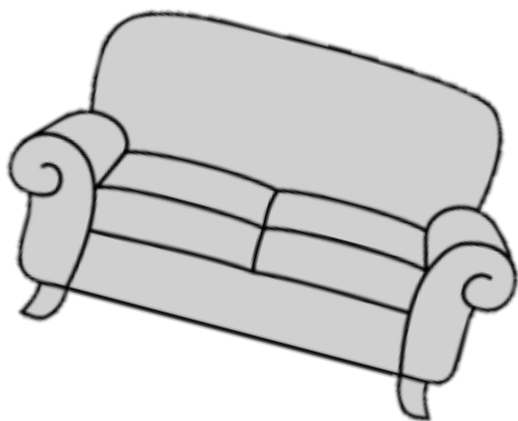


Are you homeless or at risk of becoming homeless?



Know your rights

Am I homeless?



Under the terms of the Housing (Scotland) Act 1987 you are legally considered homeless if you meet ANY of the following:

- Have no accommodation for you and your family to live together whether inside or outside the UK
- You have accommodation but cannot access it safely or secure entry to it e.g. due to violence, harassment or have a mobile home but you have nowhere to put it
- Your accommodation is overcrowded and occupation is potentially harmful to your health
- You are threatened with violence by others living with you and/or by those who previously lived with you
- You are living temporarily with friends or family, e.g. 'couch surfing'
- You are living in temporary accommodation provided by a local authority

If you are likely to become homeless (under any of the above criteria) within two months then you are considered as being threatened with homelessness.

Where can I get help?

Your local authority is legally obligated to advise and assist you. If you are homeless or threatened with homelessness you should approach them as soon as possible. More information on how to get help is contained in this document.



Will I qualify for support?



If you don't have anywhere to live, the council may be responsible for housing you.

Important! - Some people from abroad are eligible for help from the council but many are not, including most asylum seekers. If you don't have the right to reside in the UK, you should get specialist immigration advice from the Citizens Advice Bureau or other agency before you contact the council

The council will go through three steps when deciding whether you qualify for support. They should offer you temporary accommodation while they are looking into your application.

Step 1: Are you legally homeless?

If you are living in any of the circumstances listed in the first section of this leaflet, you may be legally homeless. If you think that you are likely to become homeless in the next two months, do not wait to become homeless before you contact the council. They can also help people threatened with homelessness and assist in prevention of homelessness by providing Housing Options Advice and referring to the relevant support services.

Step 2: Are you intentionally homeless?

Although there is no longer a duty for the council to investigate if a person is intentionally homeless they do have the power to do so. This means they can look at the reasons that led to you becoming homeless and consider the following:

You deliberately did, or did not do, something that meant you had to leave your accommodation.

You were aware of all the facts and knew that your actions could lead to you becoming homeless.

It was reasonable for you to continue to live in your accommodation and it was available for you to live in.

You are not responsible for the actions of the other people you live with unless you knew about their actions and did nothing to stop them.



Will I qualify for support?



Step 3: Do you have a local connection?

If the council decides that you are not intentionally homeless, you have the right to permanent accommodation. The council no longer has to consider if a person has a local connection to the presenting local authority area. The only time the council would investigate local connection is if a person has presented from an area out with Scotland. If you wish to be considered in another local authority area you should discuss this with the named officer dealing with your case.



Applying: What is involved?



This page will tell you how to apply for accommodation. If you do not understand any part of this process, the Citizen's Advice Bureau can help you.

Stage 1: Making contact with the council

You can make contact with the council and get an interview by:

Going to see them in person:

Homelessness Team
Springkerse House
5 Springkerse Road
Stirling
FK7 7SN

Access information online:

<https://my.stirling.gov.uk/housing-council-tax/homelessness/housing-option/>

Telephone: 01786 237900 (during office hours)

01786 404040 (24 hours a day)

Or

Customer First
1-5 Port Street
Stirling
FK8 2EJ

Phone:

01786 404040 (Mon-Fri 9am-5pm)

(Ask for the housing options and allocation team)

Email: housingoptions@stirling.gov.uk



Applying: What is involved?



Stage 2: Getting ready for your Interview

When you are given an interview date, you should take all documentation relating to your circumstances with you. This includes proof of:

- Where you currently live
- Where you have lived before – 5 years address history
- Why you can no longer live there (Although in cases of domestic violence this may be difficult)
- All children and vulnerable people living in your household and to be rehoused with you

Bring as many of the following documents with you that you can as they act as proof:

ID – Proof of Identity

- Birth certificate
- Passport
- Immigration status (Immigration Status Document)
- Driving licence
- Medical card
- National insurance card
- Travel passes with your photo on it.

Evidence of why you are homeless or about to become homeless.

- Letter from parents/relatives/friends confirming you are being asked to leave.
- Rental agreement and Notice to quit from your landlord (For example an eviction notice)
- Repossession letter from your mortgage lender
- Eviction documents from the court



Applying: What is involved?



Evidence of where you live (If you are not currently homeless)

- Your tenancy agreement
- Utility bills that have your name and address on them such as a phone or electricity bill
- A letter addressed to you from:
 - A school, college, or university
 - Your doctor or the hospital
 - Your employer
 - Department for Work and Pensions or the Jobcentre
 - Your solicitor
 - Your social worker

Other Evidence of your Personal Circumstances

- Birth certificates of your partner and your children
- Wage slips
- Proof of pregnancy If you or anyone else in your household is pregnant
- Hospital ante-natal record book
- Doctors and/or a hospital letter about any health problems
- Written discharge letter from the armed forces
- Copies of relevant police reports (for example anti-social behavioural orders)



Applying: What is involved?



Stage 3: The Interview

You may be given an interview straight away if you have nowhere to live. If not, you will be given an appointment and you might have to wait a while.

You are entitled to:

- Have the interview where you are currently living (This has to be arranged before the interview date)
- Have someone with you for support
- Ask for the help of an interpreter If you cannot hear well or English is not your first language you can ask
- Ask for an interviewer of the same gender as you
- Be interviewed in a private room

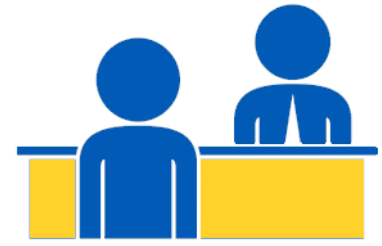
The interviewer will ask you many questions about your situation, some which could be personal and could upset you. If you feel that you cannot continue with the interview, you are entitled to rearrange another interview for when you feel better.

The interviewer should also help you make plans to store your belongings if you cannot do this yourself. This service is not free and once your application has been completed, the council will dispose of your belongings if you do not collect them within 6 months of your application closing.

After the interview the council has 28 days to make its decision. Whilst the council does this, you should be given temporary accommodation if you have nowhere else to stay.



After your interview



All applications are investigated fully by your Housing Options/Homelessness Officer. The council will consider your application using the criteria previously outlined

A decision should be reached in 28 days. Once they have made their decision you will be notified in writing.

Temporary Accommodation:

Whilst your application is being processed the council has a duty to provide you with suitable temporary accommodation if you require this. You do not have to require temporary accommodation to be considered as homeless as you may have a temporary option available to you i.e., staying c/o friends or family.

Where possible a furnished council owned property would be offered whilst you await their decision.

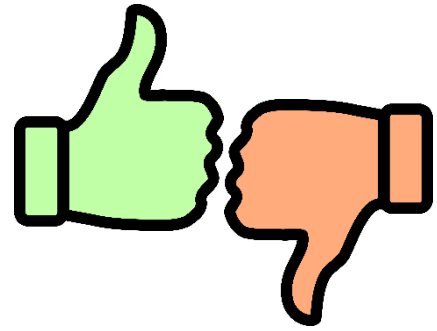
Bed and Breakfast accommodation would only be offered if no other accommodation is available. In the case of families with children or pregnant women, Bed and Breakfast accommodation would only be offered as a very last resort.

However, this accommodation is NOT free, and you are expected to pay for the accommodation as well as for the storage of your personal belongings. The council should ensure that a Housing Benefit claim is completed to cover the rental costs for temporary accommodation.

If you need further advice/assistance on your entitlement to housing benefit to cover the cost of the temporary accommodation this can be provided by the council and/or the Citizens Advice Bureau.



Application outcomes



Successful Applications:

If the council accept your application, they have a legal duty to provide you with accommodation and will do the following:

- Provide you with two reasonable offers of secure housing. (If you refuse two reasonable offers you may be removed from the homeless list).
- The council will do their best to find accommodation which suits your needs and preferences. Housing is limited, and it may not be possible to meet all your needs. Stirling Council state that the rehousing process may take months or even years.
- It is recommended that you also register with the local Housing Associations who also have housing stock within the area. (links to these can be found in useful contact information)

Unsuccessful Applications:

When you are informed of the council's decision, they will provide you with details on how to request a review/appeal of their decision.

You must apply within 21 days (3 weeks) of receiving your decision letter. To ensure your review/appeal is managed fairly and impartially, a senior housing officer not involved in the original application will consider the case and make the final decision. When the decision is made on your appeal you will be informed in writing.

If you are declared intentionally homeless:

The council should provide advice and assistance to you in finding accommodation.

If you are living in temporary accommodation provided by the council, you may be entitled to remain there for a 'reasonable period of time' while making efforts to secure alternative housing after the decision is made.



What if I have a pet?



Pets can only be taken into temporary accommodation if it is suitable for them and permissible to do so. You cannot take pets into bed and breakfast or hostel accommodation. If you are unable to take your pets animal welfare organisations can provide assistance. (Additional information for these organisations this is available in the 'useful contacts' section at the end of this document.)

Appeals and further action



If you are unhappy or disagree with the decision made by the council, you can appeal against it. It is advised you contact Citizens Advice Bureau before you do this. The appeal must be made within 21 days of receiving the decision; NOT the date printed on the letter. It is important that you have the decision in writing because this will make the process easier. The bureau will then contact your named officer; this is the person who made the decision. The appeal will then be seen by someone who has not dealt with your case before.

You can appeal the decision, if you disagree with it for the following reasons:

- They have decided you are not homeless.
- They have decided that your own actions have made you homeless and when they would find you intentionally homeless.
- They have decided you do not have a local connection (from out with Scotland)
- The accommodation you have been offered does not suit your needs. (Please seek advice before appealing on this ground)

If you are appealing the unsuitability of temporary accommodation offered you can either accept the offer while your appeal is being considered or make your own temporary arrangements until you receive outcome of appeal.

The council must acknowledge and respond to your appeal. They will then give you a decision date. This normally takes 28 days, after which you should be sent a letter; either to where you are living, or to the council offices for you to collect. This letter will tell you:

- What has changed (if anything)
- How this decision has been made.

If you believe this decision is wrong, seek advice from Citizen Advice Bureau. Once the appeal has taken place the decision cannot be considered again.



Appeals and further action



Further Action

If you think the council did not follow the right steps in making its decision, which are set out by the Scottish Government, you can make a complaint to the Scottish Public Services Ombudsman.

If the Ombudsman finds that the council did not act fairly and did not follow the right steps, they can recommend that the council pays compensation to you or can take further action.

Judicial Review

If you think that the council has acted unlawfully by not applying the correct procedures, you can seek a Judicial Review. This process does not challenge the decision made by the council, instead, it involves looking at how the decision was made. This process cannot change the original decision but can result in the council being required to look at your case again. If you would like a Judicial Review, please visit Citizens Advice Bureau. Judicial Review is a lengthy complex process and you would have to engage the services of a solicitor.



Appeals and further action



If you are not happy with the decision of your application, you can ask for a review. This can be complicated and a solicitor might be needed so you should ask Shelter or the Citizen's Advice Bureau before you start. You need to ask for review within 21 days of receiving the decision in writing for it to be considered.

You can ask for a review if:

- You think the council's decision was wrong
- You think the temporary or permanent accommodation they have given you is not right

This process normally 28 days and the council will give you a date for when the review will be finished. You will receive a letter telling you the details of the review and this will be available for you to pick up at the council offices or will be sent to you.

Further Action

These further steps should only be considered if your appeal/review was not successful and should be investigated as soon as possible. It is strongly recommended that you ask the Citizen's Advice Bureau for more information and advice for continuing.

You can make a complaint to the Scottish Public Services Ombudsman if:

- You think that proper guidelines set out by the Scottish Government were not followed by the council.
- You think that you have been discriminated against.
- There was an unreasonable delay making the decision.
- The advice you were given was wrong or unreasonable in some way.



Appeals and further action



The Ombudsman can look at how the council managed your case. If the Ombudsman find that the council did something wrong, a recommendation can be made that the council either takes further action to fix what they did wrong or give you compensation.

You can ask for Judicial Review if:

- You think that the council has acted unlawfully and not complied with the legislation when dealing with your case.

A judicial review looks at how the decision was made and not whether the decision was correct or not.



Recent Changes

Since November 2019 in Scotland local authorities no longer have a duty to investigate whether you are intentionally homeless but they do have a power to do so.

- the local authority may still choose to assess you but it is up to them to prove that you became homeless intentionally and not for you to prove that you did not.
- you may be found intentionally homeless if you deliberately did, or failed to do something, that causes you to leave housing that was/is available and reasonable for you and anyone else in your household to stay in.

Since November 2022 local authorities in Scotland no longer apply the local connection test which allows you to make a homelessness application to any local authority in Scotland.

The exception to this is if a person has presented from out with Scotland.

How these changes might affect you.

- It could cause a rise in homeless applications meaning longer waiting times to be assessed.
- It could cause a strain on local council resources also meaning a longer waiting time.
- It could place pressure on the housing market meaning less housing being available.

If you need help or advice from the Stirling CAB Housing/Homelessness Adviser please email Liz.Whyte@stirlingcab.casonline.org.uk or telephone 07300 867 213 – working days are Monday, Tuesday and Wednesday morning.



Useful contact information

Debt Advice

Stirling Citizens Advice Bureau
Norman MacEwan Centre
Cameronian St
Stirling
FK8 2DX

Telephone: (10am-3pm) 01786 470239

Stirling Council Money Advice Service
Allan Water House
32 Kerse Road
Stirling
FK7 7SG

Telephone: (Mon-Fri 9am-4.30pm) 01786 233528

Also email template available at www.stirlingcab.org.uk

National Debt Line

Telephone: (Mon-Fri 9-8pm, Sat 9.30-1pm) 0808 808 4000

Webchat Available

Benefits Advice

Stirling Citizens Advice Bureau
Norman MacEwan Centre
Cameronian St
Stirling
FK8 2DX

Telephone: (10am-3pm) 01786 470239

Jobcentre Plus Stirling
South Lodge
2 St Ninians Rd
Stirling
FK8 2HF



Useful contact information

Links to Other Housing Providers

Rural Housing Association <https://rsha.org.uk/>

Paragon Housing Association www.paragonha.org.uk

Link Housing Association <https://linkhousing.org.uk/>

Forth Housing Association <https://www.forthha.org.uk/>

Shelter and Supported Housing Providers

Hanover Housing Association www.hanover.scot

Trust Housing Association www.trustha.org.uk

Blackwood Homes www.blackwoodgroup.org.uk

Bield Housing Association www.bield.co.uk

Food Help

Stirling Salvation Army

Address (Homeless meals: Mon-Fri 3pm)

19 Drip Road

Stirling

FK8 1RA

Telephone: 01786 448923

Start Up Stirling Food Bank

Access to food services available through referral only.

Referrals can be made by Stirling CAB, contact us using the information on the previous page.

Transition Stirling (Community Food Hub)

5 Wellgreen Lane

Stirling

FK8 2BS

Medical Help

NHS24 Out of Hours GP Services

Freephone: (24/7): 111



Useful contact information

Helpline and Specialist Services

Samaritans (24/7)

Freephone: 116 123

Email: jo@samaritans.org

Mailing address (Aim to reply in 7 days):

Freepost RSRB-KKBY-CYJK (In place of a stamp)

Chris

PO Box 9090

STIRLING

FK8 2SA

Shelter Scotland:

Freephone: (Mon-Fri 9am-5pm): 0808 800 4444

Webchat sometimes available

Shelter online: https://scotland.shelter.org.uk/housing_advice

Abused Men in Scotland (AMIS)

Telephone: (Mon-Fri 9am-4pm): 03300 949 395.

Email to: support@amis.org.uk

Stirling and District Women's Aid

Unit 7

Stirling Arcade

Stirling

FK8 1AX

Drop in: (Mon-Fri 10am-3pm)

Advice line: 01786 470897

Email: info@stirlingwomensaid.co.uk



Useful contact information

Signpost Recovery (Help with substance misuse, physical and mental health and more)

Units 1&2, Block 7

Cooperage Business Village

Cooperage Way

Alloa

FK10 3LP

Telephone: 01259 272112

Email: info@signpostrecovery.org.uk

Pet Services and Support

Pet Fostering Service Scotland (Temporary and emergency care for pets)

PO Box 6

Callander

FK17 8ZU

Telephone: (7p per minute, 9am-7pm): 0344 811 9909

SSPCA (May be able to help rehome your pet)

Freephone: (7am-9pm) 03000 999 999

Cats Protection

Forth Valley Adoption Centre

Ochil vale Terrace

Fishcross

FK10 3HT

Telephone: (Wed - Mon 1:30pm – 3:30pm): 01259 720555



Useful contact information

Phone us on:
01786 470 239.

Norman MacEwan Centre
3 Cameronian Street
Stirling
FK8 2DX

Opening hours for Telephone Advice Line service:

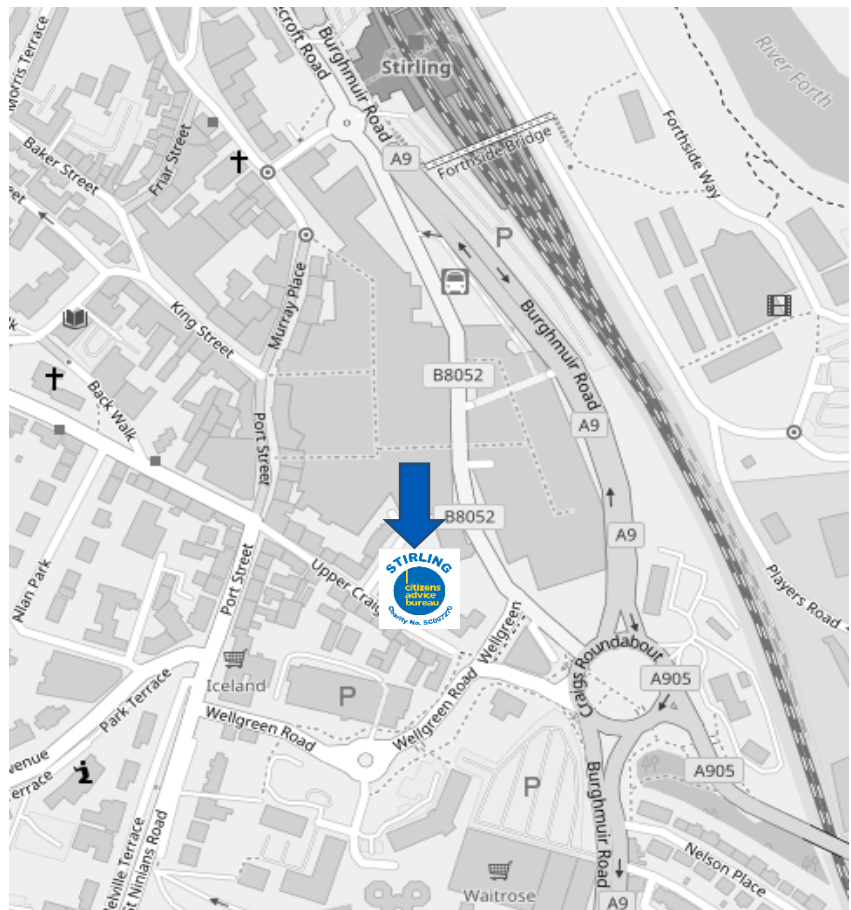
Monday: 10am to 3pm
Tuesday: 10am to 3pm
Wednesday: 10am to 3pm
Thursday: 10am to 3pm

Out of hours helpline:
0808 800 9060

Monday - Friday: 8am to 8pm
Saturday: 10am to 2pm

Or visit online for email
template and information:

stirlingcab.org.uk



The CAB Service Twin Aims

- To ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities or of the services available to them, or through an inability to express their needs effectively
- To exercise a responsible influence on the development of social policies and services both locally and nationally.

