

MIDDLESBROUGH COUNCIL

TEMPORARY ACCOMMODATION OUT OF AREA PLACEMENT POLICY

Introduction

This document sets out the Council's policy for how homeless households will be prioritised for temporary accommodation (TA) when there is no TA available in:

- a) The local authority area, or
- b) An area within the local authority district that an applicant would prefer to be placed into to access for example, schools, place of work, family

The policy applies to all households placed in temporary accommodation by the Council under Section 188 *The Relief of Homelessness Duty* and Section 193 *The Main Homelessness Duty* arising out of the Housing Act 1996. It also applies to any accommodation:

1. Secured under a power to provide temporary accommodation pending a review or appeal
2. Secured to meet any duty owed to an intentionally homeless household
3. Secured to meet any interim accommodation duty pending the outcome of a local connection referral to another local authority

This document should be read in conjunction with the Council's most recent Homelessness Strategy and action plan as this document sets out how the Council is seeking to develop more local temporary and permanent accommodation options to meet demand for households owed any duty under the Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017.

This out of area placement policy is compliant with the advice set by the Supreme Court in April 2015 for the case of *Nzolameso and Westminster Council*.

This Temporary Accommodation (TA) Out of Area Placement Policy seeks to ensure that all placements are made on the basis of:

- a. A comprehensive assessment of a household's circumstances and needs, and
- b. A balanced assessment of the needs of all households requiring temporary accommodation set against consideration of the type and location of accommodation that is available to be allocated at any given point

Our policy is to provide, wherever reasonably practicable, suitable accommodation within our Local Authority area and to consider a person's links to any area within our district, except in cases where there is a specific reason why the household should not be accommodated within our district (for example, applicants at risk of domestic violence or other violence). However, our ability to meet this policy objective is subject to the supply of suitable temporary accommodation being available.

The Council is making efforts to ensure that its temporary accommodation portfolio reflects the most common locations for applicants presenting as homeless in our district. We review our needs and will consider developing new schemes to increase the number of units in areas within our district where the evidence indicates there may be a shortage of temporary accommodation. However, inevitably we cannot always meet the requested location that an applicant presenting as homeless may wish to be temporarily housed in.

The Out of Area Temporary Accommodation Placement Policy

This policy is intended to ensure that we prioritise those who have the greatest need to be accommodated within our district.

In assessing the suitability of the location of any property to be used as temporary accommodation for a homeless household, the Council will consider whether the applicant can afford to pay for their temporary accommodation without being deprived of basic essentials such as food, clothing, heating, transport costs and all other reasonable expenditure. We will therefore take into account the rent that the household can afford as well as any additional costs, such as travel costs, resulting from the location of the accommodation.

The Council will also take account the distance of any offer of temporary accommodation from the last address they have presented as homeless. We will consider any possible disruption to employment, education or caring responsibilities, accessibility of essential medical facilities and support that are essential to the wellbeing of any household member, and accessibility of local amenities, services and transport.

An assessment of these matters will be completed when an applicant is being matched to any available temporary accommodation unit. A copy of the assessment procedure we use can be requested.

Any decision regarding an allocation of temporary accommodation will have regard to the Council's obligations under Section 11 of the Children Act 2004 including the need to both safeguard and promote the welfare of children.

This policy fully complies with the requirements of:

- a) Sections 206, 208, and 210 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017
- b) The Homelessness (Suitability of Accommodation) (England) Order 2012.
- c) Whether the accommodation is affordable
- d) The relevant sections of the DCLG Allocations and Homelessness
- e) The MHCLG Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012 (November 2012) Applicants accommodated under this policy under section 193 of the Housing Act 1996 can request a statutory review of the suitability of any accommodation offered to them, in accordance with section 202 of the Act.
- f) Advice from the Courts to local authorities regarding when temporary accommodation is suitable including the leading case of *Nzolameso* and Westminster Council.
- g) The Equalities Act 2010

Guidelines on the Location of Accommodation

For the purposes of making an allocation, all units of TA that may be offered to an applicant owed a temporary accommodation duty will be categorised simply as:

'Within the local authority area, or

'Outside of the local authority area - Defined as Temporary Accommodation located ideally in a neighbouring authority but if this is not possible located no more than 1 hours travelling distance by public transport

Where there are insufficient units of temporary accommodation in this Council's Geographical boundaries a suitable offer will be made outside of our area.

The Council may also keep aside local vacant units in anticipation of applicants presenting who meet the criteria for a local placement. This has been confirmed as a reasonable practice in the 2018 Court of Appeal case for *Adam and Alibkhiat v Westminster and Brent Councils*.

How we will prioritise households for an offer of temporary accommodation in our area where there are more applicants requiring a local area placement than properties available.

All households will be placed in accommodation in our area if a sufficient number of suitable units are available at the time of placement. Where there is a shortage of local units on any given day the Council may decide to keep aside a number of local vacant units in anticipation of applicants presenting who meet the criteria for a local placement.

If there isn't a sufficient number of local temporary accommodation units available, a household will be placed in a suitable unit outside of our area, but as close to this local authority's district as possible based on the practicality of sourcing units on any given day.

Relevant facts regarding the household's circumstances will be gathered by officers in the course of their enquiries through completing their assessment of an applicant's circumstances under section 189A of the Housing Act 1996.

Households will be given priority for a placement in area if they meet the following criteria. Please note this does not mean that they are guaranteed to receive an offer of 'in area' accommodation when any TA duty arises. It may be that at the time any temporary accommodation duty is owed there are no vacancies in area and, if this is the case, an offer of suitable TA will be made as close as possible with priority given to any household that meets one or more of the criteria set out below, to be given a suitable offer of temporary accommodation within area as soon as is reasonably practicable to do so.

The 'in area placement criteria'

- 1) Households with one child (or more) in secondary school in their final year of Key Stage 4 (generally Year 11) with exams to be taken within the next six months. Wherever practicable we will seek to place such households within area and as close as possible to existing schools to minimise public transport travelling distance and costs.
- 2) Households with one child (or more) who has a Statement of Special Educational Needs who is receiving education or educational support in our area and where a change of schools would be extremely detrimental to their well-being because either the impact of moving on that child or that a similar package of support is unlikely to be available. Wherever practicable we will seek to place such households within area and as close as possible to existing schools to minimise public transport travelling distance and costs

- 3) Households with significant medical or severe learning disability where a child attends a special school. Wherever practicable we will seek to place such households within area and as close as possible to existing schools to minimise public transport travelling distance and costs
- 4) Households where one person (or more) has a severe and enduring mental health problem where they are receiving psychiatric treatment and aftercare provided by community mental health services **and** have an established support network in this area so that a placement outside of this area may severely impact on their well being.
- 5) Households where one person (or more) is in permanent and settled employment This group will be prioritised for temporary accommodation as close as possible to their workplace. Where this is not possible we will endeavor to place a household no more than 60 minutes by public transport away from their place of employment and will continue to seek suitable accommodation closer to their place of work.
- 6) Households who have a longstanding arrangement to provide care and support to another family member in the local area, and that person would be likely to require statutory health and social care support if that care and support ceased and there are no other relatives willing and able to provide that care and no other suitable alternative arrangements available.

Please note the following:

1. The above categories do not mean that no other special circumstances will be taken into account. Whenever an applicant is owed an interim or full temporary accommodation duty a full assessment will be carried out of their household's housing needs and circumstances. Following that assessment it may be decided that an applicant should qualify for a local area offer for a special reason despite not meeting the criteria set.
2. The time likely to be spent in the accommodation will also be taken into account when determining the suitability of any offer of temporary accommodation out of area.
3. Where there are no in area temporary accommodation units immediately available which meets the household's identified needs, a homeless household may be placed on an emergency basis into accommodation in any location where there is availability on that day as long as it has been assessed as being suitable.
4. Households in receipt of welfare benefits or who may be on a low income may be subject to restrictions on the amount of benefit they can receive, which may affect their ability to pay their temporary accommodation rent. Placement in a local area is subject to suitable accommodation being available that the applicant can afford.
5. Given the shortage of available properties, it may be required to make a decision regarding how to prioritise the allocation of a particular property on a particular day where more than one household requires TA and more than one household meets the local area criteria set out above. The following circumstances will be taken into account when prioritising between households. Please note the circumstances listed are not in descending order of importance and do not form an exclusive set of criteria as other factors may also be relevant:
 - Level of need relating to the welfare and safeguarding of any children in the household
 - Level of educational need
 - Identified risks posed by living in particular areas
 - Permanency/flexibility of employment
 - Access to transport
 - Level of need to be close to services and amenities
 - Level of need to be close to health services

- Level of need to be close to support networks
- Level of need to be close to cultural or religious amenities
- Impact on caring responsibilities
- Affordability of the accommodation
- Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of household members
- Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of any children in the household, having regard to the Council's duty under the Children Act 2004 to safeguard and promote their well-being

The impact of these and any other relevant circumstances will be considered both individually and cumulatively.

This Temporary Accommodation Out of Area Placement Policy has been Adopted by (insert which Council Committee/Member adopted it) on *date*

Any Policy update – *date*

