

## London Borough of Barking and Dagenham

<b>Title:</b> Temporary Accommodation Placements Policy	
<b>Service Area:</b> Housing Advice Service	<b>Status:</b> Draft
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### Introduction and Background

The Council has a statutory duty to assist households presenting as homeless where they are eligible for assistance and in priority need. This Policy relates to the placement of homeless households into temporary accommodation pursuant to Section 188 of the Housing Act 1996 Pt VII, as amended [the Act] and longer term temporary accommodation placements pursuant to s.193 where a main housing duty for households has been accepted.

This policy takes into account the Act, case law, the Homelessness (Suitability of Accommodation) (England) Order 2012, the Homelessness Code of Guidance 2006 and applicable Council Policies.

In accordance with Section 208 of the Housing Act 1996, so far as reasonably practical, the Council will seek to accommodate homeless household within Barking and Dagenham and will always consider the suitability of accommodation taking into account the circumstance of the individual. However due to a range of factors including the economic down turn, changes to the private sector rented market and the impact of welfare reform, it is increasingly difficult to acquire suitable accommodation within the borough. Therefore, where temporary accommodation cannot be secured within the locality, out of borough accommodation will be sourced, to enable placements to be made to fulfil the Council's housing obligations.

### Types of Interim and Temporary Accommodation

The Council uses a variety of accommodation to fulfil its statutory obligations to homeless households. The accommodation includes but is not limited to the following:

- **Private Sector License (PSL) Accommodation** - PSL accommodation is managed via contracted Managing Agents. The Council nominates homeless households to occupy these homes (as Licensees). Subsequently the Council collects the rent and manages the licensee in line with the terms of their license agreement, while other management functions are provided by the managing agent.
- **Council Owned General Needs Accommodation** - A number of Council properties are being used for the purposes of temporary accommodation. The majority of these properties are those that have been identified for the regeneration programme and are used once vacant whilst the remainder of the site is decanted. These properties are also let on a license basis and the management of the properties and licensees remains with the Council.
- **Council Owned Hostel Accommodation** - The Council currently owns and manages a range of hostels which comprise of single or family room occupation with shared facilities.

- **Bed and Breakfast (B&B) Accommodation** - All Bed and Breakfast hotels that are used by the Council are independently managed, and are not owned or staffed by the Council. However all properties must meet certain standards and the Council will regularly inspect the properties to ensure they meet these standards. Accommodation provided is usually non-self contained although some of the rooms do have en-suite facilities. The accommodation is charged for on a nightly basis, as and when required.
- **Nightly Let Accommodation** - Nightly let accommodation constitutes self-contained accommodation provided on a short term nightly basis, as an alternative to B&B. These units are managed by property management companies that undertake full accommodation management, Council Tax and utility payments. The provider is responsible for all property recovery costs associated with the Council's discharge or duty, including associated legal actions, should the provider be required the accommodation.

## **Suitability and Affordability of Accommodation**

The suitability of Temporary Accommodation is defined by legislation in the Homelessness (Suitability of Accommodation) (England) Order 2012. Where reasonably practical, the Council will seek to accommodate homeless households within Barking and Dagenham.

**Use of Bed and Breakfast Accommodation** - Wherever possible, the Council will limit the use of B&B accommodation placements for families with dependent children, pregnant women, and young people aged below 18. Where no other suitable accommodation exists and such placements are necessary, the Council will endeavour to move such households to more suitable accommodation within six weeks.

When offering longer term temporary accommodation, the Council will consider the suitability of the offer taking account of all relevant factors including the size and location of the property and the individual circumstances of the household.

**Size** – The Council will provide accommodation with adequate space and room standards for the households taking into account of relevant legislation. If accommodation is overcrowded, the Council will ensure that an overcrowding preference (priority) is awarded to reflect these circumstances.

**Location** – It is increasingly difficult to secure properties within the borough, however serious consideration will be given to the need to remain in the locality, for cases with the following circumstances:

- Households with one child (or more) in secondary school in their final year of Key Stage 4 Education (generally those in year 11).
- Households with one child (or more) who has a statement of Special Educational Needs and whom attends a specialist school (for example Trinity School, Dagenham).
- Households with one child (or more) who is the subject of a Child Protection Plan, including expecting mothers with unborn children.
- Households where one person (or more) is receiving specialist medical or social care.

Where out of borough placements are made, households with children in education or those that are in permanent and settled employment will be prioritised for housing within a maximum of 1 hour and 30 minutes travel of the Borough's boundary or their workplace. Customers who fall into any of the categories above, but wish to move to a location outside of the borough, will be agreed with mutual consent of both the customer and the Accommodation Team.

**Affordability** – The Council will give due consideration to the affordability of any offer made, taking into account the homeless household's entire income including any welfare state benefits, the cost of additional travel to and from the applicants normal place of work, the cost of additional travel to and from children's school or educational institute and the cost of additional travel to access medical services for ongoing treatment or aftercare.

With the introduction of Welfare Reform the Council may decide that properties within Barking and Dagenham are unaffordable for certain customers and in these cases, an offer of suitable accommodation in an alternative, area may be made to reduce the financial burden on the household.

**General 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.. The Council will determine whether the medical condition itself makes certain accommodation offered unsuitable. For example problems such as depression, asthma, diabetes and / or back pain may not make a property unsuitable, as the problem may persist in any type of accommodation. The Council may refer the case for an Occupational Therapy Assessment to determine what type of accommodation should be provided.

## **Accommodation Offers and Refusals**

**Offers and refusals under Section 188** - Homeless applicants, who are housed under the council's interim duty to accommodate pursuant to Section 188 of the Act, may initially be placed in interim emergency accommodation including bed and breakfast. The Council will make one suitable offer of interim accommodation. There is no obligation upon the Council to enable applicants to view the accommodation prior to acceptance.

If an applicant refuses an offer of accommodation and the Council does not accept the reasons for refusal, and considers that the offer is suitable, the Council's duty pursuant to Section 188 will cease and the applicant may not be offered further temporary accommodation and may be required to make their own arrangements.

There is no right of review against the suitability of accommodation offered to applicants pursuant to section 188 of the Act, although the applicant can apply for judicial review through the courts, if challenging the suitability of the offer.

**Offers and refusals under Section 193** - Where customers are accepted for a main housing duty under Section 193 of the Act, longer term suitable temporary accommodation will be provided. The Council will make one offer of suitable accommodation.

Where the Council have accepted a main housing duty under Section 193 of the Act, and have made a suitable offer of accommodation, there is a right to request a review of the suitability of accommodation, pursuant to section 202 of the Act.

In such circumstances applicants will be encouraged to accept the offer of accommodation whilst a review of the suitability of the offer of accommodation is being considered. Where applicants refuse to take up the offer of accommodation whilst a review is underway, the current accommodation may only remain available at the discretion of the Reviews or other Senior Managers.

## Ending of Temporary Accommodation

**Discharge of S.188 [Interim] accommodation duty** – Where the Council decides that the applicant/s housed under Section 188 [interim] accommodation of the Act, are not owed a main housing duty or that they have breached the licence condition, they will be asked to leave the interim accommodation, usually within 28 days or earlier subject to individual circumstances.

**Discharge of s.193 accommodation duty** – The Council shall cease to be subject to the duty under s.193 [6] of the Act, if the applicant:

- Ceases to be eligible for assistance
- Becomes homeless intentionally from the accommodation made available for his occupation
- Accepts an offer of accommodation under Part VI [allocation of housing]
- Accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private sector landlord
- Voluntarily ceases to occupy as their principle home, the accommodation made available for occupation
- Having been informed of the possible consequences of refusal and of his right to request a review of the suitability of accommodation, refuses a final offer

Where the Council decides that their duty has ceased as described above, the applicants housed under Section 193, will be asked to leave the accommodation usually within 28 days or earlier subject to individual circumstances.

**Rent Deposit Scheme** – The Council's Allocations Policy and Localism Act 2011, enables the Council to discharge its homeless duty with the offer of an Assured Shorthold Tenancy in the private rented sector. Offers made would need to fulfil the Council's agreed placements criteria as described in this policy.

An offer of assistance through the Rent Deposit Scheme is open to all cases where the Council has accepted a main housing duty, subject to agreement by the Housing Advice Service. This would include customers who have already been placed into temporary accommodation and are looking to move.

Customers who have refused a suitable offer of accommodation will not be eligible for assistance through the rent deposit scheme, unless specifically authorised by a Senior Manager.

## Policy Review

This document will be subject to ongoing review to reflect any changes in Legislation or operational need, but must be reviewed at least every 12 months.