

PLACE OVERVIEW AND SCRUTINY COMMITTEE



Report subject	Overview of SWEP protocol (Severe Weather Emergency Protocol)
Meeting date	21 September 2022
Status	Public Report
Executive summary	<p>The committee has requested a briefing with regard to SWEP and this report seeks to provide a thorough overview regarding this very important and potentially lifesaving intervention. Starting with some background and a description of the current SWEP arrangements and triggers, the report then moves on to discuss the wider offer that is in place all year round for those verified as rough sleeping in the BCP area.</p> <p>Following some detail regarding outcomes, the report then moves on to look at the protocol review process, including that taking place this year, and underway now, which includes benchmarking with several other Local Authorities.</p> <p>Finally the importance of partnership working in this area is discussed as well as looking at financial considerations.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>the report be received and noted.</p>
Reason for recommendations	Report requested by committee

Portfolio Holder(s):	Councillor Karen Rampton, Portfolio Holder - People and Homes
Corporate Director	Jess Gibbons, Chief Operations Officer
Report Authors	Fraser Nicholson, Homelessness Partnerships Coordinator, Ben Tomlin, Head of Housing Options and Partnerships
Wards	Council-wide
Classification	For Information

Background

1. The accepted definition of SWEP is that it is an emergency response targeted for those people sleeping rough, and applies in extreme weather all year round, including storms and heatwaves as well as very cold weather. Nationally acknowledged Homeless Link guidance defines SWEP as *“a locally agreed procedure and offer, followed to minimise harm or death to anyone who might be sleeping rough, through the provision of emergency accommodation to support someone off the streets immediately”*.
2. There is no Statutory Duty placed upon local authorities to provide SWEP, it is strongly recommended it is provided and that the offer is robust and meets minimal criteria. Homeless Link are a national charity who work closely with Government departments including the Department for Levelling Up Housing & Communities (DLUHC) and they are the national membership charity for organisations working directly with people who become homeless in England. They work to make services better and campaign for policy change that will help end homelessness. They publish annual guidance to Local Authorities and partner agencies in order to help ensure the best and most appropriate SWEP provision and safeguard lives. BCP Council and our commissioned Rough Sleeper Outreach Service, St Mungo’s participate in SWEP workshops facilitated by Homeless Link each year.
3. Traditionally, both nationally and in the BCP area, SWEP provision has consisted of overnight accommodation in communal settings such as church halls and supported housing schemes.
4. BCP Council adopted a single SWEP protocol in 2019 (aligned from legacy Councils), which has been reviewed annually in partnership with St Mungo’s. St Mungo’s’ are contracted to lead in the coordination of SWEP. As the outreach team are working with those rough sleeping on a daily basis, they have very good intelligence regarding who is on the streets, their needs and work with them regarding solutions, as well as working closely with the

Council Housing team, Voluntary & Community Sector (VCS) and other members of the Multi-Disciplinary Team (MDT) which meets weekly to review and find housing solutions for those sleeping rough.

5. The prime focus on SWEP is to safeguard lives from extreme weather. There have been no rough sleeping fatalities due to extreme weather during the three years since the formation of BCP Council, which indicates that it an effective measure

Current model of provision

6. Following the COVID-19 pandemic in March 2020, communal places for providing SWEP accommodation has not been recommended by DLUHC due to the ease of COVID transmission in such settings. The SWEP protocol was updated accordingly. At the start of the pandemic, the Government issued a mandate to all councils to accommodate all those rough sleeping. This initiative was called 'Everyone In' and BCP Council and others across the country helped over 400 people access safe place to stay, commonly in single occupancy hotel rooms.
7. In Winter 2020/21 *Everyone In* was still active, some people continued to rough sleep and SWEP was required. The model used was essentially the same as *Everyone In*, with hotel rooms used, multi-agencies wrapping support around individuals in the hotel settings and the opportunity taken to try and ensure those accessing SWEP remained in accommodation, with some significant success.
8. Last winter, with increased risk from COVID-19 variants, the same model of hotel provision was used successfully. Many of those rough sleeping were brought inside for the entire duration of the Winter period and provided a good tool for encouraging positive engagement, with targeted Government grant funding received to cover the period 1st Dec 2021 to 31st March 2022 including the cost of additional support for the people housed. SWEP was activated once last winter during this period. Consideration was given to activate on several occasions; however no trigger was met to activate.
9. The current mandatory trigger for SWEP is where there are three nights or more whereby the minimum temp will be zero degrees Celsius or less, where there is an amber or red weather warning, such as due to a severe storm or, as we have had this summer, a heatwave with related risks. The MET Office weather forecast is used when planning and assessing SWEP. The heatwave scenario is much less frequent compared to cold weather alerts.
10. It has been important to ensure discretion is also applied when considering SWEP activation.
11. The hot weather SWEP offer includes the provision of water, sun lotion, hats and other essentials as well as advice on keeping safe, where to find water refilling points and cooling off places, rather than universal accommodation provision, although everyone's accommodation offers will be reviewed, and accommodation may be offered based on increased individual risks.

SWEP Triggers

12. SWEP is triggered by mutual agreement by a senior manager from the Housing Service, and senior manager from St Mungo's. However, the triggering is dictated by the protocol,
13. Where the prerequisite trigger outlined in the protocol is not applied, there remains flexibility and discretion to activate or extend SWEP. As weather events are never the same, a broader trigger definition is used rather than unwieldy descriptions of specific conditions or an event.
14. Examples of where discretion has been used, include continuing with SWEP when the temperature has risen slightly but where there was clear indication that it was due to drop again in future nights. The triggering of SWEP due to storms rated as amber or red has resulted in 2 activations for one and two nights respectively.
15. SWEP can be controversial, and this is particularly so on occasions when it is cold weather, but where the threshold for triggering has not been met. It is relatively rare that there are 3 consecutive nights at zero or below in Bournemouth, Christchurch and Poole, and in fact last winter SWEP was not triggered due to low temperatures; the only winter activation was due to a severe storm.
16. The Council and St Mungo's every year receive feedback from a small number of residents that SWEP has not been activated when the weather is cold, and this can be down to phone apps or similar indicating a lower temperature, as opposed to the MET Office data that the protocol relies on to provide a consistent measure and benchmark.**Rough Sleeping Groups**
17. When an accommodation SWEP provision is in place and a universal offer of emergency accommodation is provided, there can sometimes be confusion regarding why some people are not provided with offers of accommodation outside of this emergency protocol.
18. People who are verified as rough sleeping in the BCP area and who have a local connection are provided with an offer of emergency accommodation where required. People are not required to sleep rough in order to access emergency accommodation, housing needs assessments will determine whether emergency accommodation is required in advance of a person becoming homeless to ensure no first night or second night on the street is necessary in order to access the services they need. Accommodation provision can be in emergency supported housing such as Somewhere Safe to Stay 24/7 supported pilot provision or hotel style accommodation.
19. Others directly access supported housing or are supported to access the private rented sector or back to their families or friends. There remains a strong emphasis on early intervention and prevention activities to ensure housing crisis is avoided where possible.

20. SWEP therefore is an emergency safety net response during extreme weather for those who are not normally applicable or who are not accepting offers. Please see a list below of who this applies to (and the exception)

- People who are assessed as having no-where safe to stay and would otherwise rough sleep in the BCP area
- Verified Rough Sleepers without a BCP local connection will receive an offer of emergency accommodation.
- Verified Rough Sleepers who have previously accepted an emergency accommodation offer and been evicted due to their behaviour will receive an offer of emergency accommodation.
- Verified Rough Sleepers with BCP local connection who have been offered and refused emergency accommodation, will receive an offer.
- Verified Rough Sleepers who have NRPF (No Recourse to Public Funds) for the period of SWEP only
- Verified Rough Sleepers who have somewhere safe to stay but are choosing not to access that accommodation will not receive an offer of accommodation.

Recent SWEP provision and Outcomes

21. There is no requirement to collate and record reviews of SWEP, the Rough Sleeper Action group have ensured that ongoing data & insight of key trends is available to inform protocol review. In the last winter period SWEP was considered on around four occasions and activated once, for two nights, so the data is less meaningful. In 2020/21 SWEP was triggered on four separate occasions.

22. Typically, around 50 per cent of those rough sleeping accept a SWEP offer, although this increased over the last two years. For many, the threat of severe weather and associated risks is enough to encourage them to accept the offer which they may have previously refused. For others who still refuse, this decision is often based on the complex support needs such as substance misuse, mental ill-health etc. The outreach team work hard to encourage as many people to accept the SWEP offer as possible based on the primary purpose of helping to save lives.

23. It is important to ensure sufficient, accessible provision in all three towns, albeit demand is not equally spread. It is also important it have options that accept pets such as dogs, as many people will not part from their pets.

24. Around half of those accommodated remained inside following the end of the SWEP activation period. This includes non-locals who are engaging with a reconnections plan. Around 20% of those rough sleeping are typically not locals – in previous years, non-locals were a greater proportion.

25. Following the 2020/21 SWEP activations there was a street count of 13, the lowest such count for over a decade.

26. In terms of hot weather SWEP, there was one activation last summer, and to date there have been two activations this summer.

Annual Review

27. The Homelessness Reduction Board is responsible for providing assurance of effective SWEP operations with the Rough Sleeper Action Group (made up of a range of statutory and non-statutory stakeholder partners) delegated to update the protocol each year.
28. Recent changes due to reviews have included a specific mandatory trigger if there is an amber or red weather warning with related risk to life. This has resulted in two activations in the time since, including one shortly after the amendment was made. There had previously never been an activation for a storm specifically.
29. Further to the group meeting this Summer and following participation in national best practice workshops, for which BCP Council were able to share a range of positive examples of effective SWEP agency collaboration, the group are recommending the following revisions to the existing protocol:
 - Retention of an emergency accommodation B&B provision blended with some communal supported housing provision for those with complex needs
 - The inclusion of a senior health representative in the trigger decision making process for SWEP
 - Formalising the offer from the VCS for support, assistance and sundries for those assisted, including daytime contact and access to meaningful occupation activities.
 - Inclusion of examples of weather indicators which are more likely to trigger SWEP (outside the 3 day and weather warning indicators) This may include one night where the temp is extremely low, of factoring in wind chill and resultant feels like temperatures.
 - Conditions that will enable the continuation of accommodation provision when SWEP ends that enables people to secure long term housing and support.
 - Enhanced boiler plate and communications arrangements which provide more responsive public messaging
 - Recording every time that SWEP is considered, including when the decision is not to activate.

Current review and benchmarking

30. BCP is member of an Officer group coordinated by DLUHC of LAs with higher levels of rough sleeping across England and other coastal local authorities, across the South-East and West regions. A benchmarking exercise was carried out in July 2022 to review protocols and SWEP arrangements. This confirmed BCP is consistent in its approach to SWEP arrangements across

other areas with the greatest range of difference occurring in the availability of emergency accommodation provision.

31. BCP practices were positively reflected due to the strength of collaboration across multi-disciplinary partners when regarding their approaches as a form of benchmarking and considering best practise.
32. There remain a great many examples of where SWEP accommodation provision has signalled a change in a person's engagement with services and willingness to accept help and support. Whilst activating SWEP increases the demands upon the valuable local service providers all of which play their part in its delivery, personal positive outcomes for people escaping homelessness and beginning their journey of recovery remain frequent and consistent. This is due to the effective collaboration of those stakeholders within the BCP Homelessness Partnership.
33. The Homelessness Reduction Board and Forum partners will continue to encourage organisations who are not involved in the Partnership and perpet to provide services to rough sleepers during severe weather to join the collaborative effort during SWEP

Partnership working and strategic links

34. Partnership working is a critical element of all of the work undertaken to prevent and address homelessness. An important element of this is communication and ensuring that key stakeholders are aware of the SWEP Protocol and when it is likely to be activated. This wider communication includes information provided via the Homelessness Forum to a wide range of partners. The BCP Council website and the pending Homelessness Partnership website will both have a direct link to information regarding SWEP. When SWEP is triggered, partners in the sector play a key role in distributing comms, particularly via social media, and the Partnership will also soon have a suite of social media which will further aid with this and other related areas such as contactless giving points and success stories.

Funding

35. The commissioned coordinators of Rough Sleeping Outreach and SWEP, St Mungo's, work with the BCP Council Housing team on agreeing placements and support to those requiring accommodation. Pre-Covid communal venues such as some church halls and supported housing projects provided the majority of the provision.
36. In the last two years the costs of Winter Provision has been met by Government grant, the Winter Pressures Fund (2020/21 and 2021/22) and last winter Protect and Vaccinate Grant funding. The Council will receive a 3-year allocation of Rough Sleepers Initiative grant funding which will provide sufficient funding to continue to provide emergency accommodation provision in single room occupancy hotels.

37. Government have recently launched the Night-shelter Transformation Fund, which provides Voluntary & Community Sector agencies the opportunity to access revenue and capital grant to deliver emergency single room accommodation provision and support and move away from the traditional shared communal accommodation settings provided pre-pandemic.

The VCS, St Mungo's and the Housing team are working together to ensure future SWEP housing provision is responsive and accessible across the 3 towns, which provides the necessary support people need once inside.

Summary of financial implications

38. The Council will receive a three-year allocation of Rough Sleepers Initiative grant funding (2022-25) which will provide sufficient funding to continue to provide emergency accommodation provision in single room occupancy hotels.

Summary of legal implications

39. Whilst there is no Statutory Requirement for Local Authorities to provide shelter for everyone during severe weather, it is widely accepted that there is a humanitarian obligation to provide SWEP and prevent death. There is also an expectation from DLUHC (Department of Levelling Up, Housing & Communities) that this is provided and that the protocol is robust and meets minimal criteria. To decide not to provide this could leave the Council open to challenge by way of Judicial Review on the grounds of irrationality. This being on the basis that the decision not to provide a SWEP is a decision that is so unreasonable that no reasonable body, acting reasonably, could have made it. It should be noted that this is a very high bar to get over and it is rare for the Court's to grant judicial review on this basis but, notwithstanding this there is a risk, nevertheless. If a SWEP was not in place and a challenge made in the Courts on this decision, and the Court upheld the challenge, the Council could be liable to pay the costs of the litigation.

Summary of human resources implications

40. There are no human resources implications arising from this report

Summary of sustainability impact

41. There are no sustainability implications arising from this report

Summary of public health implications

42. People who are rough sleeping are amongst the most vulnerable in the country, having on average significantly lower life expectancy of around 44 years, often exacerbated by poor health and wellbeing. In many cases there

is also related risky behaviour such as use of substances. As such this group is even more vulnerable during extreme weather

Summary of equality implications

43. An Equality Impact Assessment (EIA) will be prepared as part of the process of updating the SWEP Protocol and will go to panel to be considered in October 2022 prior to final sign off.

Summary of risk assessment

44. SWEP is activated in order to minimise the risk of death of those rough sleeping due to extreme weather. Each annual review considers any potential amendments to further improve the protocol and minimise said risks.

Background papers

- 45. i Homeless Link SWEP Guidance – published works (See Appendix 1)
- ii SWEP Protocol (See Appendix 2)

Appendices

Appendix 1 – Homeless Link SWEP guidance



SWEP_and_Winter_Provision_Toolkit_2021_

Appendix 2 – BCP SWEP Protocol 2021-22



BCP SWEP Protocol
2021-22.doc

Appendix 3 – SWEP activations since Winter 2020/21

Please see table on next page

SWEP Activated	Activation reason	Provision	SWEP Deactivation	SWEP deactivation reason
26/12/2020	Amber Storm (risk to life)	EA placements with support if required, supported accommodation	27/12/2020	Temperature increase
06/01/2021	Cold Weather	EA placements with support if required, supported accommodation	11/01/2021	Temperature increase
22/01/2021	Cold Weather	EA placements with support if required, supported accommodation	26/01/2021	Temperature increase
07/02/2021	Cold weather	EA placements with support if required, supported accommodation	11/02/2021	Temperature increase
20/07/2021	Hot Weather	Water, suncream, advice, extra outreaches, hats and clothing	23/07/2021	Temperature decrease
17/02/2022	Red weather warning (risk to life)	EA placements with support if required, supported accommodation	19/02/2022	Amber weather warning no longer in place
14/07/2022	Hot weather	Water, sun cream, advice, extra outreaches, hats and clothing	19/07/2022	Temperature decrease
08/08/2022	Hot weather	Water, suncream, advice, extra outreaches, hats and clothing	15/08/2022	Temperature decrease