



# Temporary Accommodation Policy

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## **1. Introduction**

- 1.1 This document sets out our approach to the placement of households in temporary accommodation both in and outside of the Oadby & Wigston Borough (“the Borough”). It covers interim placements while homelessness enquiries are undertaken, and longer-term temporary accommodation placements for households accepted as homeless.

## **2. Scope and Definitions**

- 2.1 The policy and the associated guidance details how applicants will be prioritised for temporary accommodation in the Borough, 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 A homeless applicant is a person who has completed 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.’

## **3. Policy Statement**

- 3.1 Oadby & Wigston Borough Council seeks to accommodate homeless households in the Borough wherever practicable and will consider the circumstances of individual household needs and suitability of accommodation. 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 the Borough. 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.

## **4. Legal Framework**

- 4.1 The Housing Act 1996 Part VII (as amended)
- a) The Council may have a legal duty to provide temporary accommodation, if there is a reason to believe that the applicant may be homeless, eligible for assistance and has a priority need
- 4.2 Housing Act 1996 (S208) –
- a) 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
- 4.3 The Children Act 2004 (s11) –
- a) Local authorities have a particular duty under act to have regard to the need to safeguard and promote the welfare of children

4.4 The Homelessness (Suitability of Accommodation) Order 2012 sets out the following criteria:

In determining whether accommodation is suitable for a person, the local authority must consider the location of the accommodation, including:

- a) Where the accommodation is situated outside the district of the local 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 the 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

4.5 Nzolameso V Westminster City Council 2015

- a) The Supreme Court case judgement 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

## 5. Policy Details

5.1 The purpose of this policy is to clarify what the term 'reasonably practicable' see Section 4.1 c), usually means in terms of the suitability of offers made within and outside of the Borough area. The guidance is intended to frame the decisions made in each individual case, having regard to the:

- a) Accessibility of the temporary accommodation location, including transport links to shops and local facilities (e.g., healthcare)
- b) Proximity of the temporary accommodation location (and distance to travel) to a place of current employment - see Section 8.8 b)
- c) Proximity of the temporary accommodation location (and distance to travel) to schools, which children are currently attending - see Section 8.8 a)

- 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
- 5.2 The criteria above will be applied based on reasonableness in deciding whether an offer of temporary accommodation is made inside or outside of the Borough area. There will be locations near (but outside of) the Borough which are suitable and accessible to areas within the Borough. An offer of temporary accommodation in a neighbouring local authority area may be suitable due to good transport links and the proximity to current places of employment, schools etc.
- 5.3 There are a number of applicants who approach the Council seeking assistance who do not currently reside within the Borough. It may not be reasonably practicable to provide temporary accommodation to every applicant within the Oadby & Wigston Borough area, as 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, some households will be offered temporary accommodation in the Borough. Many households will be placed in temporary accommodation outside of the Borough area.
- 5.4 Where possible, this accommodation will be provided within the Leicestershire area. However, it may be necessary to source accommodation outside of Leicestershire for example Nottinghamshire, Derbyshire, Northamptonshire.

## **6. Temporary Accommodation Offers and Refusals**

- 6.1 Homeless applicants may be placed into accommodation with shared facilities. For urgent situations, Bed & Breakfast accommodation might be used, but in most circumstances, this would be for a short period only, until alternative accommodation can be found.
- 6.2 Wherever possible, the Council will avoid placing families with dependent children or pregnant women in Bed & Breakfast accommodation. Where no other temporary accommodation exists and such placements are necessary, the Council will try to move these households to alternative temporary accommodation within six weeks.
- 6.3 Where the Council determines that applicants housed under Section 188 Housing Act 1996 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 14 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.
- 6.4 Applicants will be given one offer of 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.

6.5 Where applicants refuse an offer of temporary 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 accommodation arrangements. There is no right of review against the suitability of accommodation offered to applicants under Section 188 Housing Act 1996 (although applicants can apply for judicial review through the courts).

## **7. Suitability of Temporary Accommodation**

7.1 In offering temporary accommodation, the Council will assess the suitability of the temporary accommodation, using the following factors:

- a) Location – if temporary accommodation is available in its area, applicants will be housed in the Borough, allowing them to maintain any established links with services and social/support networks. However, when there is a lack of temporary accommodation or there are higher priority households needing accommodation in the Borough, outside of Borough placements will be used (see Section 4)
- b) Size, condition, and facilities – households in temporary accommodation will often be placed into units with 1 bedroom less than they would be entitled to on a permanent basis
- 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 the Borough
- d) Education – attendance at local schools will not be considered a reason to refuse accommodation, though some priority will be given to special educational needs and students who are close to taking public examinations in determining priority for placements in the Borough
- 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 services – the Council will consider the proximity to 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

- i) Suitability Review – every 6 weeks the Council will undertake a review of the suitability of temporary accommodation offered

## **8. Criteria for Prioritising Placements**

- 8.1 As applicants are likely to be housed outside of the Borough, 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.
- 8.2 If accommodation cannot be sourced in or immediately adjoining the Borough, 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.
- 8.3 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.
- 8.4 Households must be given sufficient time to decide on an out of area offer (24 hours), when no alternatives are available and thorough information regarding the proposed area must be provided.
- 8.5 Priority for accommodation within, or in the areas immediately adjoining the Borough will be given to:
  - a) An application or a member of their household with a severe and enduring health condition requiring intensive and specialist medical treatment where a move from the Borough would disrupt the treatment and continuity of care
  - b) An applicant or 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 the Borough, 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 the Borough, where change would be detrimental to their wellbeing

- f) An applicant or a member of their household who have a longstanding arrangement to provide care and support to another family member in the Borough 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 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 the Borough 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 above)
- 8.6 Whilst priority will be given for these placements, this is dependent on such temporary accommodation being available.
- 8.7 Priority for placements within neighbouring areas in locations that might not be immediately adjoining the Borough, 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 the Borough, 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
  - 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 permanently in the Borough, or have a confirmed start date to commence employment in the Borough
  - d) Any other special circumstance will be considered (including particular needs of the children in the household not already identified)

## **9. Equality and Diversity**

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



## **10. Monitoring and Reporting Arrangements**

- 10.1 Monitoring will be included within the performance framework of the Housing Options Service and officers will monitor the outcomes of the policy to assess the success of it.
- 10.2 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.

## **11. Responsibilities and Reviews**

- 11.1 The Housing Options Manager will be responsible for overseeing the delivery and monitoring of this policy.
- 11.2 The Policy will be monitored and reviewed formally in line with the Homelessness and Rough Sleeping Strategy to ensure effectiveness. If changes are required, these will be made as and when necessary. The Policy may also be reviewed at any time, in line with any relevant changes in legislation or Guidance issued by relevant Government.
- 11.3 The Housing Options Manager will make minor amendments to the policy without further consultation. Any major changes will go through a formal consultation process.