

Temporary Accommodation Placement & Allocation Procedure

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Temporary Accommodation Placement & Allocation Procedure

Introduction

This document sets out Epsom & Ewell Borough Council's procedure for the allocation & placement of households in temporary accommodation, both within and outside the borough. It covers both interim placements made under Section 188 Housing Act 1996, under a relief duty and while and homelessness enquiries are undertaken, and longer-term temporary accommodation placements for households accepted as homeless under Section 193 Housing Act 1996.

The procedure takes into account the statutory requirements on local authorities in respect of suitability of accommodation, including Suitability Orders, and the Homelessness Code of Guidance.

Background Information

Guidance from the Supreme Court following the *Nzolameso v City of Westminster* case states that ideally each local authority should have an up to date publically available policy for securing sufficient units of temporary accommodation to meet the anticipated demand for the coming year, reflecting its obligations under the 1996 Act and the Children Act 2004. It should also have a policy for the allocation of those units to individual homeless households, to which reference would be made in explaining any decisions to accommodate a household out of the area.

Legal background

If the Council has reason to believe that the applicant may be homeless, eligible for assistance and in priority need it is under an interim duty to provide accommodation pending the outcome of its inquiries and relief duties.

Where the Council is satisfied that an applicant is owed the full housing duty (also known as the 'main homelessness duty') under section 193(2) of the Housing Act 1996 (HA 1996), the Council must continue to secure suitable accommodation for that applicant until one of the situations set out in section 193 of the Housing Act 1996 takes effect.

Any accommodation secured under the provisions of Part 7 of the Housing Act 1996 must be suitable for an applicant and for the applicant's household. This applies whether the accommodation is secured under a duty or a discretionary power, and includes interim accommodation secured under section 188. The Council has a statutory duty to provide accommodation in its own area 'so far as reasonably practicable' (section 208(1) HA 1996).

These requirements are set out in s206 of the Housing Act 1996, Homelessness (Suitability of Accommodation) (England) Order 1996 & 2003, chapter 17 of the Homelessness Code of Guidance, and Supplementary guidance on domestic abuse and homelessness. The Council must have regard to these when assessing the suitability of accommodation.

In addition as from November 2012, local authorities are required to take into account the Homelessness (Suitability of Accommodation) (England) Order 2012 (SI 2012/2601). This order consists of two parts. Part one deals with the suitability of location of accommodation and applies to all accommodation secured under Part 7 of the Housing Act 1996.

Part 1 of the Homelessness (Suitability of Accommodation) (England) Order 2012 and paragraphs 47-54 of the Supplementary Guidance states that in determining whether accommodation is suitable for a person, the Council must take into account 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;
- (b) 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;

(c) The proximity and accessibility of the accommodation to medical facilities and other support which —

- (i) Are currently used by or provided to the person or members of the person's household; and
- (ii) Are essential to the well-being of the person or members of the person's household; and

(d) The proximity and accessibility of the accommodation to local services, amenities and public transport.

As far as reasonably practicable the Council should secure accommodation in our own area. Where this is not possible the Council must try to place the applicant as close as possible to where they were previously living. The 2012 Order does not prevent or prohibit out of borough placements where they are unavoidable or where they are the choice of the applicant, however the Council must demonstrate that they have considered and applied the factors which are set out in the 2012 regulations.

In addition the Council has to make arrangements for ensuring that it has regard to the need to safeguard and promote the welfare of children (section 11(2) Children Act 2004) and whilst welfare is not defined, the welfare of a child has been given a broad meaning under family law proceedings, and section 10 Children Act 2004 provides a statutory framework for co-operation between the Council and relevant agencies with a view to improving the 'well-being' of children in the area which is also very broadly defined.

Placement of homeless households in accommodation outside of the borough

The Council has access to a stock of approx. 160 units of temporary accommodation within the borough of Epsom & Ewell. Most of these units are owned or managed by a number of Housing Associations, however a small number are owned or managed by the Council. A list of temporary accommodation units available to the Council is attached as appendix A.

In-borough temporary accommodation is usually fully occupied, and vacancies become available infrequently, usually as a result of an existing tenant moving on to settled housing association accommodation. This is particularly the case for larger family size accommodation, where the Council would only expect two to three vacancies per year.

The Council will first seek to place homeless households in interim/temporary accommodation located within the borough (or as near to the applicant's previous address) where it is reasonably practicable to do so.

However, given the small geographical area of the borough and shortage of housing locally, this may not always be possible and an increasing number of households are likely to be placed outside the borough, as local accommodation is not available.

Where temporary accommodation within the borough is fully occupied, it will be the priority of the Council to procure self-contained emergency accommodation as close to the local area as possible as an alternative until such temporary accommodation is available within the borough. It may sometimes be the situation that self-contained accommodation is located further afield than shared accommodation which may be closer to Epsom & Ewell. Such procurement is arranged on a spot purchase (day-to-day) basis dependant on demand from private providers.

Where long term trends in temporary accommodation use has been noted the Council have pursued acquisition of further units of accommodation to add to its temporary accommodation portfolio within the borough.

A decision to place a homeless household outside of borough will be informed by the individual circumstances of the household, taking into account the Homelessness (Suitability of Accommodation) (England) Order 2012 and the availability of any accommodation on the day.

The Temporary Accommodation & PSL Liaison Officer will ascertain the availability of nightly paid accommodation (NPA) on the given date from our providers of NPA. This will vary on any given date due to availability and demand.

The applicant will be advised as to why there is no accommodation available for them within the borough at that time and of the location/type of accommodation that has been identified. The Housing Options Officer will complete a Homeless Accommodation Authorisation form on Abrisas letter templates. This form will then be sent/email to the Housing Options Manager for approval.

If the placement is approved, the Temporary Accommodation & PSL Liaison Officer will complete the booking process. This will include:-

- Confirming the booking with the NPA provider
- Creating a TA placement & rent account on the household's Abrisas HCLIC case record
- Complete the following Abrisas letter templates: -
 - TA - Booking letter for the provider
 - TA - HB start/end notification for Housing Benefit team advising that placement has started/ended
 - TA - Notify LA of placement (s208(s) letter for the relevant council in whose area the household has been placed
 - TA - Nightly paid booking letter for the applicant (either s188/193 dependant on duty)
 - TA - Nightly paid licence agreement for the applicant
 - TA - Payment instructions for the applicant
- Provide the household with their relevant documents either by hand or email.
- Email the Notify LA of placement (s208(s) letter to the relevant Council.
- Add the household/placement details to relevant excel data base.

Placements are subject to a suitability assessment to determine the type and location of temporary accommodation that should be offered. In liaison with the relevant Housing Options Officer an assessment will be made into all required aspects of suitability and will include the impact of an offer of emergency accommodation outside of the borough. This will assess whether the location of the accommodation will cause significant disruption to the household's employment, caring responsibilities or education as well as the accommodation proximity and accessibility to medical facilities, other support and local services, amenities & transport.

Many of these support networks could possibly be replicated should the household be accommodated outside the borough.

For out-of-area placements and where a need has been identified, the Council will ensure that all relevant parties including health visitors, schools, social care services, and/or mental health services as applicable, are made aware of the interim/ temporary accommodation being offered to the household so they can try where best to continue their service for the applicant or arrange for some form of continuity of, or replacement services and support networks to be available to the applicant until they are able to be relocated into the borough. Primary considerations will be given to safeguard and promote the welfare of any children in the applicant's household.

Beneficial placement out-of-area

An out-of-area placement may be beneficial in certain circumstances, where for example the applicant:

- faces violence or domestic violence in the authority's area
- is an ex-offender or drug/alcohol user who would benefit from breaking links with negative influences
- does not mind where they live.

Notification Arrangements

As required under 208(2) Housing Act 1996 (as amended/extended by the Homelessness Act 2002) the placing authority should in all cases advise the receiving authority of all accommodation placements using the template associated with the booking letter.

Allocation of Temporary Accommodation or Rent Deposit Scheme properties within the borough.

Households placed outside of the borough may be considered for temporary accommodation within the borough once a suitable unit becomes available, subject to their needs being assessed alongside the needs of other households who are owed a duty at the time.

When an in-borough temporary accommodation vacancy arises the general principle is that the Housing Needs Move-On Officer will first select a list of applicants who meet the room size criteria for the property and then priority will be given to the applicant who has been in emergency accommodation the longest, regardless of whether the households' current accommodation is self-contained or shared. However there are limited circumstances where a household may be selected out of date order and prioritised over some other applicants. However this doesn't not necessary mean the household would be prioritised for the next vacancy as the Council will have to balance the needs of applicants with special circumstances with other applicants who have been in interim accommodation the longest.

Applicants may be selected out of date order in the following situations:

- To maximise the occupancy use of a particular size temporary accommodation unit where there is limited supply within the portfolio that are able to take a particular size families i.e. 2 bedroom, 4 person or 3 bedroom, 6 person.
- Where a household requires a specific type of accommodation (i.e. a household who needs ground floor accommodation or level access shower etc).
- The household has medical needs that require them to be located in the borough in order to receive specialised services. The views of the Council's Medical Adviser may be sought to determine priority.
- The household has caring/support needs that require them to be located in the borough.
- Where a household contains a child(ren) with special educational needs who is receiving education or educational support in the borough.
- Whether a household's access to employment or education is being very significantly disrupted because of lack of transport.

As the majority of temporary accommodation is owned by housing associations they may refuse to accept households that are affected by the benefit cap. In these circumstances households who are benefit capped may be overlooked for an offer of temporary accommodation. The Council will work with the household impacted to try to help them into employment through ETHOS or to ascertain if they are entitled to benefits which can exempt them from the cap.

Rent Deposit Scheme

An applicant will only be considered for the Rent Deposit Scheme if the Council is satisfied that the applicant can maintain a private rented tenancy and there is no history of rent arrears, damage/disrepair or ASB. The applicant will be required to have a local connection with the borough or be owed a full duty homeless duty. The relevant Housing Officer will be responsible for referring cases to the Rent Deposit Officer who will follow up the referral. The Rent Deposit Officer will be responsible for selecting the best match with the private landlord and the property. The private landlord will always have the final say on the selection of the proposed tenant.

SWEP - Severe Weather Emergency Protocol

In periods of severe weather the Council may provide NPA accommodation for people who are rough sleeping or at risk of rough sleeping in order to prevent deaths and serious harm.

There is no single definition of severe weather for the purposes of triggering emergency accommodation. Any conditions that increase the risk of harm to people sleeping rough can be classed as severe.

A decision as to when to trigger SWEP accommodation will be made by either the Housing Options Manager, the Housing Solutions Manager or the Strategic Housing Manager. The Housing Services team will then coordinate its response with ESOS.

Appendix A

The Council's temporary accommodation within the borough is listed below. Most of these units are owned or managed by Housing Associations, however a small number are owned or managed by the Council. All units are self-contained.

In-borough temporary accommodation is usually fully occupied, and vacancies become available infrequently, usually as a result of an existing tenant moving on to settled housing association accommodation. This is particularly the case for larger family size accommodation, where the Council would only expect two to three vacancies per year.

Property type and size	Quantity	Locality	Household size considered
Studio flats	43	Epsom & Ewell	<ul style="list-style-type: none"> • single • couples • single/couple and pregnant • single / couple with one child • single person with 2 children
1-bedroom flats	44	Epsom & Ewell	<ul style="list-style-type: none"> • single/couple and pregnant • single / couple with one child • single /couple with 2 children • 2 adults (not in a relationship)
2-bedroom flats & houses	42	Epsom & Ewell	<ul style="list-style-type: none"> • single/couple and pregnant within 6 weeks of expected delivery date • single / couple with one or more children
3-bedroom houses & flats	29	Epsom & Ewell	<ul style="list-style-type: none"> • single / couple with two or more children
4-bedroom properties	3	Epsom & Ewell	<ul style="list-style-type: none"> • single / couple with three or more children