

Agenda Item No:

Report To: Cabinet

Date of Meeting: 25th January 2024

Report Title: Temporary Accommodation Placement Policy

Report Author: Ellen Black / Amanda Gill

Job Title: Allocation Manager / Service Improvement Manager

Portfolio Holder: Cllr. Bill Barrett

Portfolio Holder for: Housing



Summary:

This report introduced the Temporary Accommodation Placement Policy and seeks approval for its adoption, although not legally required it is important to help guide those involved through the process, including the applicant and the officers of the Council.

The introduction of this policy formalises the process the Council is following regarding the placement of those requiring temporary accommodation. This policy has been developed to inform and protect those families and individuals the requirement placements as well as protecting the Council from legal challenge.

This policy focuses on the allocations process, it does not include the discharge (move on accommodation). Information on this is covered in the Lettings Policy

Key Decision: YES

Significantly Affected Wards: All

Recommendations: **The Cabinet is recommended to:-**

Agree and adopt the policy in full as of 1st April 2024

Policy Overview:

The Housing Act 1996 places a statutory duty on local authorities to provide temporary 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.

Ashford Borough Council is experiencing complex housing pressures that have impacted on the authority's ability to source and provide temporary accommodation and long term settled accommodation for applicants facing homelessness

and in response to this demand, the council is seeking a formalised policy approach to placements to:

- enable best use of temporary stock.
- ensure applicants needs are assessed and met as far as is reasonably practicable.
- Limit opportunity for legal challenge in relation to suitability of temporary accommodation

A policy is needed to formally set out the authority's approach to making placements into Temporary Accommodation.

It will detail 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.

Financial Implications:

There are no financial implications of implementing this policy.

Legal Implications:
*Text agreed by
Principal Litigator on
02/01/24*

Although there is no statutory duty to have a policy for Temporary Accommodation Placement, the adoption of a policy aims to guide would be applicants, officers, members, and the public on how the authority will consider and deal with such matters. As such it appears pragmatic to maintain such a policy, and from time to time review the policy when there is change to guidance, legislation, or case law.

Equalities Impact Assessment:

See Attached

There is no anticipated negative impact on any persons in relation to their protected characteristics. The changes being proposed within the new policy will affect everyone equally or in a positive way.

Data Protection Impact Assessment:

Not applicable

Risk Assessment (Risk Appetite Statement):

Not applicable

**Sustainability
Implications:**

Not applicable

**Other Material
Implications:**

This report does not impact on Environmental, Human Rights, Staffing or Community Safety Issues

**Exempt from
Publication:**

NO

**Background
Papers:**

N/A

Contact:

Amanda.gill@ashford.gov.uk – Tel: (01233 330405)
Ellen.black@ashford.gov.uk – Tel: (01233 330809)

Report Title: Temporary Accommodation Placement Policy

Introduction and Background

1. The Housing Act 1996 places a statutory duty on local authorities to provide temporary 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.
2. Ashford Borough Council is experiencing complex housing pressures that have impacted on the authority's ability to source and provide temporary accommodation and long term settled accommodation for applicants facing homelessness.
3. As at 1st December 2023 there are currently:
 - a. 198 households placed in temporary accommodation.
 - b. 22 households placed outside Ashford, 18 of those are families.
 - c. 43 households residing in shared type accommodation, 16 of those are families.
4. In response to this demand, the council is seeking a formalised policy approach to placements to:
 - enable best use of temporary stock.
 - ensure applicants needs are assessed and met as far as is reasonably practicable.
 - Limit opportunity for legal challenge in relation to suitability of temporary accommodation

Proposal

5. Although officers are already following the guideline below, the policy formally sets out:
 - a. The legal and regulatory framework that needs to be adhered to:
 - i. The Housing Act 1996 Part VII (as amended)
 - ii. The Children Act (s11)
 - iii. The Homelessness (Suitability of Accommodation) Order 2012
 - iv. Homelessness reduction Act 2017

v. Homelessness Code of Guidance

- b. The legislation requires officers to consider suitability of placement having regard to:
- i. Accessibility of the temporary accommodation location, including transport links to shops and local facilities (e.g., healthcare)
 - ii. Proximity of the temporary accommodation location (and distance to travel) to a place of current employment
 - iii. Proximity of the temporary accommodation location (and distance to travel) to schools, which children are currently attending.
 - iv. 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.
6. The policy will detail how applicants will be prioritised for temporary accommodation with emphasis on:
- a. Keeping applicants within Ashford wherever is reasonably practicable (external placements only being made where all other options have been exhausted)
 - b. Giving priority for temporary accommodation units within Ashford to those that have priority under the council's policy as set out in Section 8.
 - c. Providing self-contained accommodation for families with children wherever is reasonably practicable.
7. Section 6 of the policy addresses the process for a handling of refusals.
8. 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. This is covered in the Lettings Policy.

Equalities Impact Assessment

9. Members are referred to the attached Assessment.
10. There is no anticipated negative impact on any persons in relation to their protected characteristics. The changes being proposed within the new policy will affect everyone equally or in a positive way.
11. Those positively affected are as follows:

- a. Pregnant
- b. Children
- c. Young persons
- d. Those with physical, sensory, or mental health concerns

Consultation Planned or Undertaken

- 12. No consultation undertaken as we have already been operating in this way and we are formalising the approach.
- 13. Comments have been sought from Legal and from the Portfolio Holder for Housing and are included in this report.

Other Options Considered

- 14. There are no alternative options that can be considered. The Policy is a legal requirement that will protect the Council from risk.
- 15. A delay in implementation is not recommended as demand for temporary accommodation is growing steadily and the officers are actively having to source accommodation outside of the area and / or make placements that are not deemed to be robust to challenges of suitability. This leaves the authority open to legal challenge.

Reasons for Supporting Option Recommended

- 16. The new policy will provide a clear and robust framework for making placements, helping to guide applicants through the process, ensuring they understand what that process entails. It also protects the Council from legal challenge.
- 17. The new policy will formally set applicants needs as the priority when making placements and will be a positive step in terms of the service level being provided.

Next Steps in Process

- 18. All new placements from the date of its implementation will be subject to the criteria set out within the policy.
- 19. Current placements will not be subject to review but where suitability queries are raised these will be addressed by officers having regard to the policy.
- 20. Housing will monitor the impact of the changes after April 2024 and continue to support customers.

Conclusion

21. In conclusion, the adoption of the new Placement Policy is strongly recommended.
22. There is no anticipated negative financial or legal implication because of this policy.

Portfolio Holder's Views

23. Having considered the content of this new policy and the supporting documents, I support its introduction as it is needed, timely and will assist the Council to conduct its duties owed to homeless households set out under the legislation.

Contact and Email

24. Amanda Gill, Service Improvement Manager
(amanda.gill@ashford.gov.uk) 01233 330405
25. Ellen Black, Allocation Manager
(ellen.black@ashford.gov.uk) 01233 330809

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Amanda Gill / Ellen Black
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	<p>The decision requested from Cabinet is concerning adoption of a Placement Policy for temporary accommodation.</p> <p>The policy sits within Housing.</p> <p>This is a new policy.</p>
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	TBC
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The policy considers the statutory requirements on local authorities in respect of the suitability of accommodation, including the suitability of Accommodation orders, the Homelessness code of guidance, and any supplementary guidance. It has 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.</p> <p>It concerns all households that are placed into accommodation made under Section 188 & Section 202 of the Housing Act 1996, whilst investigations are conducted as well as when households are accepted as homeless under Section 193.</p> <p>The Homelessness Code of Guidance for Local Authorities, published by MHCLG states that housing authorities are advised to develop policies for the procurement and allocation of accommodation which will help ensure that suitability requirements, including the location of the accommodation, are met. This policy has taken the statutory guidance into account when making decisions about out of borough temporary accommodation placements.</p> <p>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 Ashford area. The guidance is intended to frame the decisions made in each individual case, having regard to the:</p> <ol style="list-style-type: none"> 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

	<p>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.</p> <p>The expected outcome is that we can achieving well-balanced fair decisions to customers in crisis who have to go into temporary accommodation and to make best use of stock doing so.</p> <p>We also wish to ensure officers are protected and have a framework when decisions making by guiding officers in the process and ensure consistency of approach.</p> <p>We make on average 500 placements annually and this policy would concern all households approaching us.</p>
<p>Information and research:</p> <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>There are currently 187 households in temporary accommodation of which 38 are in B&B style accommodation and 21 are outside Ashford.</p> <p>There is a duty to find a housing pathway so that the Council can discharge their legal duty to these households.</p> <p>Officers use Huume to log placements and to track activity / monitor these households more carefully via a dashboard.</p> <p>Profiles of our TA assist with forming decisions currently and we are moving to Procurement Framework very soon for consistency over the procurement of the TA that we use.</p> <p>The TA Officers must use this information to inform their decisions around placements so that they are made fairly, consistently and so that we make best use of stock at all times.</p> <p>The benefits of the policy will be:</p> <ul style="list-style-type: none"> • Perception among customers of fairness of the allocation of temporary accommodation • Audit to ensure the service can demonstrate a consistent approach with temporary accommodation placements. The Placement Policy is also an expectation of the TA Audit. • Enables us to sustain customers in accommodation by closely managing this area • Remove the pressure from homeless officers when making decisions as this provides a consistent approach • Provides applicants with an understanding on the considerations taken when an offer of accommodation has been made.

	<ul style="list-style-type: none"> Failure to provide good quality emergency temporary accommodation could leave the council exposed to legal challenge through judicial review <p>There are no alternative options that can be considered. The Policy is a requirement that will protect the Council from risk.</p>
<p>Consultation:</p> <ul style="list-style-type: none"> What specific consultation has occurred on this decision? What were the results of the consultation? Did the consultation analysis reveal any difference in views across the protected characteristics? What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>No consultation planned with external stakeholders.</p> <p>Comments have been sought from Legal and from the Portfolio Holder for Housing and are included in the report to Cabinet.</p> <p>In terms of who this decision and policy affects, our customers are from diverse backgrounds.</p> <p>There is no anticipated negative impact on any persons in relation to their protected characteristics. The changes being proposed within the new policy will affect everyone equally or in a positive way.</p>

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	None	Neutral
Middle age	None	Neutral
Young adult	High	Positive (Minor)
Children	High	Positive (Minor)
<u>DISABILITY</u> Physical	High	Positive (Minor)
Mental	High	Positive (Minor)
Sensory	High	Positive (Minor)
<u>GENDER RE-ASSIGNMENT</u>	None	Neutral

<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	High	Positive (Minor)
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral
Former service personnel	None	Neutral
Service families	None	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	There is no anticipated negative impact. All cases awaiting placements need to be checked that they have a completed suitability questionnaire, and the content is considered when making the placement.
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	N/A
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

Conclusion: <ul style="list-style-type: none"> Consider how due regard has been had to the 	Age This policy presents a positive impact for young people and children as extra consideration is given to suitability based on their needs.
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equality duty, from start to finish.

- There should be no unlawful discrimination arising from the decision (see guidance above).
- Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.
- How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?

Marriage and Civil Partnership

This policy doesn't address any difference that may be encountered in relation to people who are married or in a civil partnership.

Race

This policy doesn't address any difference that may be encountered in relation to race.

Pregnancy and maternity

This policy presents a positive impact for young people and children as extra consideration is given to suitability based on their needs and of the household.

Religion and belief

This policy doesn't address any difference that may be encountered in relation to Religion / belief.

Sexual Orientation

This policy doesn't address any difference that may be encountered in relation to sexual orientation.

Gender

This policy doesn't address any difference that may be encountered in relation to gender.

Gender Reassignment

This policy doesn't address any difference that may be encountered in relation to gender.

Disability

This policy does set out consideration for households that have health factors and that have care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Ashford.

We have analysed how this policy may affect people with protected characteristics either positively or negatively. There is no known negative impact for any of these groups. There is a positive impact in that consideration will be given to placements that are not deemed suitable for certain groups identified in this EIA.

Advice has been sought from Legal and no unlawful discrimination has been identified.

This analysis of this policy via this document gives proper consideration and due regard to the needs of diverse groups.

- There is no identified discrimination
- There is no variation of opportunity or access

	<ul style="list-style-type: none">• As there is no identified negative impact it neither fosters no hinders good relations. <p>There are no impacts to justify in relation to the Equality Act.</p> <p>The new policy will be monitored annually in terms of its impact. Any changes to the policy will result in a review of this EIA.</p>
EIA completion date:	02/01/24

Policy:	Temporary Accommodation Placement Policy
Original Implementation Date:	Planned Implementation 01/04/24.



Control Schedule			
Policy Owner:	Sharon Williams		
Policy Author:	Amanda Gill		
Approved By:			
Approval Date:		Minute reference:	
Policy Review Due:		Review Cycle:	
EIA completed:	02/01/24	EIA Review Due:	02/01/25

Version Control				
Version	Date	Author	Comment	Approved by
1.0	01/04/23	AG	First Issue	AG

Decisions affecting this policy			
Date	Committee/Member/Officer	Report title	Minute ref

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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