



Welsh Government
Consultation Document

Renting Homes (Wales) Act 2016 – Guidance relating to Supported Accommodation

Guidance proposed under the Renting Homes (Wales) Act 2016

Part 1 Summary

Part 2 Statutory guidance on temporary exclusions

Part 3 Non-statutory guidance on obtaining local authority consent
to extend the relevant period before a tenancy or licence
becomes an occupation contract

Date of issue: Monday 6 February 2017

Action required: Responses by Friday 28 April 2017

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview	This consultation is to gather views on draft guidance relating to supported accommodation.
How to respond	<p>Please respond to this consultation by answering the questions at the end of the document. Responses can be submitted in a number of ways:</p> <p>E-mail: rentinghomes@wales.gsi.gov.uk (please mark the subject of your email 'Supported Accommodation Guidance')</p> <p>Post: Renting Homes Team Housing Policy Division 1st Floor, North Core Welsh Government Cathays Park Cardiff CF10 3NQ</p>
Further information and related documents	Large print, Braille and alternative language versions of this document are available on request.
Contact details	<p>Renting Homes Team Housing Policy Division 1st Floor, North Core Welsh Government Cathays Park Cardiff CF10 3NQ</p> <p>rentinghomes@wales.gsi.gov.uk</p>
Data protection	<p>How the views and information you give us will be used</p> <p>Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.</p> <p>The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.</p>

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Part 1: Summary

The Renting Homes (Wales) Act 2016 ('the Act') was passed by the National Assembly in November 2015 and received Royal Assent on 18 January 2016. The Act will make it simpler and easier to rent a home, replacing various and complex pieces of existing legislation with one clear legal framework.

At the heart of the Act are new 'occupation contracts'. With a limited number of exceptions, the Act replaces all current tenancies and licences, in Wales with just two types of occupation contract:

- secure contract - modelled on the current secure tenancy issued by Local Authorities
- standard contract - modelled on the current assured shorthold tenancy used mainly in the private rented sector.

Temporary Exclusions

Part 8 of the Act makes provision for supported standard contracts applying to supported accommodation. Section 145 provides for a landlord, or a person designated by the landlord, to temporarily exclude a contract-holder for up to 48 hours, no more than three times in a six month period.

Section 146 of the Act places a duty on the Welsh Ministers to issue guidance on temporary exclusions. Landlords must have regard to the guidance when temporarily excluding a contract-holder. Part 2 of this consultation seeks views on the proposed statutory guidance.

Extending the relevant period before a tenancy or licence becomes an occupation contract

Part 5 of Schedule 2 to the Act sets out arrangements under which a landlord can determine that a tenancy or licence for supported accommodation is not an occupation contract for the first six months of the tenancy or licence (referred to as the 'relevant period'). Paragraph 15 of Schedule 2 states that the relevant period may be extended beyond six months by giving the tenant or licensee a notice of extension at the correct time, which is set out in paragraph 15 of Schedule 2 to the Act. Before giving the notice, the landlord must consult the tenant or licensee and the landlord cannot give a notice of extension without the consent of the local authority in whose area the accommodation is provided. Part 3 of this consultation sets out non-statutory guidance which is intended to assist landlords and local authorities in carrying out their functions relating to extending the relevant period.

Paragraph 15(10) of Schedule 2 provides a power for the Welsh Ministers to make regulations for the procedure to be followed in relation to obtaining the consent of a local housing authority in order to extend the relevant period. The Welsh Ministers will consider whether such regulations are required in the light of experience of operation of the new arrangements and the application of this non-statutory guidance.

The Welsh Government is grateful for the involvement of stakeholders in the preparation of these draft guidance documents.

Consultation Responses

Your views are welcomed and a response form is provided at the back of this document. The questions ask for your views on the two guidance documents.

Audience	Landlords of supported accommodation, supported accommodation service providers, local authorities, supported accommodation users and organisations that support users.
Overview	<p>This document is a consultation on:</p> <ul style="list-style-type: none">• draft statutory guidance to which landlords must have regard when temporarily excluding a contract-holder under a supported standard contract, and• draft non-statutory guidance to assist landlords and local authorities in carrying out their functions relating to extending the relevant period before a tenancy or licence which relates to supported accommodation becomes an occupation contract.
Additional Copies	This document is available from the Welsh Government website and is available bilingually.
Related documents	Renting Homes (Wales) Act 2016

Part 2: Temporary exclusions

Proposed statutory guidance

Introduction

The Act requires all landlords to issue a written statement of the occupation contract which clearly sets out the rights and responsibilities of landlords and those renting from them.

In respect of Supported Accommodation, the landlord may issue a licence or a tenancy for the first six months of occupation (referred to in the Act as the 'relevant period', which can be extended in certain circumstances). In some instances, for example in respect of sheltered accommodation, it will be appropriate to issue either a secure or standard contract from the start of occupation. However, after six months of occupation, landlords will be required to issue, as a minimum, a 'supported standard contract'. The supported standard contract is based on the standard contract with the addition of a statutory power relating to temporary exclusion and, if the landlord chooses, a mobility clause.

The mobility clause allows landlords to relocate an individual within a building, where the supported standard contract provides for this. This may be used to avoid conflict with the occupier of a neighbouring flat, for example. This can be done without needing to end one contract and start another.

The temporary exclusion power enables a landlord (or a person designated by the landlord to exercise the temporary exclusion power) to exclude an individual from his or her accommodation for up to forty-eight hours, on no more than three occasions in a (rolling) six-month period.

This guidance provides details of the steps a landlord should follow to temporarily exclude an individual following issue of the supported standard contract.

Statutory arrangements

This guidance applies to the powers set out in section 145 of the 2016 Act.

Section 145 provides that if the landlord of a supported standard contract reasonably believes a contract-holder has behaved in a manner set out below, the landlord may require the contract holder to leave the dwelling and not return for a period of up to 48 hours.

The behaviours are:

- using violence against any person in the dwelling;
- doing something in the dwelling which creates a risk of significant harm to any person; and
- behaving in the dwelling in a way which seriously impedes the ability of another resident of supported accommodation provided by the landlord to benefit from the support provided in connection with that accommodation.

The Act provides that the landlord must give the contract-holder a notice setting out the reasons why he or she is required to leave the dwelling, and must do so when requiring him or her to leave or as soon as is reasonably practicable afterwards.

The exclusion would also relate to any common parts of the dwelling.

This guidance addresses:

- the seniority of the person making the decision to exclude;
- the need to carry out of a review of all temporary exclusions made under section 145 and the nature of that review; and
- the steps the landlord should take to mitigate the potential for the excluded individual to become street homeless for the period of the exclusion.

Use of temporary exclusions

Landlords intending to make use of the temporary exclusion power should have a policy in place regarding its use.

Temporary exclusions should only be used as a last resort when all other forms of action are unsuitable, ineffective or inappropriate.

The temporary exclusion can take place with immediate effect and the contract-holder must leave the dwelling when asked to do so. The landlord must give the contract-holder a notice detailing the reasons for the exclusion. A prescribed notice will be developed for this purpose.

By nature of the fact that they are in Supported Accommodation, the contract-holders affected by this Guidance are likely to experience a degree of vulnerability. When considering a temporary exclusion, landlords and their representatives should, as far as they are reasonably able, have regard to the housing and support needs of the contract-holder facing temporary exclusion.

The Decision Maker

The decision to temporarily exclude an individual should be made by a manager or someone who is suitably senior with responsibility for operational management of the Supported Accommodation. The landlord and Managing Partner/Support Provider should have their own exclusion policy which makes reference to the grade or job title which should be held by the person that can make the exclusion decision, bearing in mind that an independent and more senior member of staff should be involved in the review process (see The Lessons Learned Review section on pages 9 & 10 for further details).

If a suitably senior member of staff (as provided for in the landlord's policy) is not available on site when the decision needs to be taken (for example if disturbances occur in the middle of the night), such a person should remain contactable by staff members using an on call arrangement or be on duty in order to make the decision.

The decision maker should record the exclusion, and the reason for it, in the contract-holder's Support Plan and file an Incident Log at the time of the exclusion as this will be required to inform the 'lessons learned' review. Organisations that do not currently complete Incident Logs routinely should adopt good practice from others within the sector.

Preventing Homelessness

Before exercising the temporary exclusion power, the landlord should first consider whether it is possible / appropriate to relocate the contract-holder within the Supported

Accommodation, using the mobility clause (where the occupation-contract includes one). This may avoid a temporary exclusion. However, care needs to be taken to ensure that other residents in that vicinity are not likely to be adversely affected by the behaviour of the contract-holder being relocated.

Where possible, landlords across the sector should develop reciprocal arrangements on a regional basis which would enable individuals who are temporarily excluded to be accommodated by another landlord. This will help to avoid an individual becoming street homeless for the period of the exclusion.

Landlords should also ensure there are good referral systems in place with named contacts in the local authority Homelessness Advice Service and should establish agreed arrangements with their local Housing Solutions teams on managing exclusions locally. An individual being excluded should be provided with written information to enable him or her to access the Homelessness Advice Service.

Landlords should also look to develop and establish relationships with local hostels in order to try to avoid the contract-holder being made homeless for the period of the exclusion.

It is recognised that, despite best efforts by the landlord and often as a direct result of the behaviour of the contract-holder, there may be instances where it is not possible to arrange for the contract-holder to be temporarily accommodated for the exclusion period. In such instances, the contract-holder may end up being street homeless during the exclusion period. The landlord should provide details in the Support Plan and Incident Log of the efforts made to avoid this situation.

The 'lessons learned' review

A review of all temporary exclusion decisions should be carried out within 14 days of the exclusion taking place. This will help ensure the circumstances of the incident remain clear in the minds of those concerned but should also allow sufficient time for those involved to consider the matter, in preparation for the review.

The purpose of the review is to revisit the decision to ensure it was appropriate and procedurally correct (i.e. carried out in the correct manner); to inform future practice and identify areas where the landlord's temporary exclusion policy may be improved. The review will also provide an opportunity for the excluded individual to contribute any information regarding his or her experience of the exclusion.

The review should be a face-to-face meeting. The contract-holder should be offered the opportunity to attend the review (for example, to present his or her case if he or she believes the exclusion was not justified), and must be provided with at least one week's notice of the date of the review meeting. The contract-holder should be allowed to present oral or written evidence to the review panel and should be signposted to advocacy services (e.g. Citizens Advice Cymru, Shelter Cymru) to help him or her submit such evidence. The contract-holder should also be informed that he or she can be accompanied at the review meeting by a friend, family member or other person (e.g. Citizens Advice Cymru or Shelter Cymru adviser).

The membership of the review panel is not prescribed in this guidance but should be set out in the landlord's temporary exclusion policy. However, it should include:

- a person who is more senior than the person who took the exclusion decision, who has the authority to change or update the landlord's temporary exclusion policy and practices and who was not involved in the decision-making process;
- another independent person from within the organisation who was not involved in the decision-making process; and
- a representative from the local housing authority wherever possible.

The review should consider the following matters, as appropriate:

- who made the exclusion decision and his or her seniority and training/experience to do so;
- whether there is evidence of unacceptable behaviour by the contract-holder;
- whether the behaviour was serious enough to justify the exclusion;
- whether it was reasonable to exclude and whether all circumstances were taken into account, including appropriate alternative measures;
- whether consideration was given to relocate the contract-holder elsewhere within the supported accommodation scheme (if the occupation contract contains a mobility clause) as a means of avoiding a temporary exclusion.
- after taking the decision to temporarily exclude the contract-holder, whether consideration was given to placing the contract-holder in another suitable supported accommodation scheme, for the period of the exclusion, as a means of preventing the contract-holder from being homeless;
- what, if any, threat was posed to other residents and staff;
- the number and details of any previous temporary exclusions relating to the same contract-holder;
- whether the police were called;
- whether the contract-holder was able to be rehoused by the landlord, or another Support Provider during the period of the temporary exclusion;
- whether the contract-holder was referred to the local authority's Homelessness Advice Service;
- whether emergency accommodation was provided;
- where the contract-holder resided for the temporary exclusion period;
- whether, and when, the contract-holder was provided with a notice detailing the reasons for the exclusion;
- whether the Incident Log was properly completed;
- whether the landlord's policy on temporary exclusions was correctly followed;
- whether there is an opportunity to improve the landlord's policy following the incident.

A standard form (see annex one) should be completed to record the review meeting and this should be signed off by the person chairing the review. The completed form should provide full details about the outcome of the review and whether the landlord's temporary exclusion policy or practices have been changed or updated as a result of the review. It should also record the number of previous exclusions relating to the contract-holder and when they took place.

Where the number of temporary exclusions has reached the maximum of three within a six month period, this should be recorded on the contract-holder's Support Plan. No further temporary exclusions can be made until the passage of time means the maximum of three temporary exclusions in any six month period would not be breached.

Equality and diversity information should also be recorded on the form. The landlord should periodically review all temporary exclusions to help ensure equality principles are not being breached.

The form should be held on file in accordance with the retention policy of each organisation. However, this period should be at least twelve months, in order to help ensure the maximum number of exclusions is not breached.

A copy of the form or, subject to agreement with the relevant local authority, a summary version of it, should be sent to the local authority's Supporting People Team and Homelessness Advice Team.

An annual statistical return, running from April to March, should be submitted to the local authority. This should set out the total number of temporary exclusions and the reasons for them, categorised according to the behaviours set out previously. The annual return should be submitted within eight weeks of the start of the financial year and should include a breakdown of the equality and diversity characteristics of those contract-holders excluded. The format of the annual return is not prescribed and is for each landlord to agree with the local authority.

Glossary

Supported
Accommodation

Accommodation is Supported Accommodation if:

- it is provided by a community landlord or a registered charity,
- the landlord or charity (or a person acting on behalf of the landlord or charity) provides support services to a person entitled to occupy the accommodation, and
- there is a connection between provision of the accommodation and provision of the support services.

Support Services

Support Services include:

- support in controlling or overcoming addiction,
- support in finding employment or alternative accommodation, and
- supporting someone who finds it difficult to live independently because of age, illness, disability or any other reason.

“Support” includes the provision of advice, training, guidance and counselling.

Support Provider

The landlord of the Supported Accommodation, or a person acting on behalf of the landlord, who provides Support Services to a person entitled to occupy the Accommodation.

Managing Partner

An organisation, usually the Support Provider, receiving funding from the landlord to provide a housing management service to residents living in in the

Supported Accommodation.

Support Plan	Record of each resident's support needs and the support objectives / actions required to meet those needs. The Support Plan also includes a record of progress against support objectives.
Incident Log	A management system recording major incidents and actions taken by staff to address them.
Homelessness Advice Service	Local authority Housing Options / Housing Solutions team

Annex One- Temporary Exclusion Review Form

Section 1: Name of Landlord / Provider:		
Section 2: Contract-Holder(s) Details		
Contract-Holder 1	Forename:	
	Middle Name(s):	
	Title:	Surname:
	Telephone:	
	Date of Birth:	Date of commencement of supported standard contract:
Contract-Holder 2 (if applicable) Repeat on separate sheet for any additional contract-holders	Forename:	
	Middle Name(s):	
	Title:	Surname:
	Telephone:	
	Date of Birth:	Date of commencement of supported standard contract:
	Relationship to contract-holder 1:	
If more than one contract-holder: were all contract-holders excluded? If not, please explain why.		

Section 3: Temporary Exclusion Details

Date(s) and duration of exclusion	
Reasons for exclusion and any measures taken to address the situation prior to exclusion	
Date(s) of any previous exclusions in the last 6 months	Exclusion 1: Exclusion 2:
Details of exclusion decision maker	Title and full name:
	Position/level of seniority:
	Decision approved by (Name, position and level of seniority):

Section 4: Review

Record all relevant evidence of the review in this section (use additional sheet if necessary). Refer to section 6.5 of the accompanying guidance document in particular. Sections 6.6 – 6.10 also contain useful information.

Section 5: Contract-Holder Evidence

Use this section to record any oral or written evidence presented by the excluded contract-holder(s) or their advocate/representative (use additional sheet if necessary).

Section 6: Review Participants

Details of participants of the review meeting	Full name: Organisation: Position: Signature:
	If applicable: Name and signature of contract-holder(s): Name and signature of advocate/third party:

Section 7: Equality and Diversity Monitoring
Repeat on separate sheet for any additional contract-holders)

<p>Contract-holder 1</p> <p>Gender: Is gender same as assigned at birth? (Y/N): Ethnicity: Nationality: Age: Disability/health condition: Religion or belief (if known):</p>	<p>Contract-holder 2</p> <p>Gender: Is gender same as assigned at birth? Ethnicity: Nationality: Age: Disability/health condition: Religion or belief (if known):</p>
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Section 8: Good Practice

The landlord should use this section to provide details of whether the temporary exclusion policy or practices have been changed or updated as a result of the review

Copies of this form, or a summary version as agreed with the local authority, must be filed with the contract-holder's support plan and sent to the local authority's Supporting People Team and Homelessness Team within 7 days of the completion of the review.

Date sent:

Part 3: Obtaining local authority consent to extend the relevant period before a tenancy or licence becomes an occupation contract

Proposed non-statutory guidance

Introduction

The Act requires all landlords to issue a written statement of the occupation contract which clearly sets out the rights and responsibilities of landlords and those renting from them.

In respect of supported accommodation, the landlord may issue a licence or a tenancy for the first six months of occupation (referred to in the Act as the 'relevant period'). In some instances, for example in respect of sheltered accommodation, it will be appropriate to issue either a secure or standard contract from the start of occupation. However, after six months of occupation, supported accommodation providers will be required to issue, as a minimum, a 'supported standard contract'. The supported standard contract is based on the standard contract with the addition of a temporary exclusion power and, if the landlord chooses, a mobility clause.

The Act provides for the landlord, where not a local housing authority, to request consent from the local housing authority to extend the relevant period for up to three months at a time. Generally, this would be if the tenant/licensee has behaved in a way which indicates he or she would not be able to maintain an occupation contract successfully, such as repeated instances of anti-social behaviour towards staff or other residents.

This guidance explains the procedure that should be followed in order to extend the relevant period.

Statutory arrangements

Paragraphs 13 and 14 of Part 5 of Schedule 2 to the Act state that the occupier of supported accommodation (as defined at section 143 of the Act) is not subject to an occupation contract for the first six months of the occupancy (this is the relevant period) if this is the landlord's intention.

Paragraph 15 of Part 5 of Schedule 2 states that the relevant period may be extended beyond six months by giving the tenant or licensee a notice of extension at the correct time. Before giving a notice the landlord must consult with the tenant or licensee. In making a decision to extend the relevant period, the landlord may take into account the conduct of the tenant or licensee, or any other person who appears to be living at the dwelling. The notice must inform the tenant or licensee they have a right of appeal to the county court.

Para 15 of Part 5 of Schedule 2 also states that:

- the relevant period may not be extended by more than three months on any separate occasion;
- the landlord (other than a local housing authority) may not give a notice of extension without the consent of the local housing authority in whose area the accommodation is located.

The role of the landlord: extending the relevant period

The landlord is able to determine whether, instead of a supported standard contract or other form of occupation contract, a tenancy or licence is offered for the first six months of occupancy (the “relevant period”). If the tenancy or licence continues after the end of the relevant period it will automatically convert to a supported standard contract.

The landlord can apply to the local housing authority for consent to extend the relevant period if the landlord believes the conduct of all or any of the tenant(s) or licensee(s) living or appearing to live in the dwelling, continuously or not, is anti-social in nature.

In most instances, it is expected that the tenancy or licence will convert automatically to a supported standard contract. The landlord should not be seeking to continuously extend the relevant period in order to avoid issuing a supported standard contract.

If the landlord wishes to extend the relevant period, the landlord must issue the tenant or licensee with a notice of extension at least four weeks before the end of the relevant period (or extended relevant period).

By consulting with the tenant or licensee at an early stage before the end of the relevant period, the landlord will be able to reduce uncertainty for the tenant or licensee regarding their continued occupation of the dwelling. It is expected that consideration of any extension to the relevant period should be incorporated into the regular assessments of the tenant or licensee undertaken by the landlord. In the event an extension is to be sought, the landlord should advise the tenant or licensee of the reasons for doing so, orally and in writing. Proof of this engagement with the tenant or licensee should be provided when applying for local housing authority consent.

The landlord should normally apply to the local housing authority for consent to extend the relevant period at least six weeks before the relevant period is due to end, in order to allow the local housing authority up to two weeks to consider the application.

In exceptional circumstances, the landlord is able to request that the local housing authority considers the application with less than the two weeks’ notice. The landlord should be able to provide evidence to demonstrate that the circumstances are exceptional. What constitutes “exceptional circumstances” is not prescribed in this guidance and would ultimately be a matter for the local housing authority to determine.

The landlord should, in the application to the local housing authority, provide the following information in order that the local housing authority can fully consider the case:

- the name, address and contact details of the landlord and the tenant/licensee;
- the date the tenancy/licence commenced;
- the date the relevant period is due to end;
- the reasons for seeking to extend the relevant period;
- evidence of consultation with the tenant/licensee;
- evidence of any action already taken within the relevant period to address the conduct of the tenant/licensee;
- the length of time, up to a maximum of three months, for which approval is sought to extend the relevant period; and
- the date by which approval is sought.

A standard form or template has not been developed and landlords should establish good referral systems with named contacts in the local housing authority. The landlord should provide the information in the form required by the local housing authority.

The landlord must give the tenant/licensee a notice of extension once approval has been received from the local housing authority. If the notice of extension is not provided to the tenant/licensee at least four weeks before the date on which the relevant period is due to end, the contract automatically converts to a supported standard contract at the end of the relevant period (even if local housing authority approval for the extension has been received).

The notice of extension must:

- state that the landlord has decided to extend the relevant period;
- set out the reasons for extending the relevant period (these should be the same reasons given when consulting the tenant/licensee);
- confirm that the local housing authority has consented to the extension;
- specify the date on which the extended relevant period will end; and
- inform the tenant/licensee that he or she has a right to apply for a review in the county court and the date by which the application must be made.

A prescribed notice of extension has not been developed and landlords should either write to the tenant or licensee on their letter headed paper or devise their own form, making sure that all information referred to in the paragraph above is included.

During the extended relevant period the landlord should work with the tenant or licensee to address the conduct which resulted in the extension. The aim of this is to reduce the likelihood of a further extension being required. There is no limit on the number of times the relevant period can be extended, subject to the previously stated steps and procedures being correctly followed.

The landlord should record equality data relevant to each application and should periodically review this information. An annual statistical return, running from April to March, should be submitted to the local housing authority. This should set out the total number of extended relevant periods and the reasons for them. The annual return should be submitted within eight weeks of the start of the financial year and should include a breakdown of the equality and diversity characteristics of those tenant(s) or licensee(s) concerned. The format of the annual return is not prescribed and is for each landlord to agree with the local authority.

The role of the local housing authority: extending the relevant period

The local housing authority should process the extension request as promptly as possible and within a maximum time of two weeks (10 working days). In exceptional circumstances, for example in response to an unexpected conduct issue on the part of the tenant/licensee, the landlord may ask the local housing authority to process the request more expediently and with less than the two weeks' notice. The landlord should provide evidence to demonstrate the exceptional nature of the request. Instances of late submission due to omission or poor time management should not normally be considered appropriate reasons.

Where there are instances that the landlord can demonstrate exceptional circumstances for requesting a decision with less than two weeks' notice, the local housing authority should endeavour to process the request by the date requested by the landlord. If this is not

possible, the local housing authority should provide the landlord with a reason for not being able to comply with this date and provide an alternative date by which it will reply.

The local housing authority should, in considering the landlord's application, ensure the following information has been provided:

- the name, address and contact details of the landlord and tenant/licensee;
- the date that the tenancy/licence agreement commenced;
- the date that the relevant period is due to end;
- the reasons for extending the relevant period;
- evidence of consultation with the tenant/licensee;
- evidence of any action already taken within the relevant period to address the conduct of the tenant/licensee; and
- the length of time, up to a maximum of three months, for which approval is sought to extend the relevant period.

The local housing authority should reject the extension request if the landlord has not applied for the extension at least four weeks before the relevant period is due to end.

In reaching its decision, the local housing authority must act reasonably. That means it should consider each application on its own merits. It should have regard for the tenant/licensee's personal circumstances.

There is no obligation on the local housing authority to extend the relevant period, or to grant the extension for the full period requested by the landlord. These decisions are at the discretion of the local housing authority, but the authority should bear in mind that its decision is subject to appeal by the tenant/licensee. The local housing authority should inform the landlord of its decision within two weeks of receiving the application (or earlier if the local housing authority has agreed to do so earlier).

County court review of decision to extend the relevant period

The tenant/licensee has a right to apply to the county court for a review of a decision to extend the relevant period.

The landlord must inform the tenant/licensee of this right of appeal and the timeframe for submitting an appeal when issuing the notice of extension.

The application must be made by the tenant/licensee within fourteen days of the landlord issuing the notice of extension. The county court may give permission for an application to be made after fourteen days if it is satisfied, where permission is sought before the end of that period, that there is good reason why the tenant/licensee is unable to make the application in time or, where permission is sought after that time, that there is a good reason for the tenant/licensee's failure to make the application in time and for any delay in applying for permission.

The county court may:

- confirm the decision;
- quash the decision; or
- vary the length of the extension (but by no more than the three month maximum).

Response Form

The closing date for replies is Friday 28 April 2017

Returning this form

Please send this completed form to us by email to: rentinghomes@wales.gsi.gov.uk

Or by post to:

Renting Homes Team
Housing Policy Division
1st Floor, North Core
Welsh Government
Cathays Park
Cardiff
CF10 3NQ.

If you are sending your response by email, please mark the subject of your email

Supported Accommodation Guidance

Name:

Email:

Telephone:

Address:

Postcode:

Organisation
(if applicable)

Publication of responses

Responses to publications may be made public – on the internet or in a report. Normally the name and address (or part of the address) of its author will be published along with the response, as this helps to show the consultation exercise was carried out properly.

If you would prefer your name and address not be published, please tick here

**Questions on Part 2
Statutory Guidance on Temporary Exclusions**

Question 1: The Decision Maker		Please tick	
Do you agree with the suggested level of seniority for the person making an exclusion decision?		Yes	No
If 'no', please briefly explain your answer.			
Question 2: Preventing Homelessness		Please tick	
Do you agree with the proposed actions a landlord could take to avoid homelessness?		Yes	No
If 'no', please briefly explain your answer.			
Question 3: Lessons Learned Review		Please tick	
Do you agree with the procedure for carrying out the 'lessons learned' review?		Yes	No
If 'no', please briefly explain your answer.			
Question 4: Lessons Learned Review Form		Please tick	
Do you agree the review form is easy to understand and fit for purpose?		Yes	No
If 'no', please briefly explain your answer.			

Questions on Part 3
Guidance on obtaining local authority consent to extend the relevant period

Question 5: Role of the landlord

Please tick

Do you agree the procedure the landlord should follow in order to extend the relevant period is clearly described?

Yes

No

If 'no', please briefly explain your answer.

Question 6: Role of the local housing authority

Please tick

Do you agree the role of the local housing authority in considering an extension request is clearly described?

Yes

No

If 'no', please briefly explain your answer.

The box below is provided for any additional comments you may have on either of the proposed guidance documents