



Armed Forces Housing Referral Protocol

**Written in conjunction with the Joint Services
Housing Advice Office**

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1. Purpose of the protocol

1.1. This protocol has been written in partnership with the following:

- The MOD's Joint Services Housing Advice Office;
- RAF Lossiemouth; and
- Kinloss Barracks.

1.2. Moray Council recognise the specific commitment that service personnel and their families make when serving in the Armed Forces. This protocol makes sure that arrangements are in place for responding to the housing needs of Service and ex-service personnel, and their families, (hereafter known as the Service person or Service Personnel), if:

- the serving member of the family is leaving the Armed Forces;
- the family need to leave their tied accommodation; and/or
- the ex-service person wishes to return to the Moray area.

1.3. The Council's overall aim is to prevent and alleviate homelessness in a sensitive but effective manner. Moray Council has a housing options service as well as a housing transition and a tenancy support service. As a result, the focus is on preventing homelessness while exploring and increasing the housing options for those at risk of homelessness.

1.4. This protocol commits the partners to work together to assist Moray Council and the Armed Services to meet statutory and organisational responsibilities such as:

- Moray Council's duties towards the prevention of homelessness and to provide settled accommodation through the Homeless Persons legislation (detailed in Section 9.1); and
- The Ministry of Defence's commitment to assist service personnel in their transition to civilian life.

1.5. This protocol recognises that service personnel leaving the services, or ex-service personnel wishing to return to Moray, may not directly require social housing. They may only require general advice and assistance to explore all the housing options available to them.

2. Scope of the protocol

2.1. This protocol provides a framework which partners will adhere to in order to ensure that the housing needs of service personnel are addressed while preventing homelessness from occurring. Where possible:

- Developing close partnership working arrangements to ensure effective forward planning of personnel referred to Moray Council's Housing Needs Service;
- Ensuring accurate, timely and efficient exchange of information to allow the provision of the appropriate housing information and advice in relation to housing options and support to all service personnel;
- Ensuring service personnel in Moray, or those who have a local connection to Moray, receive a full appraisal of all housing options available;

- Ensuring a full explanation of the homelessness process and a thorough assessment of their housing need is provided, preventing homelessness wherever possible.
- 2.2. This protocol takes into account and reflects legislation, Scottish Government guidance and good practice. The protocol aims to prevent discrimination on any grounds and in particular, race, gender, sexual orientation, ethnic origin, religious belief, disability/illness or age in line with the [Equalities Act 2010](#).
- 3. Sharing information**
- 3.1. Information may be shared in accordance with the [Data Protection Act 1998](#) and the [Freedom of Information Act 2002](#).
- 3.2. The Council will make sure that information provided will be treated in confidence and will not be shared with any other party without first gaining the applicant's written consent.
- 4. Background**
- 4.1. Although some service personnel will be home owners, the majority find the mobility required by service life makes it difficult to buy a home during their period of service. In general, careers in the Armed Forces are also shorter than civilian professions; therefore service personnel can be leaving their career at a time when the needs of the family and resource implications can be quite high. Service personnel are not only vulnerable to homelessness at the point of discharge from the Armed Forces but also at later points as a consequence of poor health or disability. It can be daunting leaving a career with tied accommodation and trying to secure suitable alternative accommodation.
- 4.2. The Scottish Government has, in the [Housing \(Scotland\) Act 2010](#) removed certain exemptions in relation to local connection for serving and ex-service personnel. This protocol takes into account the Scottish Government guidance on 'Allocations.' The guidance for local authorities and registered social landlords provides best practice advice on meeting the needs of ex-service personnel while remaining sensitive to their needs. This complies with [section 11 of the Homelessness etc. \(Scotland\) Act 2003](#), and more generally with the Council's duty under [section 2 of the Housing \(Scotland\) Act 2001](#), to provide advice and information on the prevention of homelessness free of charge.
- 4.3. The Armed Forces Covenant explains the responsibility that local authorities have to make sure that the Armed Forces community are taken into account when writing and implementing policies that impact on their local population. The Covenant states that ex-service personnel, service personnel and their families, whether regular or Reserve, should face no disadvantage compared to other citizens in the provision of public and commercial services. It is not designed to give preferential treatment compared to other citizens but should ensure that they get a fair deal and are not disadvantaged because of their Service.

4.4. In order to meet this pledge a local Armed Forces Community Covenant is in place in Moray. It aims to encourage all parties within our community to offer support to local Armed Forces personnel. It makes it easier for service personnel and veterans to access the help and support available from community organisations; this includes Moray Council as a statutory provider of housing.

5. Information and advice for personnel leaving Armed Forces

5.1. The Joint Service Housing Advice Office (JSHAO) provides specific housing information to encourage Service personnel to consider their civilian housing options at any point in their career. The JSHAO also provides information for those during resettlement to assist with the transition to civilian life. Contact details are available in [Section 16](#), MOD and Other Associated Organisations table of this document.

5.2. Dependent upon the reason for discharge, the process of resettlement can begin one month prior to discharge. It is therefore essential that service personnel consider all the housing options and assistance that is available. JSHAO raise awareness by delivering civilian housing options briefs across the UK and overseas at various military locations. They provide generic information on:

- purchasing and renting property;
- affordable home ownership schemes
- the Forces Help to Buy Scheme
- the Social Housing and MOD Referral Schemes; and
- financial advice provided by members of the Service Insurance and Investment Advisory Panel (SIIAP). The SIIAP are recognised by the MOD in understanding the complexities of Service life.

JSHAO also produces a quarterly magazine called [Housing Matters](#) widely available throughout military units, resettlement centres and online.

Further details and information is available on the JSHAO webpage on GOV.UK at www.gov.uk/government/collections/joint-service-housing-advice-office-jshao

5.3. The Scottish Government also provide guidance for personnel leaving the Armed Forces. More information can be found by reading their [website](#) or downloading a copy of '[A Scottish housing guide for people leaving the armed forces and ex-service personnel](#)'

5.4. Moray Council's [Allocations Policy](#) states that applicants who are Armed Forces personnel and who occupy service accommodation which is due to be terminated will be awarded tied accommodation points.

5.5. Moray Council has also produced a '[Guide to Housing Options](#)' which provides details on alternative housing solutions. It also includes lists of registered social landlords, local estate agents and letting agents as well as useful websites. The guide is available upon request or:

- online at www.moray.gov.uk;
 - at all libraries in Moray; and
 - at both RAF Lossiemouth and Kinloss Army Base.
- 5.6. Moray Council also has a range of leaflets to assist people in housing need and to provide information on potential homelessness. All leaflets are free of charge and are available either on request or at www.moray.gov.uk.
- 5.7. All service personnel who are due to be discharged are advised to contact their local authority without delay if they are:
- in housing need;
 - threatened with homelessness; and/or
 - homeless on discharge.
- 5.8. The Council will endeavour to maintain contact with service personnel throughout the housing options and homeless process.
- ## **6. Prior to discharge**
- 6.1. A Certificate of Cessation of Entitlement to Occupy Service Living Accommodation (see appendix [1](#) and [2](#)) is issued by the MOD to service personnel approaching their date of discharge from the Armed Forces.
- The Unit Admin Officer is responsible for issuing the Certificate to any single Service person that requests it in order to assist them in seeking social housing on expiry of their entitlement. This Certificate must be requested at least 6 months before cessation of entitlement to allow appropriate arrangement to be made.
 - The Defence Infrastructure Organisation's (DIO) Loss of Entitlement team will issue the Certificate to all Service Personnel occupying Service Families Accommodation, as part of the Notice to Vacate pack issued approximately three months prior to normal discharge. However the Certificate can be issued up to six months ahead upon request should service personnel be seeking social housing on expiry of their tied accommodation entitlement.
- 6.2. Armed Forces Welfare Officers may also provide supporting letters with:
- the relevant discharge date;
 - the reason for discharge; and
 - details of any other mitigating circumstances that should be taken into consideration when assisting them with their housing situation.
- 6.3. Other reasons for loss of entitlement to tied accommodation:

Disciplinary or Misconduct	A minimum of 28 days' notice only will be given
Medical discharge	For compulsory discharge on medical grounds, 93 days' 'continued use and occupancy' of Service Family Accommodation (SFA) will be permitted after the date of discharge, at entitled SFA charges. Thereafter, extensions of up to 93 days at a time may be granted on compassionate grounds, with

	discretion and approval of the MOD.
Marital/Civil partnership breakdown/estrangement	The Service person will usually move into Single Living Accommodation, and change their military PStat (personal status), Notification from the Service person and their Unit to the Loss Of Entitlement Team will alert them to issue a Notice to Vacate giving 93 days' notice to both parties / the remaining household.
Death of entitled Service Licensee (Occupant)	Following death in service of the Service Licensee, the bereaved spouse/civil partner should be offered an entitlement to stay in their SFA/Substitute Service Family Accommodation (SSFA) for a 2 year period. This will help them to determine their longer term housing requirements. Retention of SFA may be extended with discretion and approval of the MOD.

- 6.4. Moray Council will not insist on a court order for possession to assess the housing options available, but would require a Certificate of Cessation of Entitlement to Occupy or Notice to Vacate(See Appendix [1](#) and [2](#)), once issued. Where official documentation is provided, the Council use the six month period of notice of discharge to make sure that service personnel receive timely and comprehensive advice on the housing options available to them when they leave the Armed Forces.
- 6.5. Service personnel should complete a social housing application form online through the Common Housing Register called 'Apply4homes' at www.apply4homes.org.uk. This makes one single application for social housing throughout Moray and Aberdeenshire to any or all partners. A list of partners can be found [here](#).
- 6.6. It is also advisable to register with other social landlords to increase the chances of finding a home. Grampian Housing Association and Castlehill Housing Association offer an online service for people looking for rented housing in Moray and Aberdeen. Service Personnel can find more information by visiting <https://www.homehunt.info/>.
- 6.7. The housing partners have their own individual Allocations Policies. There are also other housing associations with properties in Moray who are not part of the Common Housing Register. If advice or assistance is needed to complete the housing application, service personnel should contact Moray Council on 0300 123 4566 or contact any of the partners.
- 6.8. It is the service person's responsibility to up-date all housing providers with any changes in circumstances or other application amendments.

7. **Housing Options**

- 7.1. Housing Options is an information and advice process that all councils use when someone approaches them with a housing problem. It aims to prevent homelessness wherever possible.

7.2. The service focuses on the individual's personal circumstances, helping them to explore all options including council housing, housing association homes, private rented accommodation and home ownership. It can also provide support for underlying issues that can underpin housing problems such as debt, family breakup and mental health problems. This means that, rather than just making a homeless application, housing staff can work with other services to help people before they reach crisis point.

Interview

- 7.3. Upon approach or referral to Moray Council, the service person will be offered a Housing Options Interview. Any relevant documents such as the Certificate of Cessation/Notice to Vacate (see appendix [1](#) and [2](#)) and any accompanying letter(s) confirming the loss of entitlement should be provided if available. Every action will be taken to try and help resolve their current housing situation and, wherever possible, avoid homelessness. At the interview the Housing Options staff will offer a range of housing information and advice which will include a full appraisal of the housing options available in Moray, as well as explaining the homeless process and legislation.
- 7.4. Rather than only accepting a homelessness application the Council will work together with other services such as employability, mental health, money advice and family mediation services, to help the service person or dependent with issues from an early stage in the hope of avoiding a housing crisis.
- 7.5. If the service person secures alternative accommodation at any time following their referral, they should contact Moray Council to advise accordingly.

8. Homeless application

- 8.1. Following consideration of all housing options available, if the service person has not secured alternative accommodation, they have the choice to submit a homeless application. The homeless application should be submitted to the Council **two months** before their discharge date. This will give the Council time to carry out a full assessment of the household's needs.
- 8.2. No housing or homeless application will be refused consideration simply because the service person has appropriate accommodation at the date of approach or are living out with the area at the time of approach.
- 8.3. To determine the outcome of the homeless assessment, Moray Council will contact the applicant directly to arrange a suitable date and time to interview them.
- 8.4. Once the homeless application has been submitted, Moray Council will assess the application using the criteria below ([see sections 9-13](#)). The applicant will be notified in writing within 28 days, of the following:
- the outcome of the applicant's assessment;
 - what the applicant should do upon their discharge from the Armed Forces;
 - likely timescales (if any);
 - offer of temporary accommodation to be provided;

- procedure for reviewing an offer of temporary accommodation and/or a homeless decision; and
- sources of independent information or advice.

9. Homeless Legislation

- 9.1. The Council is responsible for assessing whether a person is homeless. The Council has a duty to make reasonable enquiries into homeless applications made under the [Housing \(Scotland\) Act 1987](#) (as amended).
- 9.2. The criteria used in the assessment is in accordance with the [Housing \(Scotland\) Act 2001](#), the [Homelessness etc \(Scotland\) Act 2003](#) and the [Code of Guidance on Homelessness 2005](#), as follows:
- Is the applicant homeless or threatened with homelessness?
 - Is the applicant intentionally homeless? and
 - Does the applicant have a local connection?
- 9.3. A person is homeless or potentially homeless as defined by the [Housing \(Scotland\) Act 1987](#) (as amended by the [Housing \(Scotland\) Act 2001](#)) if:
- they have no accommodation in the UK or elsewhere which they, and those who might be reasonable expected to live with them, is entitled to occupy;
 - they have accommodation but:
 - they cannot secure entry to it;
 - occupation will lead to violence or threats of violence;
 - it is a mobile home, caravan or houseboat or other moveable structure but there is no place where they are entitled or permitted to put it or moor and to live in it;
 - it is statutorily overcrowded and may be injurious to the health of the occupants; or
 - it is not reasonable to continue to occupy it.
- 9.4. A person is threatened with homelessness if it is likely they will become homeless within two months.

10. Intentionally homeless

- 10.1. The Council will assess whether any applicant who is homeless or threatened with homelessness is deemed to be intentionally homeless. This decision is based on The [Housing \(Scotland\) Act 1987](#) (as amended) and the [Code of Guidance on Homelessness 2005](#). Intentionality will only be decided where there is clear evidence that:
- A person has become homeless, or threatened with homelessness, because they have deliberately done something, or failed to do something while being aware of all the relevant facts, that resulted in the loss of their secure accommodation; and

- They were aware of the consequences of their actions; or
- It would have been reasonable for the person to have continued to occupy their previous or current accommodation.

11. Local Connection

- 11.1. In accordance with the [Housing \(Scotland\) Act 1987](#) (as amended) and the [Code of Guidance on Homelessness 2005](#), a person is accepted as having a local connection if any of the following applies:
- They have been resident in Moray for at least 6 months in the previous 12 months or for at least 3 years during the previous 5 years;
 - They or a member of their household is employed in Moray;
 - Because a member of the household has a close family member currently resident in Moray for at least 5 years; or
 - Because of any special circumstances, for example, where there is no local connection to anywhere in the UK.
- 11.2. In accordance with [Section 27 of the Housing \(Scotland\) Act 1987](#) (as amended by [Section 156 of the Housing \(Scotland\) 2010](#)), any person who is serving in the Armed Forces (and those with them) will form a local connection to the area they have lived or worked in.
- 11.3. Any person who is leaving a settled address out with Moray due to violence or harassment and cannot continue to live in their home locality will be accepted as having a local connection.

12. Unintentionally homeless

- 12.1. All homeless households that are unintentionally homeless will be entitled to temporary and permanent accommodation.

Injured or medically discharged service personnel

- 12.2. Moray Council will give special consideration to cases from seriously injured service personnel. They will be assessed as having a significant level of housing needs and will therefore receive a high level of priority in the Council's [Allocations Policy](#). Service personnel who are leaving the forces due to injury or disability and require access to adapted social housing will need to complete a [functional assessment form](#) and may be awarded points accordingly (in line with the [Allocations Policy](#)).
- 12.3. Applications from seriously injured personnel should be assessed as quickly as possible to minimise delays in allocating and arranging suitable adapted accommodation. It would also be beneficial for local authorities and RSLs to liaise with other relevant housing and service providers, including veterans' services. This will make sure all aspects of the household's needs are considered and appropriate support as well as housing is provided. This cooperation will be particularly important where limited adapted accommodation is available.

Surviving family of service personnel

12.4. Special consideration will also be given to applications from ex-service personnel and their families who leave the forces due to exceptional circumstances. These will include such individuals whose partner has been killed in action or dies before the date of discharge. Each application will be judged on individual merit and may be awarded exceptional circumstances points, if deemed appropriate.

13. Outcome of homeless assessment

- 13.1. The Housing Service will aim to complete an assessment and notify applicants in writing of the decision on their homeless application, within 28 days from the date of application.
- 13.2. If the applicant is assessed as homeless, and has no accommodation they can occupy, the Council will provide temporary accommodation until duty has been discharged. Duty can be discharge when either:
- two reasonable offers of temporary accommodation have been refused; or
 - permanent accommodation has been found.
- 13.3. In accordance with Moray Council's [Allocations Policy](#) applicants who are homeless under the [Housing \(Scotland\) Act 1987](#) (as amended), will be placed on the Homeless List. Placing on the list is determined by the date of the homeless application, unless there are exceptional circumstances that merit an urgent offer of accommodation. A percentage quota is set annually for allocations made from the homeless list.

14. Housing Support

- 14.1. The Council also has a duty under [section 32b of the Housing \(Scotland\) Act 2010](#) to assess the support needs of the service personnel where they have reason to believe that they or anyone in the household may be in need of a housing support service.
- 14.2. Following assessment, the Council will make sure that the appropriate support is delivered to the service personnel.

15. Monitoring and reviewing

- 15.1. In order to comply with its commitments as set out in the protocol, the Council will monitor the following:
- number of presentations received;
 - number of cases closed during the period; and
 - number of cases closed during the period with successful outcome (where homelessness was prevented).
- 15.2. The performance indicators will be monitored internally by relevant managers.
- 15.3. This protocol will be reviewed every 3 years, (or sooner if legislative changes, guidance or working practices affect the protocol).
- 15.4. Any comments on the protocol should be made to:
The Housing Policy Team

Moray Council
PO Box 6760
Elgin
IV30 1BX

E-mail: housingpolicy@moray.gov.uk

More information and contact details

More Information	
Moray Council Online	www.moray.gov.uk
A Guide to Housing Options in Moray	Housing options guide
Scottish Government publication	' A Scottish Housing Guide for people leaving the armed forces and ex-service personnel '.
Veterans Scotland	http://www.veteranscotland.co.uk/ Phone: 01313 550 1569
Contact Details Moray Council	
Housing Needs Section (Including Housing Options, Housing Support)	Phone: 0300 123 4566 E-mail: housing@moray.gov.uk
Emergency Out of Hours Service	03457 565656
Housing Benefit and Council Tax	Phone: 01343 563456 E-mail: revenues@moray.gov.uk
Money Advice	Phone: 0300 123 4561 E-mail: money.advice@moray.gov.uk
Citizens Advice Bureau - General	Phone: 01343 550088
Citizens Advice Bureau – Armed Service Advice Project	Phone: 0808 800 1007
Shelter Scotland	Phone: 0808 800 4444
Jobcentre Plus New Claims Existing claims	Phone: 0800 055 6688 Phone: 0345 608 8545

MOD and Associated Organisations	
MOD DIO Loss of Entitlement Team	Email: DIOSDAccn-LOETeam@mod.gov.uk Tel: 01904 418000 Option 1
MOD Joint Service Housing Advice Office	Email: RC-AWS-JSHAO-0mailbox@mod.gov.uk Tel: 01252 787574
Kinloss HIVE	http://kinlosshive.blogspot.co.uk/
RAF Lossiemouth & Elgin HIVEs	www.raf.mod.uk/community/support/raf-hive-information-service/raf-lossiemouth-elgin-hives/
Army Welfare Service Kinloss	RC-AWS-N-Kinloss-0mailbox@mod.gov.uk

Soldiers, Sailors and Airmen and Families Association (SSAFA) Forces Help	Email: ssafa.mnb@gmail.com Tel: 01309 690 067 Web: www.ssafa.org.uk/moray-nairn-banffshire
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MINISTRY OF DEFENCE

MOD Form 1166
Introduced 4/03
(Updated 9/10)

CERTIFICATE OF CESSION OF ENTITLEMENT TO OCCUPY SERVICE ACCOMMODATION (SLA / SSSA) AND OF IMPENDING HOMELESSNESS

I certify that	(Name) (Rank & Number)	<input type="text"/>
Of	(Unit)	
Will cease to be entitled to occupy	(Address of SLA or Substitute SLA)	<input type="text"/>
From	(Date)	

By reason of loss of entitlement to occupy Service Accommodation.

An application for housing was made toHousing Authority / Housing Association on(copy of letter attached).

The person has the following special circumstances

.....
.....

Signed: _____

Name: _____

Designation: _____

Date: _____

UNIT ADMIN OFFICE STAMP

1. This certificate provides evidence of impending homelessness arising from cessation of entitlement to occupy Single Living Accommodation or Substitute Single Service Accommodation.
2. The certificate should be completed by the Unit Admin Officer and sent at the earliest possible date to the Housing Authority / Association to which application for accommodation has been made, preferably as soon as it is known that entitlement to occupy Service Accommodation will cease.
3. A period of at least six months' notice should normally be allowed so that the appropriate arrangements can be made.
4. Copies of this form are published in the Homelessness Code of Guidance for Local Authorities, issued by DCLG July 2006 (Annex 15), Welsh Assembly, and Scottish Executive.

**CERTIFICATE OF CESSATION OF ENTITLEMENT TO OCCUPY SERVICE FAMILY ACCOMMODATION (SFA/SSFA)
AND OF IMPENDING HOMELESSNESS**



MINISTRY OF DEFENCE

**MOD Form
Introduced 4/03
(Updated 7/09)**

I certify that

(Name)
(Rank &
Number) #

(Name)
(Rank & Number) #
(Unit) #

Of

(# Omit if only family involved)

Will cease to be (Address of
SFA

entitled to or Substitute
occupy SFA)
From (Date)

(Address of SFA)
(Date)

By reason of loss of entitlement to occupy Service Family Accommodation.

An application for housing was made toHousing Authority / Housing Association on(Copy of letter attached).

The following special circumstances apply

.....
The household is as follows

Signed: _____

Name: _____

Designation: _____

Date: _____

DIO SD ACCOMMODATION STAMP

- 1 This certificate provides evidence of impending homelessness arising from cessation of entitlement to occupy Service Family Accommodation or Substitute Service Family Accommodation and should dispense with the need to obtain a Court Order for possession.
2. The certificate should be completed by the Licences Officer of NPHD and sent at the earliest possible date to the Housing Authority/Association to which application for accommodation has been made, preferably as soon as it is known that entitlement to occupy Service Families Accommodation will cease.
3. A period of at least six months' notice should normally be allowed, so that the appropriate arrangements can be made.
4. Copies of this form are published in the Homelessness Code of Guidance for Local Authorities, issued by DCLG July 2006 (Annex 15), Welsh Assembly, and Scottish Executive.