

Gravesham Borough Council – Temporary accommodation Policy Final

Document Control

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1. Introduction

In line with the Corporate Plan 2019-2023, Gravesham Borough Council strives to make the best use of its stock and we want to provide households with a good quality temporary accommodation.

This document sets out the council's approach to the placements of households into temporary accommodation, both in and out of the borough. It covers interim placements 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.

The policy takes into account 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.

As per section 208 of the Housing Act 1996, and chapters 16 and 17 of the Homelessness Code of Guidance, so far as reasonably practical, the Council seeks to accommodate homeless families within its Borough and always consider the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to an acute shortage of affordable housing, and temporary accommodation locally, consideration needs to be given to accommodation outside of the Borough to ensure homeless households can be suitably housed.

When determining whether it is reasonably practical to secure temporary accommodation within Gravesham, as opposed to simply what is reasonable, the cost of the accommodation is a relevant and proper consideration given the intensive pressures on housing stock in Gravesham and high demand for a range of accommodation with a limited budget.

The Local Housing Allowance (LHA) is used to work out how much Housing Benefit a tenant will receive to pay their rent. LHA rates depend on who lives in the household, and the area they are making their claim. Applicants will be expected to ensure any top of the rent is paid. Applicants in receipt of universal credit will be expected to notify the Department for Work and Pensions (DWP) that they are in temporary accommodation so that Housing Benefit can be paid to the local authority to cover the charge.

This policy details how applicants will be prioritised for temporary accommodation in and outside the Borough.

Reference in this policy to 'The Council' means Gravesham Borough Council.

2. Approach to meeting demand for temporary accommodation

Gravesham Borough Council has limited resources; however, the council aims to ensure a supply of good-quality temporary accommodation. This includes:

- The use of private providers to supply nightly paid properties.
- Use of existing and future council and housing association stock.
- Exploring options for working with letting agencies to increase the number of properties available to homeless households.
- Working with supported housing providers to increase provision and enable access.

- Seeking to increase the number of private sector landlords willing to let directly to homeless households through the council's Landlord Liaison Team.

The approach taken is adopted by the council's aim to prevent homelessness as detailed within the Homelessness and Rough Sleeping Prevention Strategy 2019-2024.

3. Suitability of accommodation

This policy takes into account the statutory requirements on local authorities in respect of the suitability of accommodation, including the Suitability of Accommodation Order 2012 and has regard to the need to safeguard and promote the welfare of children as required by section 11 of the Children Act 2004.

When deciding if a temporary accommodation placement is suitable, consideration will be given to Chapter 17 of the Homelessness Code of Guidance for Local Authorities, which states that the following factors need to be taken into account:

- Location – if suitable, affordable accommodation is available in the area, applicants will be housed in Gravesham, allowing them to maintain any established links with services and social/support networks. However, when there is a lack of suitable accommodation within the borough, we will look to our neighboring local authorities first before considering the rest of Kent to meet the council's statutory housing duty.
- Size, condition and facilities – accommodation must provide adequate space and room standards for the household and be fit to inhabit. Households in temporary accommodation may be placed into units with one bedroom less than they would be entitled to on a permanent basis, with the expectation, the living rooms provide dual purpose as a living and sleeping area. The style 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 an ability to manage stairs, the care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Gravesham. 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 within a reasonable period. 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 type of accommodation. Where it is practical to do so, prior to being placed in temporary accommodation, homeless households will be asked to complete a vulnerability and suitability assessment form. This form will allow officers to assess suitability of any accommodation provided.
- Education – attendance at local schools will be considered however will not ordinarily be considered a reason to refuse accommodation. Priority will be given to special educational needs and students who are close to taking public examinations in determining priority for placements in the borough. Gravesham Borough Council will seek to ensure all placements are within 45 minutes travelling distance each way of any primary schools attended. For secondary school children the length of journey should be no more than 75 minutes each way. This is in line with Kent County Council's guidance as to what is considered reasonable for a child to travel to school. The Council should also make reasonable efforts to ensure arrangements are put in place to minimise the disruptions to the education of

children and young people, particularly (but not solely) at critical points such as leading up to taking GCSE or equivalent examinations.

- 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. The Council should also make reasonable efforts to ensure any disruption to caring responsibilities that may be impacted by any disruption to employment is kept to a minimum
- Proximity to services – the Council will consider the proximity to public transport, primary care services and local services in the area in which the accommodation is located.
- The need to safeguard and promote the welfare of any children in the household – if not already identified the council will seek to identify any particular needs of the children in the household. It will have regard to the need to safeguard and promote the welfare in making decisions on whether the offer is suitable, although it has to be remembered that almost all families seeking temporary accommodation are families with children.
- Any special circumstances – the Council will consider any other reasons put forward by the applicant and come to an overall view whether the offer is suitable.

Assessments with regard to suitability of a temporary accommodation placement will be completed on a case-by-case basis to ensure any temporary accommodation offered is considered reasonable and suitable for the household involved. These assessments are made within the context of the accommodation and resources that are available to the Council.

The individual needs and requirements of a household will be assessed by a Homeless Officer to confirm whether an allocation would be suitable. Consideration is given to any potential risks an applicant may pose to existing residents or members of the public.

4. Hotel placements

Circumstances may arise which require short notice placements of households into emergency temporary accommodation. At this time, options available can be very limited. In these cases, the use of hotel accommodation may be the only option available to fulfil the council's temporary accommodation duty however this is a last resort. In addition, if an applicant contacts the Council outside of office hours and requires emergency accommodation, hotel accommodation is often the primary option.

Consideration is given to the Homelessness Code of Guidance chapter 22, which states that hotel accommodation is not to be regarded as suitable for care leavers under the age of 25 or applicants with dependent children. Therefore, hotel placements for households of this type are only to be used if no other accommodation is available. The council aims for all hotel placements to be as short as possible. However, there may be exceptions to this if no other suitable accommodation options can be identified within the six-week period. Whenever an applicant is accommodated in hotel accommodation, attempts will be made to identify alternative temporary accommodation as soon as possible.

5.0 Out-of-borough placements

Access to nightly paid temporary accommodation in the borough is limited. In addition, neighbouring authorities have similar supply issues. Wherever possible, the Council will seek to provide temporary accommodation locally within the borough. However, where this is not possible the Council will provide accommodation outside of the borough.

In some circumstances, it may be more appropriate for a placement outside of the area to be arranged. For example where an applicant may be at risk of violence within the borough. We will take into account any advice provided by specialist services to ensure risks are managed and we secure the most appropriate placement for the household.

6.0 Temporary accommodation offers and refusals

The Council seeks to place all applicants in self-contained accommodation where possible. However, due to the significant demand and shortage of accommodation, households placed under the council's duty to accommodate (pursuant to Section 188 of the Housing Act 1996), may initially be placed in accommodation that has shared facilities. When accessing accommodation through the out-of-hours service or in the event of a major emergencies accommodation households could be offered nightly paid hotel/bed and breakfast.

Gravesham will consider the households circumstances before an offer of accommodation as set out in the Code of Guidance chapter 17 (Suitability of accommodation). Whilst there is no obligation to allow applicants to view accommodation prior to acceptance, the Council will make efforts to provide notice of a move so that households can view the area offered.

For applicants placed outside the borough, if they have no benefits in payment or any other financial means to travel to the arranged emergency placement then in exceptional circumstances the Council can arrange a single one off travel warrant. A financial assessment will be conducted and this would need to be approved by a Team manager.

The Temporary Accommodation Officer will make an introductory telephone call when the customer is in the temporary accommodation and will reiterate the importance of housing benefit, charging of accommodation, applying on the housing register and ensuring the quality of accommodation is satisfactory.

If a household is offered alternative temporary accommodation (e.g. currently placed out of the borough and have been offered a GBC vacancy) there will be minimal notice provided, as the Council is unable to hold a vacant temporary accommodation unit. The Council will try to offer 24 hours' notice to move however, this may not always be possible.

If an applicant refuses an offer, they will be asked to provide their reasons for doing so in writing and the consequences of refusal will be clearly explained. This will apply to new applicants being placed under section 188 of the Housing Act 1996, as well as those being transferred to alternative interim or temporary accommodation. Consideration will be given to reasons for refusal. If it is then accepted, the

accommodation is unsuitable, the offer will be withdrawn and another suitable offer made.

Where applicants refuse suitable temporary accommodation and the council considers their reasons for refusal to be unacceptable there will be no further offers of accommodation made and applicant will be required to make their own arrangements. A referral to social services can be made if the homeless household includes anyone who is vulnerable, pregnant or has a dependent child.

Where the council has decided applicants placed under its interim duty to accommodate pursuant to Section 188 of the Housing Act 1996 are not owed a further accommodation duty, they will be asked to leave. The Council will provide a reasonable period of notice after being notified of the decision to enable alternative accommodation to be sought. The length of time given will depend upon the circumstances of the household and will be at the discretion of the case officer. In all cases, where there are dependent children or vulnerable adults, social services will be notified that the council's duty to provide accommodation will be brought to an end.

7.0 Costs incurred by temporary accommodation

The cost of providing temporary accommodation has increased significantly over the last few years. This is due to a number of factors including, but not limited, to:

- applicants having to stay in temporary accommodation for longer periods of time due to a declining supply of social housing lets
- a reduction in the supply of private rented housing being available at an affordable rent level.
- Changes in legislation and new priorities for Gravesham

The Housing Act 1996 places a statutory duty on local authorities to provide interim accommodation under Section 188 of the act. It also gives the council the right to make a reasonable charge for the accommodation provided.

It is reasonable for the council to raise a charge equivalent to the relevant local housing allowance rate on all private sector nightly paid temporary accommodation. It is considered a charge levied at this rate is reasonable. In addition, for households who are temporarily placed within Gravesham stock, they will be responsible to pay the set social rent and it is necessary to add a homeless service charge that covers management of these units.

Homeless households are able to seek help from Housing Benefit towards the cost of their accommodation. Claims for help with temporary accommodation costs are exempt at present from Universal Credit. Homeless households will be supported to complete a Housing Benefit form and submit this to the relevant section. It is the responsibility of the household to ensure they supply the Housing Benefit team with any supporting evidence required to complete their claim. In circumstances where an applicant is awarded full Housing Benefit, no further contribution will be required.

Where an applicant is not eligible to receive any help from Housing Benefit they will be expected to pay a reasonable charge for the accommodation provided. This charge will be at a level equivalent to the relevant Local Housing Allowance for privately rented nightly paid accommodation and social rent for any LA or RSL stock used. If placements are made where a household has left their last settled accommodation due to risk of violence then providing there is an intention to return dual housing benefit can be applied.

In the event a charge is due and not received from the applicant, the council will send an arrears letter. If no attempt has been made to resolve the arrears then a second arrears letter will be sent followed by a final notice of eviction. This will detail their last night in accommodation due to failing to maintain their charge. The council has the right to end the accommodation and discharge the relevant duties.

Where an applicant is placed in self-contained accommodation, they will be responsible for meeting the costs of their utilities and Council Tax. Applicants are able to apply for Council Tax relief. However, they will need to speak with the Council Tax team in the area in which they are placed.

Where there is an opportunity for 'move on', customers' temporary accommodation account charge should be up to date and not have an outstanding balance. Where there are monies owed, the customer will be provided the opportunity to clear this or the offer may be withdrawn.

8.0 Appeals relating to temporary accommodation

There is no legal right of review against the suitability of accommodation offered to applicants under section 188 of Housing Act 1996 although applicants can apply for judicial review through the courts. Applicants can request for a reconsideration of the suitability of their temporary accommodation at any time.

Where the Council has accepted a full housing duty under section 193 of the Housing Act 1996, there is a right to request a review of the suitability decision pursuant to section 202 of that act. Applicants can request a review of the suitability of their temporary accommodation at any time either verbally or in writing. This will be an impartial review carried out by the Housing Options Manager. If an internal review concludes the accommodation is suitable and the applicant is dissatisfied with this response, they have a further right of appeal to the County Court on a point of law.

9.0 Equality and diversity

This Policy works in conjunction with the Council's Equality Policy. Gravesham Borough Council is committed to treating people with dignity and respect. This applies to colleagues, customers and members, all of whom undertake not to discriminate directly or indirectly or victimise because of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, age, religion or political persuasion. All information/ literature will be made available in other formats, or translated upon request.

The Council is committed to addressing issues of financial inclusiveness by referencing its Vulnerability Policies. Front line staff will signpost customers to external advice agencies providing additional help and support with regard to equalities, ensuring full use of available resources.

10. Review

The policy will be monitored and reviewed within two years or more frequently as changes in legislation, including benefits entitlement, may dictate. The Director of Housing can make amendments as and when required in consultation with the Cabinet Member for Housing Services.

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