

Temporary Accommodation Placement Policy

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Portfolio: Communities and Housing

Ward(s) Affected: All

Purpose of the Report:

To recommend a Temporary Accommodation Placement Policy for approval by Council to ensure those facing homelessness understand what the council's offer will be.

Recommendations:

- Cabinet to recommend to Council to adopt the temporary accommodation placement policy.

1. Summary

- 1.1 At present the Council does not have an active temporary accommodation placement policy. Whilst the council has not been challenged regarding temporary accommodation placements for those facing homelessness it is good custom and practice to have a policy to detail what the council's offer will be. This will also protect the council against possible action from the housing ombudsman if a challenge were to reach that point.

2. Background

- 2.1 The Council has a duty to provide accommodation under the following statutory mechanisms :
- a. Interim placements under Section 188 of the Housing Act 1996 while the client's homelessness is investigated.
 - b. Temporary accommodation placements made under S190 of the Housing Act 1996 following a decision that an applicant became homeless intentionally.
 - c. Temporary accommodation placements for those accepted as homeless under Section 193 of the Housing Act and waiting for rehousing.
- 2.2 It is essential also that the Council seeks to utilise existing owned and leased stock before considering any other. This policy seeks to provide parameters where suitability challenges can, and cannot occur thus making sure, following extensive capital investment, full utilisation of our own stock can occur.

3. Proposed action

- 3.1 The key principles within the policy are aligned both to legislation and the high standard expected of the housing team from the council. They are:
- a. That the most suitable accommodation will be sought for the needs and make-up of the household
 - b. That the council will endeavour to accommodate within district at every opportunity and where this is not possible will, when safe to do so, look to move into the district, specifically our owned stock, whenever the opportunity arises.
 - c. That the accommodation is affordable, the correct size, meets any support needs and safe.
 - d. Families will only be accommodated in Bed and Breakfast when all other more suitable options cannot be sourced. On the occasion this does occur as demand outstretches supply, we will move to suitable accommodation in a minimum of six weeks.
 - e. Officers will consider peoples changing circumstances when consideration suitability.

- 3.2 The policy also provides a cascade where specific high demand accommodation becomes available, and more than one resident is suitable thus providing an open and transparent process to residents.
- 3.3 The policy therefore details what aspects council officers will have to consider when assessing suitability of placement.

4. Other options

- 4.1 The Council may choose not to adopt. Potential consequences are as follows:
- a. Council would not meet the legal requirements and therefore be at risk of challenge.
 - b. If a challenge was upheld, the outcome of which could be a fine in addition to lost revenue due to void properties within our temporary accommodation.

5. Issues and risks

- 5.1 **Resource Implications** – there are no resource implications associated with this report.
- 5.2 **Legal Implications** – if this policy is not adopted we would not comply with the requirements of being a Registered Provider and would not have a mechanism by which we can prove we are complying with our statutory duty.
- 5.3 **Equality Implications** – Equality impacts of the policy have been assessed against the Council Public Sector Equality Duty and has been found to have a neutral or positive impact for:
- female headed households
 - young people including care leavers,
 - people with health issues, including mental health and/or disabilities,
 - people fleeing domestic abuse,
 - single males
 - people who are LGBTQ+

As they are more likely to require temporary accommodation because of homelessness.

The policy states the Council will aim to provide the right TA based on what is available, what meets the needs of the household, what is affordable and their statutory duties. Within the policy there is reference to health and mobility needs, those fleeing domestic abuse and young people including care leavers. If a household has been placed into unsuitable TA due to immediate need combined with availability issues, officers will continue to look for suitable placement to offer to the household.

- 5.4 **Environmental Impact** – there are no environmental impact implications associated with this report.

5.5 **Crime and Disorder** – If this policy is not adhered to there could be implications for community cohesion through ASB issues.

5.6 **Risks** – the appended policy has taken into account all risks.

6. **Conclusion**

6.1 To make sure the Council is protected from unreasonable challenge outside the considered approach found in the appended report it is essential action is taken. In addition, as a Registered Provider we need to operate with an adequate temporary accommodation placement policy in place.

7. **Recommendations**

7.1 Cabinet to recommend to Council to adopt the temporary accommodation placement policy.

Background papers

None

TEMPORARY ACCOMMODATION PLACEMENT POLICY

1. Introduction

- 1.1. The purpose of this document is to set out the Council's policy for accommodating homeless households in temporary accommodation. This covers the following:
- 1.2. Interim placements under Section 188 of the Housing Act 1996 while the client's homelessness is investigated.
- 1.3. Temporary accommodation placements made under S190 of the Housing Act 1996 following a decision that an applicant became homeless intentionally.
- 1.4. Temporary accommodation placements for those accepted as homeless under Section 193 of the Housing Act and waiting for rehousing.

2. This policy complies with the following legislation and case law:

- 2.1. The Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017
- 2.2. The Localism Act 2011
- 2.3. Equality Act 2010
- 2.4. Homelessness (Suitability of Accommodation) (England) orders 1996, 2003 and 2012
- 2.5. Supplementary Guidance on the Homelessness changes in the Localism Act 2011 and the Homelessness (Suitability of Accommodation) (England) Order 2012
- 2.6. Children Act 1989
- 2.7. Children Act 2004
- 2.8. R (on the application of Carstens) v Basildon DC [2007]
- 2.9. Kensington and Chelsea LBC, ex p Kujtim [1999]
- 2.10. Nzolameso v City of Westminster (2015)

3. Key principles

- 3.1. Homeless applicants who are accommodated under the council's interim duty to accommodate may be placed in short-term self-contained accommodation such as annexes, managed cluster units, hotel or bed and breakfast rooms while enquires are carried out. This accommodation may be outside of the district. If the Council decides it has a duty to house the household they may be moved to longer-term accommodation as soon as a suitable property becomes available.

- 3.2. In accordance with legislation and guidance, the council seeks to accommodate homeless households within the district as far as reasonably practicable and considers the suitability of any temporary accommodation offered. However, due to limited availability of temporary accommodation, it is sometimes necessary to place people outside of the district, as it would not be reasonably practicable to accommodate them in these two areas.
- 3.3. Statutory guidance and relevant case-law make clear that affordability is a key component of the suitability of accommodation and that unaffordable accommodation may not be regarded as suitable. Cost of accommodation is therefore a relevant consideration when deciding whether it is reasonably practicable to provide temporary accommodation in the district.
- 3.4. The council will assess the suitability of any offer of temporary accommodation. If there is a particular reason why a household should not be housed in a certain area, this will be considered.
- 3.5. Wherever possible, the Council will avoid placing families with dependent children, care leavers under the age of 25, and homeless children aged 16 and 17 in bed and breakfast accommodation. Where no other suitable accommodation exists and such placements are necessary, the Council will move these households to self-contained accommodation as soon as possible and always within six weeks.
- 3.6. For safeguarding purposes, the Council will divulge any potential risk or safeguarding issues to the provider prior to placement. The provider is at liberty to refuse any placement.
- 3.7. The Council will do all that is reasonably possible to provide temporary accommodation. Where a referral to a provider is refused by the provider, the council will try other providers and contact other local authorities in the county. There may be occasions when the risk presented by the client means that no providers will accept a referral. In this situation, the council will continue to seek temporary accommodation as required under legislation.

4. Offers, refusals and the ending of temporary accommodation

- 4.1. One offer of temporary accommodation will be made to applicants, and they will be advised to accept this. The council has no obligation to allow applicants to view any interim accommodation placement. A request to view any accommodation placement other than interim accommodation will be considered and arrangements made where reasonably practical.
- 4.2. If a household is placed in temporary accommodation and more suitable accommodation subsequently becomes available, the household may be moved with little notice.

- 4.3. If an applicant refuses an offer, they must provide reasons. The council will consider any reasons given, making any further enquiries as necessary. If it is concluded that the offer is indeed unsuitable, the offer will be withdrawn and another suitable offer made.
- 4.4. If an offer of temporary accommodation is rejected and the council considers the accommodation suitable, no further accommodation will be offered. The only exception to this is where the applicant rejects the accommodation but a subsequent change in circumstances renders the accommodation unsuitable. In that case, an alternative offer will be made. In all other circumstances, following the refusal of an offer the applicant will be required to make their own arrangements. The applicant has a right of review of the suitability of any temporary accommodation offered under S193, however the suitability of interim accommodation can only be challenged by way of a Judicial Review.
- 4.5. If, having been provided with accommodation, the applicant shows by their conduct a persistent and unequivocal refusal to observe the reasonable requirements of the council in relation to the occupation of the accommodation, the council will consider that the applicant has rejected the accommodation offer and so the duty to accommodate them will be ended.
- 4.6. If it is found that a duty is not owed to an applicant, they will be asked to leave the temporary accommodation, usually within 7 days after the homelessness decision letter has been received or 28 days for those accommodated in self-contained properties.
- 4.7. Where an applicant requests a statutory review of a homeless decision, they will only be accommodated during the review period at the council's discretion. Each case will be considered on an individual basis, considering the merits of the review, any new information that may affect the original decision, and the circumstances of the applicant and possible effect of loss of accommodation. The exception to this is if an applicant requests a review of the suitability of a final part 6 offer made under the S189B relief duty and we have reason to believe they have a priority need, in this instance we will continue to be under a duty to secure interim accommodation until the review decision has been notified to the applicant.

5. Suitability of accommodation

- 5.1. The following factors will be considered when assessing the suitability of a placement:
 - 5.1.1. The household must have its equivalent level of income support or income based Universal Credit (whether claimed or not) available to spend on reasonable living costs after accommodation costs have been deducted from the household's income.

5.1.2. Accommodation must be adequately sized and be fit to inhabit. This will consider any health or mobility issues. If possible, accommodation will be in an area where support networks can be accessed.

5.1.3. Health and mobility issues will be taken into consideration when they will have an impact on the suitability of a temporary accommodation placement. If the medical grounds were not revealed in the initial assessment, a medical form must be submitted. Medical grounds for the unsuitability of the property must be specific. Conditions that would persist in any accommodation will not usually be considered to have an impact on the suitability of temporary accommodation.

6. Priority, and accommodation outside of the district

6.1. Placements outside of the district will sometimes be necessary but will only be used where suitable and when accommodation within the district is unavailable.

6.2. If a household is placed outside of the district, the local authority in which they are placed will be notified within 14 days via a Section 208 notification.

6.3. If vulnerable households are placed outside the district, the Council will ensure (as far as possible) that they have appropriate support and access to support networks.

6.4. The Council will endeavour not to make placements of households, whom they have already informed they are minded to find intentionally homeless, in temporary accommodation out of the local housing authority area, unless the household is already accommodated out of area, when the "minded to" decision is made.

6.5. Where the availability of temporary accommodation in the district is limited, the following conditions will be used to prioritise which households are placed in temporary accommodation within the district, dependent on suitable accommodation being available:

6.5.1. Applicants with a severe and enduring physical or mental health condition or disability that requires specialist treatment only available in the district.

6.5.2. Applicants who are in receipt of a significant package of care that could not be easily transferred to another area.

6.5.3. Applicants with a severe and enduring physical or mental health condition or disability that requires intensive and/or specialist treatment or aftercare where a transfer of care would create serious risk to their safety or the sustainability of their care.

6.5.4. Households in the district with children on the child protection register, or families with high social needs and are linked in with local social or health services and it is confirmed that being accommodated temporarily in another area would significantly affect their welfare.

6.5.5. Households containing a child with special educational needs who is receiving education or educational support in the district, and where being

accommodated temporarily in another area would significantly affect their welfare.

- 6.5.6. Households where at least one member can demonstrate that they have a longstanding arrangement to provide care and support to another person in the district.
- 6.5.7. Households that contain a child in full time education who is currently undertaking examination courses in the district.
- 6.5.8. Applicants at risk of domestic abuse or violence will be accommodated in a refuge or, if this is not practicable, other safe accommodation outside of Broadland if the risk is within the district. They will be accommodated in an area where the risk is not present, with consideration given to all other aspects of this policy.
- 6.5.9. Any other special circumstances which are relevant.

Further information

If a duty to accommodate is accepted outside of normal office hours, the applicant will be placed in whatever accommodation is available at that time by our contracted Out of Hours service. The customer will be contacted by the Housing team during the next working day to qualify their application and if necessary, the temporary accommodation team will seek to move the customer to more suitable accommodation.

Housing Team:

Name	Title
R Dunsire	Head of Housing and Benefits
S Duffield	Housing & Benefits Manager (Temporary Accommodation)
J Dell	Housing & Benefits Manager (Rough Sleeper Project)
D Neville	Housing & Benefits Manager (Housing Solutions)
S Thornley	Housing & Benefits Manager (Housing Solutions)
G Bloomfield	Housing & Benefits Manager (Housing Solutions)

Monitoring and reviews

The impacts of this policy will be monitored and reported on annually by the Head of Housing and Benefits. This policy will be reviewed if there are significant changes required in the light of best practice and any changes to legislation and Government guidance.