

HOUSING/PROPERTY SERVICES TEMPORARY ACCOMMODATION POLICY

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1. Reasons for Policy

- 1.1 This policy sets out how the council will meet its obligations to secure temporary accommodation to households owed a duty under the Homelessness Legislation. It covers both how we allocate the temporary accommodation available to us and also how we spot purchase additional units as required.

2. Legislative Context

- 2.1 The Housing Act 1996 (as amended) sets out the circumstances when a local authority is required to provide temporary accommodation to homeless households. The expectations for this accommodation is then set out in the Homelessness (Suitability of Accommodation) (England) Order 2012. Furthermore, *Nzolameso v City of Westminster* (2015) sets out the following guidance

"Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority's statutory obligations under both the 1996 Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of "in borough" units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away. That policy too should be made publicly available."

- 2.2 To reflect this judgement and to provide further clarification to Local Authorities the Government have included the following information in the revised Homelessness Code of Guidance at paragraph 17.49

Where it is not reasonably practicable to secure accommodation within district and an authority has secured accommodation outside their district, the housing authority is required to take into account the distance of that accommodation from the district of the authority. Where accommodation which is otherwise suitable and affordable is available nearer to the authority's district than the accommodation which it has secured, the accommodation which it has secured is not likely to be suitable unless the applicant has specified a preference, or the accommodation has been offered in accordance with a published policy which provides for fair and reasonable allocation of accommodation that is or may become available to applicants.

3. Objectives of the Policy

- 3.1 This policy sets out how the Council will allocate the temporary accommodation within its control to ensure that we are compliant with legislation and guidance. It will also provide a framework to allow customers to understand why they have been placed in the temporary accommodation that they have and to understand the grounds they may

wish to challenge our decision or seek alternative accommodation at the earliest opportunity.

- 3.2 The policy also sets out the principles the Council will apply in securing additional long term temporary accommodation units to better meet demands and the needs of customers.

4. Definitions

4.1 Bed and Breakfast

Accommodation in a hotel or guest house, in which rooms are booked on a nightly basis.

4.2 Direct Access Accommodation

Quick access accommodation that is available on the day as opposed to those which usually carry out pre-tenancy checks and take time to process referrals

4.3 Floating Support

Support provided by an organisation that does not necessarily provide accommodation. The support can be provided wherever the customer is currently living

4.4 Non-secure tenancy

A tenancy in one or designated self-contained units granted to a homeless household as part of any function under Part 7 of the Housing Act 1996 and is not secure.

4.5 Self-contained

Accommodation containing bathing and food preparation facilities, none shared with other households.

4.6 Spot Purchase

Accommodation that is purchased as need arises, this will include some bed spaces in hostels and Bed & Breakfast accommodation

4.7 Supported Bed Spaces

Bed spaces may not be in a private room and may be allocated on a nightly basis. Additional facilities such as meals and laundry may be provided and there may be an additional charge for these over and above housing benefit entitlement

4.8 Supported Accommodation

Accommodation provided for those with support needs which provides support as a condition of the accommodation. Support might include day to day needs as well as preparing for more independent living.

5. Responsible Party

- 5.1 The responsibility for this policy sits with the Housing Strategy and Support Team Manager and in his/her absence the Housing Choices Team Manager

6. Direct Access Accommodation

- 6.1 The Council has limited access to direct access accommodation and where homelessness is unplanned and immediate this may impact on choices available to

customers and staff arranging placements.

Direct access accommodation falls broadly into 3 categories.

- a) Spot purchase: usually of Hotel/Bed and Breakfast accommodation on a nightly basis
- b) Supported accommodation controlled by the Council: these are bed spaces funded by the Council to be available on an as required basis
- c) Supported accommodation available to the Council but funded by others depending on availability

- 6.2 The Council is committed to its statutory obligation to not use B&B accommodation for 16/17 year olds in any circumstances and for families with children only in emergencies. There is an arrangement in place whereby 16/17 year olds who approach the Council as homeless will be directed to County Council emergency provision whilst an assessment of responsibilities take place.
- 6.3 For families with children we will endeavour to provide temporary accommodation within our own stock or an appropriate women and children supported hostel within our own area. B&B accommodation will be only be used in an emergency and where we are able to secure accommodation suitable to a households needs.

7. Other Temporary Accommodation

- 7.1 The Council uses a number of its own units as temporary accommodation. These are let on non-secure tenancies and are HRA units that have been allocated either short or long term as temporary accommodation.
- 7.2 The Council's preferred provision is for self contained accommodation wherever possible as this minimises disruption to a household and allows them to prepare their own healthy and economical meals. Furthermore for vulnerable households accommodation with support will be sourced wherever possible.
- 7.3 Appendix One sets out the current temporary accommodation units available to the Housing Choices Team

8. Out of Area Placement

- 8.1 Wherever possibly temporary accommodation will be offered within the Local Authority area. Out of area placements will usually only be made in the following circumstances
 - a) The customer is a single person in need of support and this can be accessed most effectively out of area and no in area provision is available
 - b) There is no suitable temporary accommodation within area
 - c) There is accommodation available within area but with agreement with the customer it is agreed that an out of area placement would be preferable and there are compelling reasons to agree to this. This would usually relate to the location of the available temporary accommodation and the clients current centre of interest
- 8.2 There is a disproportionate level of hotel accommodation in the North West of the district around the airport. This however can cause problems for customers with commitments in the south of the district who are reliant on public transport and so accommodation outside area but closer to their centre of interest can be more convenient. However if accommodation in area is available the customer **will always** be offered accommodation in area first.

- 8.3 Whilst out of hours placements have access to a more limited number of establishments and there is an increased likelihood that the emergency placement will be out of area, on the next working day a case officer should work to move the client to more suitable accommodation if an ongoing accommodation duty exists.
- 8.4 In all relevant circumstances the case officer will complete a section 208 referral to the receiving authority. The referral template is attached at Appendix Two.

9. Allocating temporary accommodation

- 9.1 The Homeless Reduction Act sets out the requirement to identify a households support need alongside their accommodation needs. This is equally applicable to temporary accommodation as it is to permanent. Where a household has support needs but they are being placed in non-supported accommodation consideration will be given as to how best to meet those needs whether by moving to more appropriate accommodation or arranging floating support. Available support services are listed at Appendix Three
- 9.2 Any family with children or containing a pregnant household member, placed in bed and breakfast accommodation as soon as possible will be supported by their case officer to access more appropriate accommodation whether that be temporary or permanent during their occupation to ensure that they do not exceed the six week limit.
- 9.3 Appendix Four sets out a process map identifying how decisions relating to the allocation of temporary accommodation will be made.

10. Provision of Meals

- 10.1 Traditionally nightly paid accommodation was booked on a bed and breakfast basis. Increasingly however the hotel accommodation available to the Council provides meals as an optional extra. It is not council policy to provide meals where these are not a pre-requisite of the booking. Where breakfast is automatically included the Council will not seek to recover this cost from the customer.
- 10.2 Some supported accommodation will be provided with meals included and this will be funded through a personal service charge to the customer. The customer will be expected to meet these costs through their own income and they will be informed of this when their placement is arranged.

11. Equality and Diversity

- 11.1 We aim to ensure that our policies and procedures are fair and transparent; and that we work towards achieving balanced and sustainable communities in accordance with our equality and diversity goals.
- 11.2 The needs, requirements and circumstances of each household member should be considered, this includes any identified health or mobility issues, any care or support provided by agencies or the need to access specialist medical services.
- 11.3 Consideration will be given to whether the accommodation is affordable for the applicant and their household.

- 11.4 The Suitability Checklist that officers complete when placing a household in temporary accommodation is set out at Appendix Five.
- 11.5 This policy has been subject to the Council's EIA screening matrix and no negative impacts have been identified

12. Implementation and Monitoring

- 12.1 *The Strategic Director of Housing and Customer Services is responsible for the implementation and monitoring of this policy.*

13. KPIs

- 13.1 The use of temporary accommodation will be monitored on the following measures
 - a) Number of households in temporary accommodation (month end snapshot)
 - b) Utilisations % of funded beds
 - c) Utilisation of HRA stock
 - d) Number of 16/17 year olds placed in bed and breakfast accommodation year to date
 - e) Number of families with children/containing a person who is pregnant, placed in bed and breakfast type accommodation
 - f) Number of families with children/containing a person who is pregnant, placed in bed and breakfast type accommodation for more than six weeks year to date
 - g) Bed and Breakfast spend

14. Temporary Accommodation Provision

- 14.1 The Strategy and Systems Team Manager is responsible for planning for an appropriate level of temporary accommodation that balances the need to meet needs and is cost effective.
- 14.2 The performance measure identified in section 12 above will help inform resource allocation decisions to ensure that the portfolio of available temporary accommodation best meets need within available resources.
- 14.3 This may include, allocating additional units of council stock as temporary accommodation as well as working with partners to develop additional supported bedspaces for those owed a temporary accommodation duty. All efforts will be made to provide these in district wherever possible.

15. Service Standards

- 15.1 Service Standards relating to this policy are incorporated in the Housing Choices Team service standards.

16. Right to Review

- 16.1 The Homelessness Code of Guidance sets out the situations where an applicant is entitled to a review. This is reproduced in 15.2 below
- 16.2 Applicants may ask for a review on request of the housing authority's decision that the accommodation offered to them is suitable under section 202(1)(f), although this right does not apply in the case of interim accommodation secured under sections

188, 190, 200(1), 204(4). For further guidance on accommodation duties see [Chapter 15](#). Under [section 202\(1A\)](#) an applicant may request a review as to suitability regardless of whether or not they accept the accommodation. This applies equally to offers of accommodation made under [section 193\(5\)](#) to discharge the section 193(2) main housing duty and to offers of an allocation of accommodation made under [section 193\(7\)](#) that would bring that duty to an end. This means that the applicant is able to ask for a review of suitability without inadvertently bringing the main housing duty to an end. Housing authorities should note that although there is no right of review of a decision on the suitability of accommodation secured under interim accommodation duties such decisions could nevertheless be subject to judicial review in the High Court.

16.3 Furthermore applicants are entitled to request that any decision made under this policy is reconsidered by a more senior officer