

# **Placement Policy for Temporary Accommodation**

## **Introduction**

1. The purpose of this document is to set out Norwich City Council's policy for accommodating homeless households in temporary accommodation. This covers the following:
  - Interim placements under Section 188 of the Housing Act 1996 while the client's homelessness is investigated.
  - Temporary accommodation placements for those accepted as homeless under Section 193 of the Housing Act and waiting for rehousing.

### **This policy complies with the following legislation and case law:**

- The Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017
- The Localism Act 2011
- Equality Act 2010
- Homelessness (Suitability of Accommodation) (England) orders 1996, 2003 and 2012
- Supplementary Guidance on the Homelessness changes in the Localism Act 2011 and the Homelessness (Suitability of Accommodation) (England) Order 2012
- Children Act 1989
- Children Act 2004
- R (on the application of Carstens) v Basildon DC [2007]
- Kensington and Chelsea LBC, ex p Kujtim [1999]

## **Key Principles**

2. Homeless applicants who are accommodated under the council's interim duty to accommodate may be placed in short-term self-contained accommodation such as annexes, managed cluster units, hotel or bed and breakfast rooms while enquires are carried out. This accommodation may be outside of Norwich. If the Council decides it has a duty to house the household, they will be moved to longer-term accommodation as soon as a suitable property becomes available.
3. In accordance with legislation and guidance, the council seeks to accommodate homeless households within Norwich as far as reasonably practicable and considers the suitability of any temporary accommodation offered. However, due to limited availability of temporary accommodation, it is sometimes necessary to place people outside of Norwich, as it would not be reasonably practicable to accommodate them in Norwich.

4. Statutory guidance and relevant case-law make clear that affordability is a key component of the suitability of accommodation and that unaffordable accommodation may not be regarded as suitable. Cost of accommodation is therefore a relevant consideration when deciding whether it is reasonably practicable to provide temporary accommodation in Norwich.
5. The council will assess the suitability of any offer of temporary accommodation. If there is a particular reason why a household should not be housed in a certain area, this will be taken into account.
6. Wherever possible, the council will avoid placing families with dependent children in bed and breakfast accommodation. Where no other suitable accommodation exists and such placements are necessary, the council will move these households to self-contained accommodation as soon as possible and always within six weeks.
7. For safeguarding purposes, the council will divulge any potential risk or safeguarding issues to the provider prior to placement. The provider is at liberty to refuse any placement.
8. The council will do all that is reasonably possible to provide temporary accommodation. Where a referral to a provider is refused by the provider, the council will try other providers and contact other local authorities in the county. There may be occasions when the risk presented by the client means that no providers will accept a referral. In this situation, the council will continue to seek temporary accommodation as required under the homelessness reduction act.

### **Offers, refusals and the ending of temporary accommodation**

9. One offer of temporary accommodation will be made to applicants, and they will be advised to accept this. The council has no obligation to allow applicants to view any temporary accommodation placement.
10. If a household is placed in temporary accommodation and more suitable accommodation subsequently becomes available, the household may be moved.
11. If an applicant refuses an offer, they must provide reasons. The council will consider any reasons given, making any further enquiries as necessary. If it is concluded that the offer is indeed unsuitable, the offer will be withdrawn and another suitable offer made.
12. If an offer of temporary accommodation is rejected and the council considers the accommodation suitable, no further accommodation will be offered. In this case, the applicant will be required to make their own arrangements. There is no right of appeal against the suitability of accommodation offered to applicants.

13. If, having been provided with accommodation, the applicant shows by their conduct a persistent and unequivocal refusal to observe the reasonable requirements of the council in relation to the occupation of the accommodation, the duty to accommodate them will be brought to an end.
14. If it is found that a duty is not owed to an applicant, they will be asked to leave the temporary accommodation, usually within 7 days after the homelessness decision letter has been received, or 28 days for families, in line with the Norfolk Intentionally Homeless Families Protocol.
15. Where applicants under the Section 193 duty request a review of the homelessness decision, they will only be accommodated during the review period at the council's discretion. Each case will be considered on an individual basis, taking into account the merits of the review, any new information that may affect the original decision, and the circumstances of the applicant and possible effect of loss of accommodation.

### **Suitability of accommodation**

16. The following factors will be considered when assessing the suitability of a placement:
17. The household must have its equivalent level of income support or income based Universal Credit (whether claimed or not) available to spend on reasonable living costs after accommodation costs have been deducted from the household's income.
18. Accommodation must be adequately sized and be fit to inhabit. This will take into account any health or mobility issues. If possible, accommodation will be located in an area where support networks can be accessed (please refer to section 5).
19. Health and mobility issues will be taken into consideration when they will have an impact on the suitability of a temporary accommodation placement. If the medical grounds were not revealed in the initial assessment, a medical form must be submitted. Medical grounds for the unsuitability of the property must be specific. Conditions that would persist in any accommodation will not usually be considered to have an impact on the suitability of temporary accommodation.

### **Priority, and accommodation outside of Norwich**

20. Placements outside of Norwich will sometimes be necessary, but will only be used where suitable and when accommodation within Norwich is unavailable. At times, it may be necessary to keep a small number of places available in Norwich if it is expected that higher priority households will present as homeless and require temporary accommodation.
21. If a household is placed outside Norwich, the local authority in which they are placed will be notified as quickly as possible.

22. If vulnerable households are placed outside Norwich, the council will ensure (as far as possible) that they have appropriate support and access to support networks.
23. Where the availability of temporary accommodation in Norwich is limited, the following conditions will be used to prioritise which households are placed in temporary accommodation within Norwich, dependent on suitable accommodation being available:
24. Applicants with a severe and enduring physical or mental health condition or disability that requires specialist treatment only available in Norwich
25. Applicants who are in receipt of a significant package of care that could not be easily transferred to another area
26. Applicants with a severe and enduring physical or mental health condition or disability that requires intensive and/or specialist treatment or aftercare where a transfer of care would create serious risk to their safety or the sustainability of their care.
27. Households in Norwich with children on the child protection register, or families with high social needs and are linked in with local social or health services and it is confirmed that being accommodated temporarily in another area would significantly affect their welfare.
28. Households containing a child with special educational needs who is receiving education or educational support in Norwich, and where being accommodated temporarily in another area would significantly affect their welfare.
29. Households where at least one member can demonstrate that they have a longstanding arrangement to provide care and support to another person in Norwich.
30. Households that contain a child in full time education who is currently undertaking examination courses in Norwich.
31. Applicants at risk of domestic abuse or violence will be accommodated in a refuge or, if this is not practicable, other safe accommodation outside of Norwich if the risk is within Norwich. They will be accommodated in an area where the risk is not present, with consideration given to all other aspects of this policy.
32. Any other special circumstances which are relevant.

### Further information

33. If a duty to accommodate is accepted outside of normal office hours, the applicant will be placed in whatever accommodation is available at that time.

34. Travel to accommodation will be funded by the council if necessary.

### Monitoring and Reviews

35. The impacts of this policy will be monitored and reported on annually by the housing options manager. The policy will be reviewed after it has been in operation for twelve months and annually thereafter. The outcome will be reported to the head of neighbourhood housing and the portfolio holder for social housing.

### Norwich City Council Housing Options

	NAME	TITLE	SIGNATURE	DATE
	J Morris	Rough Sleeper Assistant	JM	05/06/2019
	D Smith	Housing Assessment Team Leader	DS	05/06/2019
	C Haystead	Housing Options manager	CH	20/06/2019
	E Ogedegbe	Lawyer, NPLaw	EO	01/08/2019