

Transitional Accommodation Placement Policy

Approved by Executive on 12th June 2018

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Transitional Accommodation Placement Policy

1. INTRODUCTION

- 1.1 This document sets out our approach to the placement of households in transitional accommodation, both in and out of the Central Bedfordshire area.
- 1.2 Taking into account all known and relevant facts the Council will endeavour to place all households within or as close as possible to Central Bedfordshire. This policy outlines which households will have priority for the differing units of accommodation that become available

2. SCOPE, DEFINITIONS AND RELATED POLICIES

2.1 Scope

The policy and the associated guidance details how applicants will be prioritised for transitional accommodation in Central Bedfordshire, 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.

2.2 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 the 1996 Housing Act. This policy refers to a homelessness applicant as 'the applicant'.

2.3 Related policies

- Discharge Homelessness Duty to a Suitable Home Policy (Currently being reviewed)
- Central Bedfordshire Council Housing Allocation Scheme

3. POLICY STATEMENT

- 3.1 As far as reasonably practicable Central Bedfordshire Council will aim to house homeless people within the local area. The Council will only make out of area placements when no accommodation in the local area can be procured or where there are good reasons for an out of area placement, such as to reduce risk to a household.
- 3.2 If accommodation cannot be procured in the local area, then the principal needs of the individual household will be acknowledged, including adults and children, and assessed both individually and collectively when determining the location of accommodation.

4. LEGAL AND REGULATORY FRAMEWORK

- **Housing Act 1996 Part VII**
 - The Council may have a legal duty to provide transitional accommodation, if there is reason to believe that the applicant may be homeless, eligible for assistance and have a priority need.
 - Section 206(1) provides that the authority may discharge their housing functions only by securing “suitable” accommodation, albeit by a variety of routes.
 - Section 208(1) provides that: “So far as reasonably practicable a local housing authority shall, in discharging their housing functions under this Part, secure that accommodation is available for the occupation of the applicant in their district”.
- **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** sets out the following criteria: In determining whether accommodation is suitable for a person, the local housing authority must take into account the location of the accommodation, including—
 - 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;
 - the proximity and accessibility of the accommodation to medical facilities and other support which—
 - (i) are currently used by or provided to the person or members of the person’s household; and
 - (ii) are essential to the well-being of the person or members of the person’s household; and
 - (iii) 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 (2018)

Section 17.46 provides further guidance about the suitability of the location of accommodation. The code consolidates the existing legislation, case law and good practice.

5. EQUALITY AND DIVERSITY

- 5.1 The Council has a statutory duty to have due regard to the need to promote disability, race and gender equality.
- 5.2 The Council should 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 should be integral to the way in which social care is prioritised and delivered.
- 5.3 The potential impact of this policy on the various protected characteristics has been identified and addressed through an Equality Impact Assessment.

6. MONITORING AND REPORTING ARRANGEMENTS

- 6.1 Monitoring will be included within the performance framework of the Social Care Health and Housing Directorate; officers will monitor the outcomes of transitional accommodation placements to help assess the success of the policy.
- 6.2 The Council continuously monitors the number of households in transitional accommodation to ensure that budgetary pressures can be monitored and reported upon. The analysis of housing data will be used to procure appropriate transitional accommodation, so that adjustments can be made to the annual lettings plan to ensure that appropriate provision is made in respect of long term housing options.

7. RESPONSIBILITIES

- 7.1 The Head of Housing Solutions is responsible for overseeing the delivery and monitoring the policy.

8. REVIEW

- 8.1 The Transitional Accommodation Placement Policy will be reviewed after 2 years.

9. POLICY DETAILS

- 9.1 This document sets out our approach to the placement of households in transitional accommodation (TA), both in and out of the Central Bedfordshire area.
- 9.2 It covers both interim placements made under Section 188 Housing Act 1996 (HA96), while homelessness enquiries are undertaken, and longer term transitional accommodation placements for households accepted as homeless under section 193 HA96 (referred to in the Act as temporary accommodation).
- 9.3 The Approach takes into account the statutory requirements on local authorities in respect of the suitability of accommodation, including the Suitability of Accommodation Orders, the Homelessness Code of Guidance 2006, and the Supplementary Guidance issued in 2012. It has also been formulated having regard to the need to safeguard and promote the welfare of children, as required by section 11 of the Children Act 2004.
- 9.4 As per section 208 of HA96, and paragraph 16.7 of the Homelessness Code of Guidance, so far as reasonably practicable the Council seeks to accommodate homeless households in the Central Bedfordshire area and always considers the suitability of the accommodation, taking into account the circumstances of the individual household.
- 9.5 The purpose of this Policy is to clarify what the term 'reasonably practicable' usually means in terms of the suitability of offers made within and outside of the Central Bedfordshire area. Whilst it is not possible to provide a definitive position, this guidance is intended to frame the decisions made in each individual case, having regard to the: –
- Accessibility of the TA location, including transport links to shops and local facilities (e.g. healthcare)
 - Proximity of the TA location (and distance to travel) to a place of current employment
 - Proximity of the TA location (and distance to travel) to schools, which children are currently attending
 - 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.
- 9.6 The criteria above will be applied on the basis of reasonableness in deciding whether an offer of TA is made inside or outside of the Central Bedfordshire area. There will be locations in close proximity to (but outside of) Central Bedfordshire which are suitable and accessible to settlements within Central Bedfordshire. However, it will also be the case (given its large geographical area) that an offer of TA within the area is unsuitable, for example Potton is very distant from say Caddington. Yet 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.
- 9.7 There is an acute shortage of affordable housing available locally, mainly due to rising rental costs and substantial demand. There are also a substantial number of applicants (during most years) who approach the Council seeking

assistance who do not originate or have not recently been resident within Central Bedfordshire. It may not be reasonably practicable to provide TA to every applicant within the Central Bedfordshire area, although this depends on current demand and where the household has been living recently. There are some applicants whose local ties are not strong, where they can reasonably be pragmatic as to where they stay for a relatively short period of time (typically 4-6 months), whilst their Homelessness application is assessed or they secure permanent settled accommodation. The important point is that every case will be considered individually, on the basis of risk and suitability, having regard to the criteria above. Whilst the majority of households will be offered TA in Central Bedfordshire, there is likely to be a significant number of households who are likely to be placed in suitable accommodation outside of the Central Bedfordshire area.

- 9.8 When determining whether it is reasonably practicable to secure accommodation in Central Bedfordshire, as opposed to simply what is reasonable, the cost of the accommodation is a relevant and proper consideration given the significant pressures on the local supply of affordable housing in Central Bedfordshire, as well as the high demand for a range of suitable accommodation.
- 9.9 The Local Housing Allowance (LHA) is used to work out how much Housing Benefit a tenant will receive to pay their rent. LHA rates depend on who lives in the household, and the area they are making their claim in. These areas are called Broad Market Rental Areas (BMRA). Central Bedfordshire is included within four BMRAs, which are used to calculate LHA rates in the area. The four areas can be seen on the Council's website from the following link:
<http://www.centralbedfordshire.gov.uk/benefits/housing/rates.aspx>
- 9.10 Due to the limited supply of affordable, suitable Transitional Accommodation in Central Bedfordshire, it may be necessary to procure accommodation out of area. Where possible, this accommodation will be in areas neighbouring Central Bedfordshire, including areas of Bedfordshire, Cambridgeshire, Hertfordshire, and Buckinghamshire. At times of high demand and limited supply, or where specific circumstances require (for example, to reduce risk), it may be necessary to secure accommodation further away, such as Northamptonshire or London. Such units of accommodation will only be sourced when all other reasonable options have been exhausted or to reduce risk. Prior to placing a household into such accommodation, an assessment will be undertaken to determine that the placement is affordable in cases where travel and employment is a relevant factor.
- 9.11 The Council endeavours to place most affected applicants in locations in the neighbouring boroughs with access to services and reasonable travelling distance by public transport to Central Bedfordshire is available. However, there may be cases where applicants may have to be placed further away due to lack of suitable properties or to reduce risk. Where this happens, the placement will be reviewed regularly and no less than each month. Where possible, an applicant who is initially placed outside of Central Bedfordshire will be considered a priority to be offered TA within Central Bedfordshire, when accommodation becomes available.

- 9.12 The Council will notify the host local authority when placing a homeless household in their area within 14 days.

10. TRANSITIONAL ACCOMMODATION OFFER AND REFUSALS

- 10.1 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 or out of hours situations, Bed and Breakfast accommodation might be used, but in most circumstances for a short period only, until alternative accommodation can be found.
- 10.2 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.
- 10.3 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 will be provided/offered. In most cases, accommodation with shared facilities is council owned/managed and there is no restriction on the length of time a household can spend in council owned accommodation with shared facilities.
- 10.4 It is possible that families will be moved to Private Sector 'Nightly Let' self-contained accommodation. This accommodation may be outside of the Central Bedfordshire area. If the council decides it has a duty to provide accommodation to a household, they may be moved to accommodation on a longer-term basis, such as a council owned hostel or satellite accommodation, Housing Association leased, or other leased accommodation. However, in such cases, the council would prefer to meet its permanent re-housing duty with an offer of suitable accommodation in line with the Council's Discharge of Duty to a Suitable Home Policy.
- 10.5 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 7 to 14 days for single applicants and 28 days for families (having regard to the need to safeguard and promote the welfare of any children in the family). The cessation of transitional accommodation will always be notified to Children's Services in cases where there are dependent children.
- 10.6 Applicants will be given one offer of suitable interim or longer term transitional accommodation and they will be asked to accept it straight away. Council Officers will ascertain applicants "preferences" but in most situations, the offer of accommodation will be limited to what is available and whether the offer is 'reasonably practicable', having regard to the criteria above. 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, taking into account the factors set out in section 11 of this document and the council's criteria on out of area placements (section 12).

- 10.7 If an applicant refuses an offer of TA, they will be asked to provide their reasons for refusal and to sign a pro-forma confirming that they understand the consequences of the refusal. Failure to agree to sign the refusal pro-forma will be noted. This applies to new applicants to whom the council has an interim duty to provide accommodation under Section 188 HA96, as well as those being transferred to alternative transitional accommodation. The council will consider the reasons given and undertake further enquiries if necessary. If the council accepts the reasons for refusal as valid, the offer will be withdrawn and a further offer will be made.
- 10.8 Where applicants refuse an offer of suitable emergency (interim) accommodation (which may be out of area) and the council does not accept their reasons for refusal, and 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). 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.
- 10.9 In cases where the applicant refuses a suitable offer of accommodation, the homelessness duty will be discharged. If the applicant is residing in emergency accommodation, they will usually be asked to vacate the property and advised that no further assistance will be provided. If they are already in longer-term temporary accommodation not owned or managed by the council, the relevant housing provider will be advised that the duty has been discharged so that they can commence proceedings to regain possession of the property.
- 10.10 Where applicants (towards whom the council has accepted a Section 193 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, taking into account 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.

11. SUITABILITY OF ACCOMMODATION – FACTORS TO CONSIDER

- 11.1 In offering transitional accommodation, the council will consider the suitability of the offer, considering the following factors.
- 11.2 Location – If suitable, affordable accommodation is available within the Central Bedfordshire area, applicants will be housed within this area, allowing them to maintain their established links with services and social/support networks. Central Bedfordshire is however, a relatively large geographical area and the council cannot guarantee the exact location of the offer will be the same part of the area of Central Bedfordshire where the applicant has most connection with. Where the supply of suitable affordable accommodation is limited or there are higher priority households needing accommodation in the area, out of area placements will be used to meet the council's duty to provide accommodation (see section 12 on priority for local accommodation below). In these

circumstances, suitable accommodation (in all other respects) in an area immediately adjoining Central Bedfordshire will be considered as Central Bedfordshire, where the location is reasonable having regard to the principles at 9.0.

- 11.3 If no suitable accommodation is available in Central Bedfordshire or the immediately adjoining local authority areas, attempts will be made to source accommodation within other areas which are in reasonable proximity to Central Bedfordshire.
- 11.4 Size, condition and facilities – accommodation must provide adequate space and room standards for the household and be fit to inhabit. Households in transitional accommodation will often be placed in units with one 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 room 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 works while the property is occupied. The quality of the accommodation, provision of parking, and lack of access to a garden are extremely unlikely to be acceptable reasons for a refusal.
- 11.5 Health factors – the council will consider health factors, such as an ability to get up the stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Central Bedfordshire. 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 within 24 hours. 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.
- 11.6 Education – attendance at local schools will not be considered a reason to refuse an offer of accommodation, although some priority will be given to special educational needs and students who are close to taking public examinations in determining priority placements in Central Bedfordshire.
- 11.7 Employment – the Council will consider the needs of applicants, who are in paid employment, to reach their normal workplace from the accommodation that is secured. This will include having regard to both travelling time and the costs associated with this travel (see Section 12).
- 11.8 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.
- 11.9 Safeguarding and promoting the welfare of any children in the household – insofar as not already identified, the Council will seek to identify any particular needs of the children in the household. It will have regard to the need to safeguard and promote their welfare in making decisions on whether the offer is suitable (although it must be borne in mind that almost all families seeking temporary accommodation are families with children).

- 11.10 Any 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.

12. CRITERIA FOR PRIORITISING PLACEMENTS INSIDE/OUTSIDE CENTRAL BEDFORDSHIRE

- 12.1 As a number of applicants are likely to be housed outside of Central Bedfordshire, it will increasingly be necessary to make decisions about the suitability of out of area placements for individual households and balance these against the type and location of transitional accommodation that can be offered.
- 12.2 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.
- 12.3 If accommodation cannot be sourced in or immediately adjoining Central Bedfordshire, 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.
- 12.4 Written evidence and explanation should be recorded and given on a case – by - case basis when making out of area placements, acknowledging each household's collective and individual needs.
- 12.5 Households must 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.
- 12.6 Priority for accommodation within, or in areas immediately adjoining Central Bedfordshire 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 Central Bedfordshire 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 Central Bedfordshire, 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 Central Bedfordshire, 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 Central Bedfordshire 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 Central Bedfordshire would disrupt that support.
- h) Any other special circumstances will also be taken into account (including any particular needs of the children in the household not already identified in a) to g) above).

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

12.8 Priority for placements within neighbouring areas in locations that might not be immediately adjoining Central Bedfordshire, will be given to:

- 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 Central Bedfordshire, 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) Wherever practicable, 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 Central Bedfordshire, have a confirmed start date to commence employment in Central Bedfordshire or are enrolled in a Central Bedfordshire work readiness programme.
- d) Any other special circumstance will be taken into account (including and particular needs of the children in the household not already identified).

12.9 Applicants who meet none of the above criteria may be offered properties outside of Central Bedfordshire. Efforts will be made to reduce the distance from Central Bedfordshire to a minimum but the supply of accommodation at any point in time will vary considerably.

12.10 If placed outside of Central Bedfordshire or immediately adjoining areas, the council will provide as much detail as possible about the accommodation that they are being offered.

- 12.11 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:
- 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.
 - Information on places where parents can get involved with community groups, social activities for their children, and other groups or networks of support.
 - Information on travel and transport, especially back to their home area
 - Identifying and arranging schools
 - Health, for example signing up with a local GP,
 - Council links, for example Council Tax, electoral register,
 - Welfare benefits,
 - Removals and assistance with identifying appropriate storage,
 - Financial assistance with immediate resettlement costs, possibly through Local Welfare Provision.
- 12.12 The package of support will be kept under review and amended as required to ensure the provision of appropriate support.

13. MINIMUM SIZE CRITERIA

- 13.1 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.
- 13.2 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 one, or two children under the age of 10
- Lone parents with one or two children (of the same sex as the parent if any children are aged over 10 years). If two children, family sized accommodation is normally provided if possible.
- Couple with one child under 10 years, family sized accommodation is normally provided if possible.

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 two children of opposite sexes where one 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 two children of opposite sexes where both are aged over 10 years.

Three bedroom accommodation

- Lone parents and couples with between 3 and 6 children

Four bedroom accommodation

- Lone parents or couples with more than 6 children

14. CRITERIA FOR PRIORITISING MOVES BETWEEN TEMPORARY ACCOMMODATION

- 14.1 There are circumstances under which existing temporary accommodation may become unsuitable or unavailable and the Council will have to find alternative accommodation for existing applicants who need to move.
- 14.2 To ensure that available resources are effectively managed, the following priority will be applied:
- Serious emergency needs where the accommodation is found to be in serious disrepair that poses a threat to life, or there is an urgent need to move because of domestic violence, critical safeguarding issues or an evidenced serious health or medical need is presented
 - Transfer from non-council owned shared accommodation for families who have been in occupation for at least 5 weeks.
 - Transfer from TA because of evidenced critical medical need, for example TA accessed by stairs and the applicant is unable to negotiate the stairs
 - Unsuitability - where the temporary accommodation has become unsuitable following a review
 - Private sector leased property handback - where the landlord has requested the property to be handed back following the end of the lease or other agreement.

- Disrepair – where the temporary accommodation is found to be in serious disrepair that cannot be rectified while the tenant is in situ
- Under occupation
- Overcrowding

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