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# Temporary Accommodation Policy

## 1. Introduction

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

## 2. Scope & definitions

- 2.1 The policy and the associated guidance details how applicants will be prioritised for temporary accommodation in Middlesbrough, 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 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'.

## 3. Policy statement

- 3.1 Middlesbrough Council seeks to accommodate homeless households in Middlesbrough 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 Middlesbrough. 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 & Regulatory framework

- 4.1 The Housing Act 1996 Part VII (as amended)
- The Council may have a legal duty to provide temporary accommodation, if there is reason to believe that the applicant may be homeless, eligible for assistance and has a priority need
  - Section 206(1) provides that the authority may discharge their housing duty 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 duty under this Part, secure that accommodation is available for the occupation of the applicant in their district".
- 4.2 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.
- 4.3 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.

#### 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 housing authority must consider 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;
  - 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

- 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.

#### 4.6 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.

#### 4.7 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.

### 5. Policy details

- 5.1 The purpose of this Policy is to clarify what the term 'reasonably practicable' (4.1.C) usually means in terms of the suitability of offers made within and outside of the Middlesbrough area. The guidance is intended to frame the decisions made in each individual case, having regard to the:

- Accessibility of the temporary accommodation location, including transport links to shops and local facilities (e.g., healthcare).
- Proximity of the temporary accommodation location (and distance to travel) to a place of current employment.
- Proximity of the temporary accommodation 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.

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 Middlesbrough area. There will be locations near (but outside of) Middlesbrough which are suitable and accessible to areas within Middlesbrough. 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 originate or have not recently been resident within Middlesbrough. It may not be reasonably practicable to provide temporary accommodation to every applicant within the Middlesbrough 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 temporary accommodation in Middlesbrough, there is likely to be a significant number of households who will be placed in suitable accommodation outside of the Middlesbrough area.

5.4 Due to the limited supply of temporary accommodation in Middlesbrough, it may be necessary to procure accommodation out of area. Where possible, this accommodation will be in areas neighbouring Middlesbrough. However, it may be necessary to secure accommodation further away. This will only be sourced when all other reasonable options have been exhausted.

5.5 The Council will notify the host local authority when placing a homeless household in their area within 14 days by completing a S208 notification.

## **6 Temporary accommodation offers and refusals.**

6.1 Homeless applicants who are housed under the interim duty to accommodate pursuant to Section 188 Housing Act 1996 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. For any out of hours placements, temporary accommodation including Bed & Breakfast accommodation will be used for an interim period until a full assessment can be made.

6.2 Wherever possible, the Council will avoid placing families with dependent children or pregnant women in Bed & 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.

- 6.3 The council will 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 temporary accommodation with shared facilities may be provided/offered (such as Bed & Breakfast/hotel accommodation).
- 6.4 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 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.
- 6.5 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.
- 6.6 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 Housing Act 1996 (although applicants can apply for judicial review through the courts). For applicants where the council has accepted a rehousing duty under section 193 Housing Act 1996, (Section 193 duty) there is a right to request an internal review of the suitability decision, pursuant to Section 202 Housing Act 1996.
- 6.7 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, considering the overall merits of the review which will consider 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.

## **7. Suitability of Accommodation – Factors to consider**

- 7.1 In offering accommodation, the council will assess the suitability of the offer, using the following factors.
- Location – if suitable accommodation is available in its area, applicants will be housed in Middlesbrough, 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 Middlesbrough, outside of Middlesbrough placements will be used to meet the Council's housing duty (see Section 4). If no suitable accommodation is available in Middlesbrough, attempts will be made to source accommodation local to Middlesbrough. If this is not available, the provision of accommodation further afield may have to be considered.

- Size, condition, and facilities – accommodation must provide adequate space and room standards for the household and be fit to inhabit. Households in temporary accommodation will often be placed into units with 1 bedroom less than they would be entitled to on a permanent basis. 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 be acceptable reasons for a refusal.
- 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 Middlesbrough. 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.
- 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 Middlesbrough.
- 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.
- 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.
- 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.
- 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.

## **8. Criteria for prioritising placements inside/outside Middlesbrough**

- 8.1 As several applicants are likely to be housed outside of Middlesbrough, 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 Middlesbrough, 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 areas immediately adjoining Middlesbrough will be given to:
- 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 Middlesbrough would disrupt that treatment and continuity of care.
  - 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.
  - 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.
  - Applicants who have as part of their household a child registered on the Child Protection Register in Middlesbrough, who are linked into local services, and where it is confirmed that a transfer to another area would adversely impact on their welfare.
  - Applicants who have as part of their household a child with special educational needs who is receiving education or educational support in Middlesbrough, where change would be detrimental to their well-being.
  - An applicant or a member of their household who have a longstanding arrangement to provide care and support to another family member in Middlesbrough who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.
  - 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 Middlesbrough would disrupt that support.
  - 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).
- 8.7 Whilst priority will be given for these placements, this is dependent on such accommodation being available.
- 8.8 Priority for placements within neighbouring areas in locations that might not be immediately adjoining Middlesbrough, will be given to:
- 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 Middlesbrough, 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.

- 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.
- 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 Middlesbrough, have a confirmed start date to commence employment in Middlesbrough or are enrolled in a Middlesbrough work readiness programme.
- Any other special circumstance will be considered (including particular needs of the children in the household not already identified).

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

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

8.11 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.

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

## **9. Domestic Abuse Act 2021 – Safe Accommodation**

9.1 The Domestic Abuse Act 2021 places statutory duties on authority to assess the need and demand for accommodation-based support for all victims and their children including those who require cross border support and prepare and publish strategies for the provision of support to cover the locality and diverse groups of victims in relation to safe accommodation.

9.2 The Domestic Abuse Act 2021 amended housing legislation (Part 7 of the Housing Act 1996 and Homelessness (Priority Need for Accommodation) (England) Order 2002/2051) to give automatic priority need to all survivors of domestic abuse making homelessness applications, so they would no longer need to prove they were more vulnerable in order to be eligible for temporary accommodation.



- 9.3 Privately-owned and managed temporary accommodation which is not separate or self-contained and with shared toilet, bathroom, or kitchen facilities (such as Bed and Breakfast accommodation) is not considered relevant safe accommodation, and is specifically excluded in the Regulations, local authorities should not commission domestic abuse support for victims within these types of accommodation under these duties.
- 9.4 It is possible for support under this (Part 4) duty to be provided in accommodation associated with another duty such as a Housing Act 1996 Part 7 duty, provided, such accommodation adheres to the description of relevant safe accommodation.
- 9.5 Description of 'relevant safe accommodation' (also referred to as 'safe accommodation' throughout this guidance) is specified by the Secretary of State in regulations as Refuge accommodation Specialist safe accommodation, Dispersed accommodation, Safe (secure and dedicated to supporting victims of domestic abuse), self-contained 'semi-independent' accommodation, which is not within a refuge, Sanctuary Schemes, Second stage accommodation, Other forms of domestic abuse emergency accommodation.
- 9.5 Where possible the council will ensure victims and their children are provided safe accommodation at every homeless presentation but in cases where space is not available temporary accommodation will be offered as an interim arrangement until more suitable safe accommodation is secured and / or alternative safe options explored.

## **10. Equality and diversity**

- 10.1 The Council has a statutory duty to have due regard to the need to promote disability, race & gender equality.
- 10.2.1 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.

## **11. Monitoring & Reporting Arrangements**

- 11.1 Monitoring will be included within the performance framework of the Adult Social Care Directorate and officers will monitor the outcomes of the policy to help assess the success of it.
- 11.2 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.

## **12. Responsibilities & reviews**

- 12.1 The Strategic Housing Lead will be responsible for overseeing the delivery and monitoring of this policy.
- 12.2 The Policy will be monitored and reviewed formally in line with the Homelessness 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.