

Severe Weather Emergency Protocol (SWEP)

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Introduction

There are currently no legal protections for people sleeping rough in England during severe weather – the provision of shelter is not a statutory duty, even when conditions are life threatening. However, there is a humanitarian obligation on local authorities to do all they can to prevent deaths on the streets, and for their partners and the public to support these efforts.

The winter period often presents greatest risks to people's health. It may provide increased opportunities to engage with 'entrenched' rough sleepers and other hard-to-reach groups, as they may be more likely to accept support at this time of year. Deaths in winter are not limited to the effects of cold – severe weather conditions such as high wind, heavy rain and snow all increase the risk of harm.

This protocol will set out how the Council, along with its partner agencies, will respond to people sleeping rough throughout the winter months, and especially during severe weather.

Simple and effective communication is essential, as well as ensuring that all those agencies that come into contact with people sleeping rough, are fully aware of the procedure.

The local authority's aim is:

- To ensure that no one dies on the streets during severe weather.
- To ensure that every effort is made to engage individuals with support services during the winter months.

What is severe weather?

There is no single definition of severe weather – any conditions that increase the risk of harm to people sleeping rough can be classed as severe. This includes extreme cold, wind, snow and rain.

Many people sleeping rough will already have health issues caused, or made worse, by being homeless. There may be added complications due to drugs, alcohol or prescribed medication.

It should not be assumed that people sleeping rough have somehow become resilient to severe weather – if anything, the risk of harm and death from exposure is higher for people sleeping on the streets.

Cold: extreme cold can cause serious health problems and death for those who are exposed overnight or for long periods of time. Historically, SWEP provision has been triggered when the temperature is forecast at zero degrees or below for three days. However, a common sense approach will be taken and where the forecast is above zero in a series of sub-zero nights, the impact of rain, snow and wind chill factor will be taken into account.

Wind: high winds can lead to an increased risk of injury through uprooted trees, falling walls, dislodged pieces of roofing and other debris. The location of local rough sleeping sites and the potential for harm from gale-force winds will be taken into consideration. This is a particular issue where people are, for example, sleeping in tents.

Rain: heavy or sudden prolonged rain can lead to flooding and landslides. People sleeping under bridges, streams or canals may be particularly at risk, but there may be less obvious flood risks, for example drains or gullies. As well as increased risk of drowning, being stuck in the rain, and in wet clothes afterwards, can lead to a range of health problems including trench-foot. There is also an increased risk of losing important belongings such as identification.

Heat: extreme heat can lead to heat exhaustion and heatstroke. Homeless people may be at increased risk from heatwaves. Higher rates of chronic disease (often poorly controlled), smoking, respiratory conditions, substance dependencies and mental illness are more frequent in homeless populations than in the general population. These risk factors increase the risks of heat related morbidity and mortality, on top of social isolation, lack of air conditioning, cognitive impairment, living alone and being exposed to extreme heat.

Unsafe shelter: in addition to the direct risk associated with severe weather, the actions people might take to get out of severe weather can also increase the risk of harm and death. People might find cover in unsafe e.g. large lidded bins, which can result in crush injuries or death if the bin is emptied. They might enter buildings or property illegally, including derelict structures, with associated risks around fire safety and building collapse.

Options Available

The Local Authority aims to be flexible and responsive to an individual's needs, to support them to be off the streets for good. We will do this by offering a Severe Weather Emergency Protocol.

Ashford Borough Council has a clear approach to tackling, preventing and reducing rough sleeping in its area, including delivering assertive outreach, collaborative multi agency working to ensure the wellbeing, support and accommodation needs of rough sleepers are met, and a clear Rough Sleeper Pathway. As a result, genuine verified rough sleepers are helped off the streets and to access accommodation and support, as quickly as possible, and regardless of any weather conditions.

Whilst the Council has an established year-round approach and commitment to ending rough sleeping in the borough, there is an extra pressure on the Council in periods of severe weather (including extreme heat) to prevent the loss of life on the streets.

SWEP is for those long term / 'entrenched' rough sleepers who usually refuse all offers of housing and support, as well as those new to the streets who want support to end their homelessness.

The advantages of providing this provision will ultimately prevent deaths on the streets. It will give the Council, along with its partner agencies, the opportunity to engage with people

who have declined services/support in the past and allow longer engagement to provide sustainable move-on.

Providing these provisions will present challenges. It may also create an increase in demand for the service, as people see this as an alternative to sofa surfing.

SWEP procedure

For the purpose of this protocol, the Council will use the BBC Weather Forecast page, for Ashford, (<http://www.bbc.co.uk/weather/2656955>)

The Council, specifically the Housing Options Team, will take the lead in coordinating SWEP, but voluntary sector providers, outreach services, police, health services, neighbouring councils, faith groups and mental health services should all be involved. This will be co-ordinated through our CSU (Community Safety Unit) and Vulnerabilities meetings, both of which meets monthly.

Prior to 2020, Ashford facilitated a winter night shelter for 5 years and SWEP was **not** initiated whilst this was in operation, **UNLESS** the shelter is at full capacity and unable to accommodate any more people. Due to the Covid-19 Pandemic, the Government issued guidance stating you should not be providing any type of shared “hostel” like accommodation. Therefore, the winter night shelter was disbanded and SWEP comes into full operation each year.

Whilst B&B's can be expensive, they present a flexible solution and work well in areas where there are low numbers of rough sleepers. The Council will look to place any persons referred to them under this protocol in this type of accommodation initially. It is essential that partners work closely to find positive move on solutions and to ensure individuals don't 'fall between the gaps'.

All people referred will be interviewed by an Assessment and Resettlement Officer (ARO) and a resettlement form will be completed to determine their needs. Further referrals may be needed to offer support.

If someone continues to refuse help in these circumstances, it may be grounds to contact mental health services. Understanding the Mental Capacity Act (MCA), and working closely and persistently with mental health services, may be the right route to safeguard vulnerable people during severe weather.

The ARO will discuss the person with the Temporary Accommodation Team, who will procure a placement for the individual and this will be logged on the monitoring spreadsheet for SWEP (found in the Team folder). The ARO will issue the placement letter and obtain the signature from the client. A copy of this will be saved in the same folder for reference.

Capturing the demographic and support needs of individuals accessing SWEP and extended winter provision will allow the Council, and their partner agencies, to plan effectively for future responses.

Eligibility

SWEP operates outside the usual eligibility and entitlement frameworks that govern access to housing. SWEP Accommodation will be accessible to all rough sleepers including those with no recourse to public funds, not in priority need, intentionally homeless or those who may have previously been excluded from services.

Prioritisation of individuals for SWEP Accommodation will be based on need, not housing entitlement. The Council conducts an outreach service and already works with its partner agencies supporting people experiencing rough sleeping. Those eligible for SWEP are those who have been verified (confirmed they have been seen sleeping rough) as opposed to sofa surfing, where support is needed but there is not an immediate risk of harm.

To be eligible for SWEP Accommodation the rough sleeper must:

- Be at risk if he / she continues to sleep rough during the severe weather
- Have nowhere to sleep indoors during the severe weather (indoors does not include cars, sheds, or garages)
- Agree to the assistance offered by the Council (and its partners / support providers)
- Abide by the rules of the SWEP Accommodation provider
- Not be too high a risk, where that risk cannot be appropriately managed

Out of Hours

If a rough sleeper, or person assisting a rough sleeper, requires assistance outside of office hours they should contact the Council on 01233 331111.

If a customer is accommodated under SWEP by the Out of Hours Service, they will be contacted by the AROs by 10.00am the next working day to establish their housing and support needs in more detail and to agree next steps.

Accommodation

Rough sleepers approved to be provided with SWEP Accommodation will be placed into accommodation which is likely to be B&Bs, hotels and hostels (including block booking) or Self-contained temporary accommodation with a third-party provider.

If placed in B&B / hotel accommodation, the client must vacate the premises as required by the proprietor for any necessary duties such as cleaning etc.

Where appropriate the SWEP Accommodation provider will be contacted before 10am on each subsequent day after a booking has been made to confirm whether the accommodation is required on an ongoing basis in line with ongoing weather forecasts.

Managing risk and challenging behaviour

A Resettlement Form must be completed for each rough sleeper to be accommodated under SWEP for the purpose of identifying and managing risk. One does not need to be completed for each placement over a period of severe weather but MUST be reviewed at each point of referral to ensure it is accurate and relevant. This will be shared with the Accommodation providers.

If any incidents of anti-social or unacceptable behaviour occur during the time that the client is accommodated under SWEP, the Police will be contacted (if appropriate) along with any other services and organisations involved in assessing and supporting the client. The Council will review the situation jointly with relevant partners and determine whether any other form of SWEP Accommodation could be provided during the period of severe weather. All the presenting risks and if/how it can be managed will need to be considered.

Whilst every possible attempt will be made to find suitable shelter, in rare incidences, where the risk is unmanageable, some rough sleepers may have to be excluded from being provided with SWEP Accommodation until those risks can be mitigated in some way.

Financial Implications

The cost of providing SWEP Accommodation under this Protocol will be covered by funding from the Ministry of Housing, Communities and Local Government (MHCLG) via the Homelessness Prevention Fund.

Where a rough sleeper cannot source their own transport to access SWEP Accommodation provided under this Protocol, transport will be arranged. Please note that this will only be for one return journey for each period of severe weather, and not daily.

In exceptional circumstances, when a customer cannot access essential items such as toiletries or clothing the Council will cover the cost for limited essential items with approval from the Single Persons Partnership Lead Officer.

Evictions from Home Office Asylum accommodation during SWEP

From November 2024, the Home Office confirmed that the eviction or move on of individuals from asylum accommodation will pause for up to, but no more than, three days when SWEP is activated by the local authority

The process below should be followed during periods of severe weather:

1. When SWEP is activated, if individuals at the end of their move on period have not secured onward accommodation and are due to be evicted from asylum accommodation, accommodation providers will not actively pursue eviction, and this will be delayed in line with the below.
2. LAs should notify the Home Office and relevant accommodation provider when SWEP has been activated. Notification should include the start date and, if known, when it is expected to finish.
3. Accommodation will be provided to the individual for a period of up to, but no more than, three days. The LA should seek to source appropriate accommodation for the person following the expiration of the three-day period.
4. LAs should notify Home Office and accommodation providers when SWEP is deactivated.

5. The extension of any accommodation provided to the individual does not impact on the discontinuation of any Home Office financial asylum support and payments will cease as planned

Recording and Monitoring

Details of each client assisted through this Protocol will be recorded on the SWEP monitoring spreadsheet and will be cross referenced against our own software system, Huume, to monitor the extent of rough sleeping in the borough

Information obtained from this monitoring process will be regularly reviewed to ensure that arrangements in place remain targeted and appropriate for customers eligible for SWEP Accommodation. The data collected will also be incorporated in the review of the Council's Homelessness Strategy so that changes to the Council's wider approach to rough sleeping can be made to achieve better outcomes for those affected.

This Protocol will be reviewed annually or sooner if there are any changes to legislation or operational requirements that may impact on this Protocol and its delivery.

Any changes to this Protocol can be agreed by the Housing Options Manager, in consultation with the Service Lead for Homelessness.

Complaints and Appeals

The provision of SWEP is at the discretion of the Single Persons Partnership Lead and there is no application procedure or appeals process.

The Council operates a complaint policy so that everyone is clear about how to comment and complain about services provided by the Council and what will happen to those comments once they are received. Details can be found at:-

[Find out how to leave feedback on Ashford Borough Council services.](#)

Additional Information

If you are aware of someone sleeping rough, this can be reported through the Ashford Borough Council's website, where additional support and advice can also be obtained :-

[Advice and appropriate assistance that we have a legal duty to provide if you are homeless, or threatened with homelessness.](#)

You can also make a referral through the Streetlink Website :- [StreetLink - Connecting people sleeping rough to local services](#)