after counselling or if a formal appeal process is initiated by the applicant and the decision from the appeal panel is to procure a further offer of another suitable property. The RSL will undertake to make another suitable property available should this be the decision from the appeal panel.

Situation C: RSL indicates willingness to comply but cannot indicate when a suitable property will become available

- I. RSL response indicates willingness to comply but that no properties of the type requested are likely to be available within 6 weeks. RSL to give the caseworker approximate estimate of possible availability.
- II. Caseworker to consider RSL response and, within 5 working days, respond to RSL. Where there is good reason to locate the homeless

household within the RSL despite the lack of availability or where the need for a specific size or type of property will make availability problematic, the caseworker's options are:

- Within the 5 day period, to negotiate with the RSL, in conjunction with the homeless household, an alternative timetable for compliance: in legal terms this effectively means that the caseworker is (1) accepting the RSL's good reason not to comply within a reasonable period; and (2) making an alternative request. By agreement, the alternative timetable may need to be subject to fortnightly review by both parties, as the RSL may not be able to specify exactly when a vacancy will arise. Initial negotiation may be by telephone or in person, but outcome should be by the agreed method.
 - To withdraw the request (this may occur after formal contact between the parties to discuss likely/possible timescales).
- III. Where by mutual agreement a Section 5 referral is accepted with an extension to the normal 6 week turnover target such a referral will be monitored and reported separately to avoid adverse affects on performance figures.

Situation D: RSL indicates it has good reason not to comply

- I. RSL response specifies its reasons for non-compliance, which shall be in line with the Ministerial guidance. In other words the RSL will be stating that, based on current availability and turnover figures, they cannot comply. RSLs making such a response should quote turnover details.
- II. As agreements about Section 5 referrals in clearance areas will be made within the Planning Framework, it will not be acceptable for RSLs to refuse a Section 5 referral on this ground for the remainder of their stock.
- III. The caseworker to consider the RSL response and, within 2 working days, respond to the RSL. The Caseworker's options are:
 - Within the 2-day period, to contact the RSL to discuss the RSL's response; this could lead to the RSL agreeing to reconsider the request
 - To withdraw the request (this may or may not be after formal discussions with the RSL)
 - To indicate commencement of period of 5 working days within which the parties must reach agreement or submit to dispute resolution or arbitration (this would arise only where formal discussions between the parties have ended in a failure to agree)
- IV. **Dispute Resolution** - in the case of dispute, Senior Officer(s) (each party to nominate at point of dispute) from GCC and RSLs will review the circumstances. Before arbitration, recourse may be had by agreement

to a third party, who may be a member of the HDPWG and suitably qualified to offer a suggested resolution of the dispute in keeping with legislation.

SECTION 5: INFORMATION EXCHANGE

- 5.1 This section of the protocol is aimed at supporting the effective exchange of information between GCC Community Casework Services staff and RSL staff. The Homelessness Duty Protocol should be read in conjunction with the SWS/RSL Statement of Best Practice on Sharing of Client/Tenant Information.
- 5.2 All parties to the Homelessness Duty Protocol acknowledge and accept that the exchange of information between GCC and RSLs will be used to ensure positive housing outcomes for homeless households.
- 5.3 The provision of accurate information regarding households will ensure:
 - That homelessness households secure housing appropriate to their needs
 - That appropriate support packages will be put in place/remain in place
 - Any concerns regarding risk or vulnerabilities are shared
 - The likelihood that households will sustain their tenancy
- 5.4 The provision of accurate information regarding households is not to be used to prevent households from accessing appropriate accommodation.
- 5.5 Good information exchange between agency staff is based upon trusting working relations. All parties to the Homelessness Duty Protocol agree to engage in appropriate activities to build on the trust which exists between GCC Homelessness Community Casework Services and RSLs this may include joint training, job shadowing and liaison meetings at a city wide and locality level.
- 5.6 This protocol is written within the context of all parties' obligations under the Data Protection Act 1998 which requires that personal data obtained is processed and disclosed fairly and lawfully, is processed only for certain purposes; is accurate, relevant, held no longer than necessary and is kept securely.
- 5.7 Any information exchanged between GCC and RSLs should be done with the informed consent of service users except in rare and very specific circumstances outlined in the SWS/GHA Statement of Best Practice on Sharing of Client/Tenant Information (See Appendix 4). It should be noted that all homelessness applicants are requested to sign a consent to share information mandate at the point of application. This mandate provides GCC with explicit consent to share relevant information in order for it to discharge its statutory duty – the securing of settled accommodation is a statutory duty for GCC.
- 5.8 In order to ensure that staff are aware of their obligation under data protection principles and importantly what staff can and cannot do both

parties commit to ensuring that their staff are aware of what they are able to share with other agencies. All parties are committed to sharing information where it is lawful to do so, to ensure the best interests of service users are served.

5.9 Where GCC, in making a homelessness assessment, believes that the applicant has previously resided in a property owned by the RSL either as:

- The tenant or
- A member of the tenant's household,

The RSL will co-operate in supplying relevant information requested about such residence details in order to inform GCC Homelessness Assessment.

5.10 In making a referral to an RSL, GCC will provide all relevant information about the homeless applicant. (See Section 4: The Referral Process)

5.11 Relevant information will be given about an applicant's current circumstances (including tenancy history, if any, over the past 5 years), relevant to an appropriate allocation and the sustainability of a tenancy. This should include:

- Household information including contact details and National Insurance Number
- All relevant details, including,
 - if any, detailed tenancy history for the past 5 years
 - Information concerning assessed support needs
 - Details of the existing packages of support that will be provided
 - Contact details for all agencies known to be involved with the Households
- Any other relevant information which the RSL should be aware of in order that:
 - An appropriate (sensitive) let can be made, and
 - The tenancy can be successfully sustained
 - SWS and the RSL can discharge their respective responsibilities to safeguard vulnerable adults and children and protect the public.

5.12 This may involve the sharing of information on:

- A history/ongoing substance abuse issues
- A history/ongoing mental health needs
- Communication issues – interpreters, literacy – state whether support is being provided
- Known risks or vulnerabilities
- Previous rent arrears and causes of this

5.13 Any concerns regarding the quality of the information forwarded by GCC Casework should be raised with the Casework Services Team Leader.

- 5.14 This information will be passed to the RSL at the point where the referral is being made. It must not be used to question the caseworker's decision.
- 5.15 Exchange of all relevant information is essential for both the prevention of homelessness and for the sustainability of permanent tenancies offered to homeless persons. At all stages processes will be compliant with confidentiality requirements and Data Protection legislation.

SECTION 6: ARBITRATION

- 6.1 In accordance with the provisions of Section 6 of the Housing (Scotland) Act 2001 the parties to this Protocol will agree to the appointment of an arbiter who will have the final say in the event of disputes arising from a RSL's refusal to comply with a request from GCC to re-house a homeless household. The Scottish Government has issued guidance to LAs and RSLs in this respect. The parties will not move to arbitration until the dispute resolution process set out in 4.9 Situation D IV has been followed but has failed to resolve the issue.

SECTION 7: TRACKING AND MONITORING OF REFERRALS

- 7.1 The RSL will immediately (within 1 working day) notify the caseworker of the outcome of both successful referrals and refused offers.
- 7.2 The agreed method of reporting from RSLs to GCC will include:
- The total number of referrals received and their outcome
 - Data on the overall number (including sizes and types) of lets by RSL, by source category (e.g. own waiting list, transfers, homeless referrals, etc)
 - All figures must be agreed between relevant CCTs and individual RSLs.
- 7.3 On a quarterly basis GCC will supply to all RSLs total figures for both the period in question and, cumulatively, for the year so far:
- The total number of homeless acceptances for permanent accommodation – broken down by RSL
 - An analysis of referrals made to each RSL within the City and their outcome
 - The monitoring information should be viewed in the context of all of the responses to homelessness in Glasgow including special lets for homeless persons and the prevention of homelessness.
- 7.4 The monitoring information should therefore include:
- Details of Section 5 referrals made
 - Numbers accepted/refused

- Time taken from referral to offer of permanent accommodation
- Details of households referred directly from homelessness projects

Monitoring information should include actions taken to prevent homelessness.

7.5 The HDPWG will be responsible for ensuring the effectiveness of local planning arrangements.

SECTION 8: REVIEWING THE OPERATION OF THE PROTOCOL

- 8.1 The Protocol is an evolving and dynamic document. HDPWG will meet on a regular basis to discuss and review the general operation of the Protocol based on monitoring information and consider the need for any change to it. In particular, account will be taken of decisions overturned on appeal and decisions reached at arbitration.
- 8.2 The HDPWG will take a strategic overview of the implementation of this protocol. The group will agree the figures on Section 5 referrals which will inform the annual report which is submitted to GCC around the activity of allocations to homeless households. The HDPWG may also agree actions to enhance cooperation and joint working between GCC and RSLs.

SECTION 9: AVAILABLE PROPERTY OUTWITH THE SECTION 5 PROCESS

- 9.1 RSLs are encouraged to advise CCTs of the availability of any void properties which could be offered to homelessness households. Where a property does become available to let and the RSL wish it to be considered for let to a homeless household and there is no Section 5 referral loaded with the RSL, the RSL should contact a Team Leader within their local CCT. On receipt of any such advisement the receiving CCT will be responsible for informing all CCTs via email of availability if they are not able to make use of the property and a copy of the email will be sent to the RSL for information.

Appendix 1 Planning Framework

The Homelessness Duty Protocol Working Group (through GCC Development and Regeneration Services Housing Division) is proposing to update the information previously requested from RSLs on housing stock type/size etc and void turnover rate. This information will assist Community Casework Teams to make better informed referrals to RSLs and to better manage customer expectations around potential housing options. A more efficient and effective referral process is central to strengthening protocol arrangements and will bring benefits to all partners and homeless households.

The information that has been requested will also be important for housing planning purposes. In addition to the above, the request includes data on adaptations, special needs provision, rehabilitation etc. A comprehensive and up-to-date property database will advance the development of an evidence based approach to strategic planning at a citywide and local level across a number of housing/housing related activities and will be of benefit to all partners.

It is planned that this information database will be updated by DRS on an annual basis and that it will be available to all partners.

- Oversee the Operation of the Homelessness Duty Protocol between Glasgow City Council and Registered Social Landlords within the city
- Ensure the continued relevance of the terms of the protocol. This will include immediate review of the current protocol with additional reviews of the effectiveness of the protocol periodically
- Agree a shared reporting framework on the operation of the protocol for the relevant political and accountability structures
- Agree a framework for the effective exchange of appropriate management information to ensure the operation of the Homelessness Duty Protocol
- Identify and address areas of common concern to effective service provision in relation to the provision of accommodation and support to those affected by homelessness
- Take cognisance of legislative requirements

Appendix 2

Homelessness Duty Protocol Working Group Remit

Purpose

The purpose of the Homelessness Duty Protocol Working Group is to provide a city wide forum for housing associations and Glasgow City Council to discuss common issues in relation to the effective supply of accommodation, which addresses the demand from households experiencing homelessness.

The group will also consider and review matters of strategic relevance in relation to the delivery of services to homeless households and those at risk of homelessness to prevent and alleviate homelessness in Glasgow

Remit

To ensure the effective operation of the Homelessness Duty Protocol and efficient communication between Glasgow City Council Homelessness Services and Registered Social Landlords at a strategic level to ensure best practice at an operational level.

Specific Tasks

- Oversee the Operation of the Homelessness Duty Protocol between Glasgow City Council and Registered Social Landlords within the city
- Ensure the continued relevance of the terms of the protocol. This will include immediate review of the current protocol with additional reviews of the effectiveness of the protocol periodically
- Agree a shared reporting framework on the operation of the protocol for the relevant political and accountability structures
- Agree a framework for the effective exchange of appropriate management information to ensure the operation of the Homelessness Duty Protocol
- Identify and address areas of common concern/barriers to effective service provision in relation to the provision of accommodation and support to those affected by homelessness.
- Take cognisance of legislative requirements.

Appendix 3

Exert of Statement of Best Practice on Joint Working Between GCC and RSLs Sharing of Client/Tenant Information

The consent of the client/tenant before sharing information and conditions for sharing data in the absence of consent

- Personal information should only be shared on the basis of client/tenant consent.
- Schedules 2 and 3 of The Data Protection Act 1998 provide exemptions where personal and sensitive personal information may be shared on grounds other than consent.
- There are circumstances where client/tenant consent either cannot or should not be sought but where information sharing is necessary.
- Where there is a significant risk in terms of the safety of the client/tenant or other persons (including staff and the general public) information may be shared without consent. Sharing of information without consent in situations where public safety is involved must be carefully documented.
- When information is shared between GCC and RSLs in order to prevent a crime it may be shared regardless of the client/tenant's consent. Such an approach is permitted under Section 29 of the Data Protection Act 1998 where seeking consent would prejudice the purpose of crime prevention. Appropriate alerts may be held on a tenant's record and may be shared between relevant agencies without client/tenant consent. These alerts must be continuously monitored to ensure they are accurate and up to date and all changes notified to all partner agencies. The sharing of any personal or sensitive personal information in the absence of consent must be carefully documented.
- Where consent is refused or cannot be obtained, then information sharing may still proceed after consideration by the member of staff of the reasons for refusal or failure to obtain consent. The reasons for proceeding to share information in the absence of consent must be carefully documented. It should be noted that unauthorised disclosure can result in criminal prosecution and may also have consequences in the Civil Courts. In cases of dubiety staff should consult with their line manager in their organisation. If staff, acting reasonable and after consultation with their line manager, have determined that information will be shared without the consent of the individual (and have checked that it is lawful to do so in the particular circumstances), then consent to sharing information should *not* be sought as it would be misleading to the individual to seek such consent knowing that any refusal will be overridden in any case.

