

Individual Executive Member Decision

Placement Policy

Committee considering report:	Individual Executive Member Decision
Date ID to be signed:	5 August 2021
Portfolio Member:	Hilary Cole
Forward Plan Ref:	ID4037

1. Purpose of the Report

- 1.1 The purpose of this report is to request approval for the placement policy to be adopted. This policy will determine the placement of households in temporary accommodation and private rented accommodation, both inside and outside of the District which is a legal requirement under the 1996 Housing Act.

2. Recommendation

- 2.1 For an Individual Executive Member Decision to approve the Placement Policy so that it can be adopted and implemented.

3. Implications

- 3.1 **Financial:** There are no financial implications.
- 3.2 **Policy:** The Placement Policy will ensure that we are accommodating homeless households primarily in West Berkshire and avoid placements outside of the district unless there are exceptional reasons to do so or there are no other options. We will always consider the suitability of the accommodation, taking into account the circumstances of the individual household. Under Section 208, 188 and 193 of the Housing Act 1996 this policy ensures that we are carrying out our duty as directed.
- 3.3 **Personnel:** These changes will affect staff working in the Housing department and is business as usual in terms of managing placements.
- 3.4 **Legal:** There are no legal implications for this policy as it is covered under the Housing Act 1996.
- 3.5 **Risk Management:** This will ensure that households are placed into accommodation primarily in the district and unless there are exceptional reasons to do so or there are no other options. It also ensures that the Council makes the best use of its accommodation resources and any risks that may occur from the management of accommodation outside of the district.
- 3.6 **Property:** No impact on Property

4. Consultation Responses

There was no need to consult on this policy as it is a requirement under Section 208, 188 and 193 of the Housing Act 1996.

Members:	Portfolio Holder
Leader of Council:	N/A
Overview & Scrutiny Management Commission Chairman:	N/A
Ward Members:	N/A
Opposition Spokesperson:	N/A
Local Stakeholders:	N/A
Officers Consulted:	Housing, Head of Service, Executive Director
Trade Union:	N/A

5. Other options considered

5.1 None required

6. Introduction/Background

- 6.1 The Placement policy has been produced to explain the framework by which the Council will determine the placement of applicants into temporary accommodation and private rented accommodation, both inside and outside of the District. Under Section 208, S188 and S193 of the Housing Act 1996, a duty is placed on all local housing authorities to ensure they are able to make placements of accommodation. There is also a requirement following the judgement of *Nzolameso v Westminster Council 2015* which reinforces the need to ensure that there is a Placement policy for the Council.
- 6.2 This Placement policy outlines how West Berkshire Council will manage both interim placements made under Section 188 Housing Act 1996 ("HA96") while homelessness enquires are undertaken and, longer term temporary accommodation placements for applicants 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) homelessness duty to an end.
- 6.3 This policy relates to 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.
- 6.4 We will aim to make placements in the district to retain established links with services and support networks except where there is a reason for an applicant to be placed out of the district or, we do not have any accommodation in the district at the time of placement so this would be short-term/ interim.

Placement Policy

6.5 A copy of the Placement policy accompanies this report.

7. Options for Consideration

7.1 Not applicable as the policy is a directive under S208, S188 and S193 of the Housing Act 1996.

8. Proposals

8.1 It is proposed that the Placement policy is authorised and approved by the Portfolio member for Development Planning and Housing as an Individual Member decision.

9. Conclusion

9.1 This policy ensures that the Council is policy compliant and is adhering to the legal requirements under the Housing Act 1996 in making placements of accommodation inside and outside of the district.

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input checked="" type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All

Strategic Priorities Supported:

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- PC1: Ensure our vulnerable children and adults achieve better outcomes**
- PC2: Support everyone to reach their full potential**
- GP1: Develop local infrastructure to support and grow the local economy**

Officer details:

Name: Janet Weekes
Job Title: Housing Services Manager
Tel No: 2225
E-mail Address: Janet.weekes1@westberks.gov.uk

10. Executive Summary

10.1 See above

11. Appendices

11.1 Appendix A Data Protection & EIA

11.2 Appendix B Placement Policy

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Place
Service:	Development and Planning
Team:	Housing Services
Lead Officer:	Janet Weekes
Title of Project/System:	Placement Policy
Date of Assessment:	23/04/2021

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><i>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Individual Executive Member Decision for approval of the Placement Policy
Summary of relevant legislation:	Section 208, 188 and 193 of Housing Act 1996
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Janet Weekes
Date of assessment:	23/04/2021

Is this a:		Is this:	
Policy	Yes	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To implement the Placement Policy
Objectives:	To remain compliant under Section 208, 188 and 193 of the Housing Act 1996 in ensuring that we are making placements of accommodation in accordance with this directive.
Outcomes:	To have in place a policy framework for placements of accommodation inside and outside of the district.
Benefits:	To provide a better understanding, consistency and formalise how placements are determined and implemented inside and outside of the district.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this

Age	None	Changes are internal processing only
Disability	None	Changes are internal processing only
Gender Reassignment	None	Changes are internal processing only
Marriage and Civil Partnership	None	Changes are internal processing only
Pregnancy and Maternity	None	Changes are internal processing only
Race	None	Changes are internal processing only
Religion or Belief	None	Changes are internal processing only
Sex	None	Changes are internal processing only
Sexual Orientation	None	Changes are internal processing only
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: No it will respond to locally identified needs and enhance quality of life for many residents.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: No it will respond to locally identified needs and enhance quality of life for many residents.	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No

Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Janet Weekes

Date: 23/04/2021

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.