
Placement Policy - Temporary Accommodation and Private Rented Sector

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1. Purpose

- 1.1 The purpose of this policy is to explain the framework by which the Council will determine the placement of households in temporary accommodation and private rented accommodation, both inside and outside the District.
- 1.2 It covers both interim placements made under Section 188 Housing Act 1996 (“HA96”), while homelessness enquires are undertaken, longer term temporary accommodation placements for households accepted as homeless under Section 193 HA96 and a private rented sector offer defined by section 193(7AC) with a view to bringing the section 193(2) duty to an end.

2. Applicability

- 2.1 This policy is applicable to all housing applicants who apply to the council for assistance with their housing circumstances including those who are accommodated in temporary accommodation under s.188 or s.193 of the Housing Act 1996 or who are licensees on Four Houses Corner.

3. Roles and Responsibilities

- 3.1 The Head of Development and Planning has overall responsibility for ensuring that offers of accommodation to homeless households are made in line with statute.
- 3.2 The Housing Service Manager is responsible for:
 - Directing and reviewing this standard.
 - Ensuring compliance with published standards, procedures, working practices and technology changes in relation to this policy.
 - Publishing and promoting the adoption of this policy to Housing Staff.
- 3.3 The Housing Operations Manager, Team Leaders and Housing Operations staff are responsible for the day-to-day allocation of temporary and private rented accommodation that will be linked to this policy.
- 3.4 All Housing staff are responsible for ensuring that file notes of all actions taken under this policy are documented on our case recording systems to ensure that sufficient evidence can be provided for decisions taken under this policy.
- 3.5 All Housing staff are responsible for familiarising themselves with, and ensuring that they comply with this policy.

4. Review

- 4.1 The Council will review this Placement Policy on or before 05th May 2023 if there is a legislative or policy requirement to do so.

5. Background

- 5.1 West Berkshire is a very popular place to live with limited supply of social and affordable rented properties. The council therefore relies on the use of accommodation in the private sector including temporary accommodation to meet its statutory housing duties.

- 5.2 As per section 208 Housing Act 1996 and paragraph 16.7 of the Homelessness Code of Guidance, so far as reasonably practicable, the Council seeks to accommodate homeless households in West Berkshire and always considers the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to a shortage of affordable housing, rising rental costs and restrictions that households maybe subject to, some households may be placed outside of the district as it will not be reasonably practicable to provide accommodation within West Berkshire.
- 5.3 The application of benefit caps, Local Housing Allowance (LHA) rates within the district (Appendix 2) welfare reforms and universal credit has further restricted the number of properties that will be affordable to homeless households in West Berkshire particularly larger families.
- 5.4 When determining whether it is reasonably practicable to secure accommodation in West Berkshire, as opposed to simply what is reasonable, the cost of the accommodation is a relevant and proper consideration. Matters to be taken into account would include information provided by the client, together with paragraph 17.39 of the Homelessness Code of Guidance.
- 5.5 The reality is however that the demand for housing exceeds supply, due to pressures on available social housing stock in West Berkshire, rent levels remain higher than LHA rates. Affordability remains a primary obstacle not only in respect of securing private rented accommodation but also in respect of securing other forms of temporary accommodation within our district boundaries.
- 5.6 The scale of demand and the limitations on resources are such that the council and its partners cannot build enough and at pace to meet all housing need. Even if resources were available, there is a limit to capacity given that the opportunities for significant large scale new developments in West Berkshire are constrained by land availability and costs.
- 5.7 The LHA is used to work out how much Housing Benefit a tenant will receive to pay their rent. It depends on who lives together as part of the household and the area where they are making their claim. These areas are called Broad Rental Market Areas (BRMA).
- 5.8 West Berkshire is divided into two BRMAs, Newbury BRMA and Reading BRMA.
- 5.9 The LHA rates in some of the areas near West Berkshire are lower. Costs savings could be achieved by utilising accommodation in areas outside of the two BRMA's in West Berkshire but our preference is to retain placements in the district where we can.
- 5.10 The policy therefore details how applicants will be prioritised for housing in West Berkshire, and outside of the district.

6. **Legal Context**

- 6.1 This is the Council's placement policy as required by the judgement of *Nzolameso v Westminster Council* 2015.

6.2 In developing this policy the Council has followed and fully considered the following:

6.3 Housing legislation:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- The Housing Act 1996, Part 7 amended by the Homelessness Reduction Act 2017
- The Housing Act 1996, as amended by the Homelessness Act 2002
- The Localism Act 2011
- Equality Act 2010
- Children Act 1989 (in particular S.17)
- Children Act 2004 (in particular S.11)
- Coronavirus Act 2020

6.4 Statutory guidance:

- Supplementary Guidance on the Homelessness changes in the Localism Act 2011 & the homelessness (Suitability of Accommodation) (England) Order 2012
- The Homelessness Code of Guidance

6.5 Regulations:

- Homelessness (Suitability of Accommodation) (England) orders 1996, 2003 & 2012.
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483;

6.6 The allocations scheme:

- Housing Allocations Policy
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments.
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869.;

The policy takes into account the statutory requirements on local authorities in respect of suitability of accommodation as per section 206, including Suitability Orders, Supplementary Guidance on 2012, SI 2012/1869 organisations and individuals to ensure

their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.

7. Private Rented Sector and Temporary Accommodation Offers and Refusals

- 7.1 Due to the shortage of suitable accommodation in West Berkshire, homeless applicants who are housed under the Council's interim duty to accommodate pursuant to Section 188 HA96 may initially be placed in emergency accommodation, including bed and breakfast and short-term self-contained accommodation, while enquires are carried out.
- 7.2 This accommodation may be outside of the district if our own homelessness accommodation or other emergency accommodation is not available in the district. If the Council decides it has a duty to house the household, they will be moved to longer-term temporary accommodation or made a private sector offer as soon as a suitable property becomes available.
- 7.3 The Council will avoid where possible, placing: families with dependent children; pregnant women; and, young people aged 16/17 in bed and breakfast accommodation. Where no other suitable accommodation exists and such placements are necessary, the Council will move these households to more suitable self-contained accommodation within six weeks.
- 7.4 Where the Council decides that applicants housed under Section 188 HA96 are not owed the relief or main housing duty, they will be asked to leave, usually within twenty eight days of receiving a homelessness decision letter.
- 7.5 Applicants will be given one offer of suitable accommodation under an interim duty while enquiries are being carried out, or longer term temporary accommodation where a full housing duty has been accepted or an offer of a private property.
- 7.6 There is no obligation on the Council to offer applicants a viewing of the accommodation prior to them accepting it, but applicants will be given full details about the accommodation. In making the offer, the household's individual circumstances will be considered, taking into account the factors set out in section 8 of this policy and Council's criteria on in/out of district placements detailed in section 9 where this is relevant.
- 7.7 If an applicant rejects an offer, they will be asked to provide their reasons for refusal. This applies to new applicants to whom the Council has an interim duty to accommodate under Section 188 HA96, as well as those seeking a transfer from existing Temporary Accommodation (TA).
- 7.8 The same principle as above at 7.7 will also apply to applicants that the Council has accepted a housing duty under Section 189B or 193 HA96 who are required to move by the Council. The Council will consider the reasons given and undertake further enquires as necessary. If the Council accepts the reasons for refusal and agree the offer is unsuitable, the offer will be withdrawn and a further offer will be made.
- 7.9 Where applicants refuse suitable emergency accommodation (which may include out of district placements) and the Council does not accept their reasons for

refusal, and considers that the offer is suitable, applicants will not be offered further accommodation and will be required to make their own arrangements.

- 7.10 There is no right of appeal against the suitability of accommodation offered to applicants under Section 188 HA96 (although they can apply for judicial review through the courts). For applicants where the Council has accepted the main housing duty under Section 193 HA96, (s193 duty) there is a right to request a review of the suitability decision, pursuant to Section 202 HA96.
- 7.11 In cases where the applicant still refuses a suitable offer of accommodation, the homelessness duty will be discharged. If the applicant is resident in emergency accommodation, they will usually be asked to vacate the property within 28 days and advised that no further assistance will be provided.
- 7.12 Where Applicants to whom the Council has accepted s193 duty, refused a suitable offer and submit a right for review request, they will only continue to be accommodated during the review period in exceptional circumstances. Each case will be considered on an individual basis, taking into account the overall merits of the review request, any new information or evidence that may affect the original decision, and the personal circumstances of the applicant and the potential impact of the loss of accommodation.

8. Suitability of accommodation – factors to consider

- 8.1 In offering temporary or private sector accommodation, the Council will consider the suitability of the offer, taking into account the following factors:
- 8.2 Accommodation available in the district: If suitable accommodation is available in the local authority area, applicants will be housed in West Berkshire, allowing them to maintain any established links with services and social/support networks. However, when there is a lack of suitable accommodation or there are higher priority households awaiting accommodation in the district, out of district placements will be used to meet the Council's housing duty (see section 9 on priority for local accommodation below). Given the shortage of accommodation locally, bed and breakfast in/outside of the district may be considered suitable for short-term interim placements.
- 8.3 Affordability: 'Affordability' has been defined in this policy thus: "the household must have its equivalent level of income support or income based jobseeker's allowance (whether claimed or not) available to spend on reasonable living costs after accommodation costs have been deducted from the household's income". Due regard will be paid to s.17.45 of the Code of Guidance 2018 when assessing affordability.
- 8.4 Size and location of the property: Accommodation must provide adequate space and room standards for the household and be fit to inhabit. It must be suitable in terms of space and arrangement in light of relevant needs, requirements and circumstances of the household e.g. health or mobility issues.
- 8.5 In deciding on the fitness of the property, consideration would be given to the length of time needed to complete any necessary repairs and whether it is reasonable to complete these while the property is occupied. The quality of the

decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden are unlikely to be acceptable reasons for a refusal.

- 8.6 Health factors: The Council will consider health factors, such as ability to get up the stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in West Berkshire.
- 8.7 If the applicant or a member of their household is citing medical grounds that were not identified during the initial assessment, the applicant must submit a medical form with 24 hours. The key test in determining the impact of medical issues is whether the condition itself makes the property 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 sort of accommodation.
- 8.8 Education: Attendance at local schools will not be considered a reason to refuse accommodation, though some priority will be given to special educational needs and students who are close to taking public examinations in determining priority for in-district placements (see Section 9).
- 8.9 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 (see Section 9)
- 8.10 Proximity to schools and Services: The council will consider the proximity to schools, public transport, primary care services, and local services in the area in which the accommodation is located.
- 8.11 Any special circumstance: The Council will consider any other reasons for refusal put forward by the applicant and come to an overall view about whether the offer is suitable.

9. **Criteria for prioritising placements inside/outside of West Berkshire**

- 9.1 As the Council tackle increased pressure to house applicants within and outside the area, it may be necessary to make decisions about the suitability of out of area placements for individual households and balance these against the type and location of accommodation that can be offered.
- 9.2 In some cases, properties outside of the district may be more sustainable in the long-term, due to individuals who have restricted areas that they can move to and with lower rents allowing them to better meet their subsistence and household costs and avoid rent arrears.
- 9.3 In placing households in temporary accommodation and private rented accommodation, placements outside of the area will be used to discharge housing duties only where suitable and affordable accommodation is not available locally.
- 9.4 Where there is more than one household to be offered an available unit of suitably sized accommodation, priority for in-district accommodation will be given to certain households whose circumstances indicate that housing locally is the best and safest solution.

- 9.5 Applicants with a severe and enduring health condition requiring intensive and specialist medical treatment that is only available in West Berkshire will be placed locally.
- 9.6 Applicants who are in receipt of a significant package and range of health care options that cannot be easily transferred will be placed locally.
- 9.7 Applicants with a severe and enduring mental health problem who are receiving psychiatric treatment and aftercare provided by community mental health services and have an established support network where a transfer of care would severely impact on their wellbeing will be placed locally.
- 9.8 Households with children registered on the Child Protection register in West Berkshire, or families who have high social needs who are linked into local health services and where it is confirmed that a transfer to another area would impact on their welfare will be placed locally.
- 9.9 Households containing a child with special educational needs who is receiving education or educational support in West Berkshire, where change would be detrimental to their wellbeing will be placed locally.
- 9.10 Applicants who have a longstanding arrangement to provide care and support to another family member in West Berkshire who is not part of the resident household and would likely require statutory health and social support if the care ceased will be placed locally.
- 9.11 Applicants who have been continuously employed in WBC for a period of six months, and for 24 hours or more per week. Women who are on maternity leave from employment and meet the above criteria would also be prioritised for placements locally.
- 9.12 Applicants who have as part of their household, a child or children who are enrolled in public examination courses in West Berkshire, with exams to be taken within the next six months. Wherever practicable we will seek to place such households within 60 minutes travelling distance of their school or college.
- 9.13 Wherever practicable, any applicant who works for more than 24 hours per week and has been employed continuously for more than six months will not be placed more than 90 minutes travelling distance by public transport, from their place of employment.
- 9.14 Applicants who meet none of the above criteria will be offered properties out of WBC when no suitable property is available locally.
- 9.15 Applicants who are victims of domestic violence would be placed outside of West Berkshire or in an area where the risk of violence does not exist having given consideration to all other factors within this policy.
- 9.16 Applicants who are at risk of violence being perpetrated against them would be placed outside of West Berkshire or in an area where the risk of violence does not exist having given consideration to all other factors within this policy.
- 9.17 Applicants who indicate a desire to be housed in a particular area outside of West Berkshire will be housed in those area(s) so far as reasonably practicable.

- 9.18 Any other special circumstance will be taken into account.
10. **Notification arrangements when households are placed outside of WBC:**
- 10.1 We will aim to ensure that information concerning details of placements in temporary accommodation and private rented accommodation outside WBC is shared as far as possible in a fair and timely manner. This will include S208 notifications with the relevant councils in areas where families are moving to.
- 10.2 Notification arrangements: The Council will notify the receiving authority of any placement and the receiving authority should also notify us as to any action they may have taken against a landlord/agent.
- 10.3 Pay a Fair Rent: We will as far as is practical ensure that the rent paid is in accordance with the prevailing LHA rent levels and is not at a level that is likely to encourage inflation of rent levels.
- 10.4 Vulnerable families: So far as is practicable if placing vulnerable families outside of WBC, we will ensure that such families will continue to receive appropriate support.

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