

Policy:	Temporary Accommodation Placement Policy
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1. Policy Statement

- 1.1. The Housing Act 1996 places a statutory duty on local authorities to provide interim accommodation for applicants during the period between initial application and decision to accept or reject the application and if accepted, until the conditions for discharging duty are met.
- 1.2. Ashford Borough Council seeks to accommodate homeless households in Ashford wherever practicable and will consider the circumstances of individual household needs and suitability of accommodation.
- 1.3. However, due to a shortage of affordable housing locally and rising rental costs, an increasing number of households are likely to be placed outside of Ashford.
- 1.4. Accommodation will only be procured outside of the area when all other reasonable options have been exhausted. An assessment will be carried out to determine the suitability of accommodation.

2. Scope of the policy

- 2.1. Ashford Borough Council is experiencing complex housing pressures that have impacted on the authority's ability to provide long term settled accommodation for applicants facing homelessness. In response to this voluminous demand, the council is seeking a formalised policy approach to temporary accommodation (TA) placements.

2.2. The policy and the associated guidance details how applicants will be prioritised for temporary accommodation in Ashford, and out of area. This policy does not cover the council's approach to discharging its homelessness duty or the placement into permanent social housing as a secure or assured tenant.

2.3. **Definitions** Homelessness applicant – This is a person who completes an application to be assessed as homeless. The definition of legally homeless is set out in Part VII of the 1996 Housing Act (as amended). This policy refers to a homelessness applicant as 'the applicant'

3. Legal & Regulatory framework

The Housing Act 1996 Part VII (as amended)

The Council has a legal duty to provide interim accommodation, if there is reason to believe that the applicant may be homeless, eligible for assistance and has a priority need under S188.

Housing Act 1996 (S208)

- A placing local authority should notify the host local authority when placing a homeless household in their area within 14 days of the accommodation being offered to the household.

The Children Act 2004 (s11)

- Local authorities have a particular duty under act to have regard to the need to safeguard and promote the welfare of children.

The Homelessness (Suitability of Accommodation) Order 2012

This sets out the following criteria: In determining whether accommodation is suitable for a person, the local housing authority must consider the location of the accommodation, including:

- a) where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority; the significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household;
- b) the proximity and accessibility of the accommodation to medical facilities and other support which:
 - are currently used by or provided to the person or members of the person's household; and
 - are essential to the well-being of the person or members of the person's household; and

- the proximity and accessibility of the accommodation to local services, amenities and transport.

Nzolameso V Westminster City Council 2015

The Supreme Court case judgment in Nzolameso v Westminster City Council 2015 had significant ramifications for local authorities, who are advised to adopt policies as to the procurement and allocation of temporary accommodation. Care should be taken to ensure that the policies reflect the obligations under section 208, the 2012 Order and the associated statutory guidance and under section 11 of the Children Act 2004.

Homelessness Reduction Act 2017

Section 206(1) provides that all accommodation provided under Part 7 of the 1996 Act must be suitable for the applicant and their household, and the suitability requirements under section 210 apply.

Homelessness Code of Guidance for Local Authorities

The code of guidance provides further information about the suitability of the location of accommodation. The code consolidates the existing legislation, case law and good practice.

4. Policy Details

4.1. The guidance is intended to frame the decisions made in each individual case, in respect of temporary accommodation (TA) placement, having regard to:

- a) Accessibility of the TA location, including transport links to shops and local facilities (e.g., healthcare)
- b) Proximity of the TA location (and distance to travel) to a place of current employment
- c) Proximity of the TA location (and distance to travel) to schools, which children are currently attending.
- d) The significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household.

4.2. The criteria above will be applied based on reasonableness in deciding whether an offer of TA is made inside or outside of the Ashford area. There will be locations near (but outside of) Ashford which are suitable and accessible to areas within Ashford. An offer of TA in a neighbouring local authority area may be suitable due to good transport links and the proximity to current places of employment, schools etc.

4.3. There are a substantial number of applicants who approach the Council seeking assistance who do not originate or have not recently been resident

within Ashford. It may not be reasonably practicable to provide TA to every applicant within the Ashford area, although this depends on current demand and where the household has been living recently. Every case will be considered individually based on risk and suitability, having regard to the criteria above. Whilst most households will be offered TA in Ashford, there is likely to be a significant number of households who will be placed in suitable accommodation outside of the Ashford area.

- 4.4. The Local Housing Allowance (LHA) is used to work out how much Housing Benefit a licensee will receive to pay their rent. LHA rates depend on who lives in the household, and the area they are making their claim in.
- 4.5. Due to the limited supply of affordable, suitable TA in Ashford, it may be necessary to procure accommodation out of area. Where possible, this accommodation will be in areas neighbouring Ashford. However, it may be necessary to secure accommodation further away. This will only be sourced when all other reasonable options have been exhausted.
- 4.6. The Council will notify the host local authority when placing a homeless household in their area within 14 days by completing a S208 notification.

5. Offers and Refusals

- 5.1. Homeless applicants who are housed under the interim duty to accommodate pursuant to Section 188 HA96 may be placed into accommodation with shared facilities. For urgent situations, B&B accommodation might be used, but in most circumstances for a short period only, until alternative accommodation can be found. For any out of hours placements, Bed & Breakfast accommodation will be used for an interim period until a full assessment can be made.
- 5.2. Wherever possible, the Council will avoid placing families with dependent children; pregnant women; and young people aged 16/17 in bed and breakfast accommodation. Where no other suitable accommodation exists and such placements are necessary, the Council will endeavour to move these households to more suitable accommodation within six weeks.
- 5.3. The council will seek to provide self-contained accommodation to families with children, but where this is not reasonably practicable at the time of a household need for interim accommodation, then TA with shared facilities may be provided/offered.
- 5.4. Where the council determines that applicants housed under Section 188 HA96 are not owed the main homelessness duty, they will be asked to leave following reasonable notice, after being notified of the decision. The reasonable notice period is generally 28 days (having regard to the need to safeguard and promote the welfare of any children in the family). The cessation of temporary accommodation will always be notified to Children's Services in cases where there are dependent children.
- 5.5. Applicants will be given one offer of suitable, interim, temporary accommodation and they will be asked to accept the offer within 24 hours.

There is no obligation upon the Council to enable applicants to view the accommodation prior to acceptance. In making the offer, the household's individual circumstances will be considered.

- 5.6. Where applicants refuse an offer of suitable emergency (interim) accommodation (which may be out of area) and the Council considers that the offer is suitable, applicants will not be offered further accommodation. The applicant will be required to make their own arrangements. There is no right of internal review against the suitability of accommodation offered to applicants under Section 188 HA96 (although applicants can apply for judicial review through the courts).
- 5.7. For applicants where the council has accepted a rehousing duty under section 193 HA96, (Section 193 duty) there is a right to request an internal review of the suitability decision, pursuant to Section 202 HA96. Where applicants (towards whom the council has accepted a S193 duty), refuse a suitable offer and submits a review request, they will only continue to be accommodated during the review period in exceptional circumstances. Each case will be considered on an individual basis, considering the overall merits of the review request, any new information or evidence that may affect the original decision, and the personal circumstances of the applicant and the potential impact of loss of accommodation.

6. Suitability of Accommodation – Factors to consider

- 6.1. In offering accommodation, the council will assess the suitability of the offer, using the following factors.
- a) **Location** – if suitable affordable accommodation is available in its area, applicants will be housed in Ashford, allowing them to maintain any established links with services and social/support networks. However, when there is a lack of suitable accommodation or there are higher priority households needing accommodation in Ashford, outside of Ashford placements will be used to meet the Council's housing duty. If no suitable accommodation is available in the Ashford, attempts will be made to source accommodation local to Ashford. If this is not available, the provision of accommodation further afield may have to be considered.
- b) **Size, condition and facilities** – accommodation must provide adequate space and room standards for the household and be fit to inhabit (See Appendix 1). Households in temporary accommodation will often be placed into units with 1 bedroom less than they would be entitled to on a permanent basis, with the expectation that the living room provides dual purpose as a living and sleeping area. In deciding on the fitness of the property, consideration should be given to the length of time needed to complete any necessary repairs and whether it is reasonable to complete these while the property is occupied. The quality of the decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden are extremely unlikely to affect a suitability decision and therefore reason for refusal.

- c) **Health factors** – the Council will consider health factors, such as ability to climb stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Ashford. If the applicant or a member of the resident household is citing medical grounds that were not identified during the initial assessment, the applicant will be asked to submit medical information. The key test in determining the impact of medical issues is whether the condition itself makes the housing offered unsuitable. Problems such as depression, asthma, diabetes, or back pain would not normally make a property unsuitable, as the problems would persist in any sort of accommodation. However, any medical problems will be reviewed in line with the Council's legislative duties.
- d) **Education** – the Council will consider any attendance at local schools and transport options. Some priority will be given to special educational needs and students who are close to taking public examinations in determining priority for placements in Ashford.
- e) **Employment** – the Council will consider the need of applicants, who are in paid employment, to reach their normal workplace from the accommodation that is secured. This will include having a regard to both travelling time and the costs associated with this travel.
- f) **Proximity to schools and services** - The Council will consider the proximity to schools, public transport, primary care services, and local services in the area in which the accommodation is located.
- g) **Safeguarding** - The Council will seek to identify the welfare of any children in the household, including any needs of the children and promote their welfare in making decisions on whether the offer is suitable.
- h) **Special circumstances** - The Council will consider any other reasons put forward by the applicant and come to an overall view about whether the offer is suitable.

7. Criteria for prioritising placements inside/outside Ashford

- 7.1. As several applicants are likely to be housed outside of Ashford, it will be increasingly necessary to make decisions about the suitability of out of area placements for individual households and balance these against the type and location of temporary accommodation that can be offered.
- 7.2. In some cases, housing out of area can be more sustainable for the household in the longer term, with lower rents allowing them to better meet their subsistence and household costs, and avoid rent arrears. Attempts will be made to find a suitable alternative as close as possible to where the household were previously living. Evidence of this search will be recorded.

- 7.3. If accommodation cannot be sourced in or immediately adjoining Ashford, the principal needs of the individual household must be acknowledged, including adults and children, and assessed both individually and collectively when determining the location of accommodation.
- 7.4. Written evidence and explanation will be recorded and given on a case-by-case basis when making out of area placements, acknowledging each household's collective and individual needs.
- 7.5. Households will be given sufficient time to decide on an out of area offer when no alternatives are available and thorough information regarding the proposed area must be provided. The time being given to decide on an out of area placement will be confirmed to the applicant and recorded. Time given will be on a case-by-case basis.
- 7.6. Priority for accommodation within, or in areas immediately adjoining Ashford will be given to:
- a) An applicant or a member of their household with a severe and enduring health condition requiring intensive and specialist medical treatment where a move from Ashford would disrupt that treatment and continuity of care.
 - b) An applicant or a member of their household who are in receipt of a significant package and range of health care options that cannot easily be transferred.
 - c) An applicant or a member of their household with a severe and enduring mental health problem who is receiving psychiatric treatment and aftercare provided by community mental health services and have an established support network where a transfer of care would severely impact on their wellbeing.
 - d) Applicants who have as part of their household a child registered on the Child Protection Register in Ashford, who are linked into local services, and where it is confirmed that a transfer to another area would adversely impact on their welfare.
 - e) Applicants who have as part of their household a child with special educational needs who is receiving education or educational support in Ashford, where change would be detrimental to their well-being.
 - f) An applicant or a member of their household who have a longstanding arrangement to provide care and support to another family member in Ashford who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.

- g) An applicant or a member of their household who have a formal arrangement to receive housing related or other support, including addiction help or recovery, and where a move from Ashford would disrupt that support.
- h) Any other special circumstances will also be considered (including any particular needs of the children in the household not already identified in a) to g) above).

N.B. Whilst priority will be given for these placements, this is dependent on such accommodation being available.

7.7. When making placements outside of Ashford, consideration will be given to the following:

- a) Applicants who have as part of their household, a child or children who are enrolled in GCSE, AS, or A level courses or post 16 vocational qualifications (for example BTEC) in Ashford, with exams to be taken within the academic year. Wherever practicable, we will seek to place such households within 60 minutes' travelling distance of their school or college.
- b) An applicant or a member of their household who works for more than 16 hours a week will not be placed more than 90 minutes travelling distance, from the place of their employment. Consideration will also be given to the affordability of the travel arrangements needed to reach the place of employment. This will include women who are on maternity leave from employment.
- c) An applicant or a member of their household who is in higher or adult education, vocational or professional training, a recognised apprenticeship, self-employed with a business predominantly in Ashford, have a confirmed start date to commence employment in Ashford or are enrolled in an Ashford work readiness programme.
- d) Any other special circumstance will be considered (including and particular needs of the children in the household not already identified).

N.B. Efforts will be made to reduce the distance from Ashford to a minimum but the supply of accommodation at any point in time will vary considerably.

7.8. If placed outside of Ashford, the council will provide as much detail as possible about the area in which the accommodation is that they have been offered.

7.9. To support the transition to a new area, the council will check whether the family has any involvement with other services. Where no existing support has been identified, the council may offer support to people after their move for a reasonable period, on a case-by-case basis. This may include:

- a) Information about their new local area, for example details regarding local authority services, health services, access to places of worship, or the ethnic and religious make-up of that area
- b) Information on places where parents can get involved with community groups, social activities for their children, and other groups or networks of support
- c) Information on travel and transport, especially back to their home area.
- d) Identifying and arranging schools.
- e) Health, for example signing up with a local GP.
- f) Council links, for example Council Tax, electoral register.
- g) Welfare benefits.
- h) Removals and assistance with identifying appropriate storage.
- i) Financial assistance with immediate resettlement costs, possibly through Local Welfare Provision.

7.10. The package of support will be kept under review and amended as required to ensure the provision of appropriate support.

8. Equality and diversity

8.1. The Council has a statutory duty to have due regard to the need to promote disability, race & gender equality.

8.2. The Council will also be proactive about putting in place arrangements to ensure that they do not unfairly discriminate against individuals on the grounds of their age, religion, personal relations or living and caring arrangements, or whether they live in an urban or rural area. Equality will be integral to the way in which social care is prioritised and delivered.

9. Impact and measurement

- 9.1. The Housing Service Improvement Manager will monitor the outcomes of the policy to help assess the success of it.
- 9.2. The Council continuously monitors the number of households in temporary accommodation to ensure that budgetary pressures can be monitored and reported upon. The analysis of this data will be used to procure appropriate temporary accommodation to ensure that appropriate provision is made in respect of long-term housing options.

10. Equalities Impact Assessment

- 10.1. EIA attached.

11. Review of Policy

- 11.1. Policy to be reviewed yearly.
- 11.2. The Housing Service Improvement Manager will be responsible for overseeing the delivery and monitoring of this policy.
- 11.3. The Policy may also be reviewed at any time, in line with any relevant changes in legislation or Guidance issued by relevant Government.

Appendix 1 – Minimum Size Criteria

Accommodation must provide adequate space and room standards for the household and be fit to inhabit, containing no category 1 hazards within the meaning of the Housing Act 2004 Housing Health and Safety Rating System. Households in temporary accommodation will often be placed into units with less than they would be entitled to on a permanent basis, with the expectation that the living room provides dual purpose as a living and sleeping area.

Section 210 of the Housing Act 1996 requires that local authorities should have regard to Part 10 of the Housing Act 1985 and accommodation should not be statutorily overcrowded. Accommodation will vary in terms of the furniture and equipment provided. The Council are not obliged to provide furnished accommodation, and most will be unfurnished.

The following minimum size criteria apply although larger, *family sized shared accommodation* units in Council owned/managed accommodation might be considered differently on a short-term basis.

Studio or non-self-contained accommodation

- Single applicants
- Couples
- Lone parents with a child under 1 year

One bedroom accommodation

- Couples with 1 child over the age of 10 years (no upper age limit).
- Lone parent with a child aged over 10 and of the opposite sex to the parent.
- Couples with 2 children of the same sex (no upper age limit).
- Couples with 2 children of opposite sexes where both children are under the age of 10 years.
- Lone parents with 2 children of opposite sexes where 1 is over the age of 10 years.

Two-bedroom accommodation

- Couples with 2 children of opposite sexes where one is over the age of 10 years.
- Lone parent with 2 children of opposite sexes where both are aged over 10 years.

Three-bedroom accommodation

- Lone parent and couples with between 3 and 6 children

Four-bedroom accommodation

- Lone parent and couples with more than 6 children