



ADUR & WORTHING
COUNCILS

Temporary Accommodation Placement and Procurement Policy

1.0 Introduction

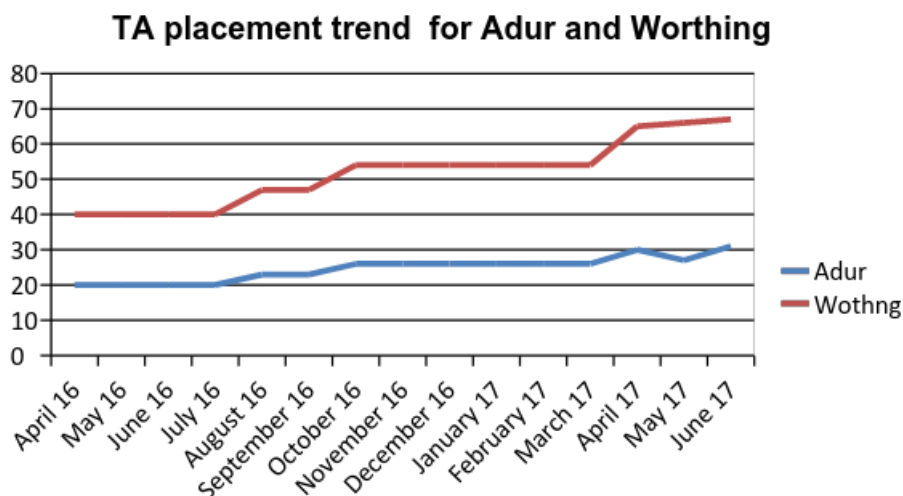
- 1.1. This document sets out Adur District Council and Worthing Borough Council's approach to the placement of households in temporary accommodation and acquisition of suitable accommodation for use as temporary accommodation, both in and out their respective areas, on the periphery of West Sussex and when required further afield. It covers both interim placements made under Section 188 Housing Act 1996, while homelessness enquiries are undertaken, and longer-term temporary accommodation placements for households accepted as homeless under Section 193 Housing Act 1996.
- 1.2. Any reference to "the Council" or "the Council's area" refers to either Adur District Council or Worthing Borough Council, whichever is applicable.
- 1.3. 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 2006, and Supplementary Guidance issued in 2012. It has also 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.
- 1.4. This policy also takes into account the requirement for the Council to have a written policy for placing homeless households out of area and keep an up to date policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year, as determined by R (N) v Westminster City Council [2015].
- 1.5. This policy has taken into account the public sector Equality Duty (Section 149 of the Equality Act 2010) and the Council's allocation and procurement of temporary accommodation will have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation
 - Advance equality of opportunity between different groups
 - Foster good relations between different groups
 - of any household with a member with a 'relevant protected characteristic' when placing in temporary accommodation.
- 1.6. The Council does not currently own units of temporary accommodation (TA), consequently it depends upon the supply of privately owned properties to meet its obligations to provide TA to homeless households. Changes to the local housing market and other factors largely outside the Council's control have made it increasingly difficult to obtain properties for use as TA within the Council's area and in surrounding areas that meet the standards that are required.
- 1.7. In accordance with section 208 of the 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 their respective areas and always considers the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to an acute shortage of affordable housing locally and rising rental costs, an increasing

number of households are likely to be placed out of the area as it will not be reasonably practicable to provide accommodation within each respective area.

- 1.8. The Council will work with households placed out of the area to access support to maintain local ties where possible.
- 1.9. When determining whether it is reasonably practicable to secure accommodation in its area, 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 for both Adur District Council and Worthing Borough Council, and a high demand for a range of suitable accommodation with a limited budget.
- 1.10. Due to the lack of supply of affordable, suitable temporary accommodation across West Sussex, it may be necessary to procure some units outside of West Sussex. Where possible, these units will be in the periphery of the county, for example in Brighton & Hove, East Sussex and Surrey. However, at times of high demand and limited supply, it may be necessary to secure units further away from West Sussex. Such units will only be procured when all other reasonable options have been exhausted. Prior to placing a household into such accommodation, an assessment will be undertaken to determine that the placement is suitable.
- 1.11. A record will be kept of the Council's attempts to procure sufficient units of suitable accommodation within its area and as close to the area as possible.

2.0 Anticipated demand for temporary accommodation

- 2.1 Adur and Worthing has seen sustained increase in demand for TA. The graph below shows TA placements for both Adur and Worthing has increased by an average of 35% over a 14 month period.



- 2.2 TA demand is predicted to continue to rise. Eviction from the private rented sector and exclusions by friends and family are two of the main causes of homelessness and the major drivers for the sharp increase in TA demand in first quarter of this

financial year. The implementation of full service Universal Credit, the Homelessness Reduction Act 2017 and changes to tax burden on private sector landlords may also lead to changes in housing demand and supply, and potentially demand for TA in the coming months.

3.0 Approaches to meeting demand for temporary accommodation

- 3.1 The Council will employ a variety of approaches to maintain the supply of good quality TA such as:
- Obtaining self-contained properties in its temporary accommodation stock through short and medium term block booking arrangements with private landlords.
 - Increase the number of leased properties in its stock by developing a private rented leasing scheme
 - Exploring options for direct purchase of properties on the open market that will suitable for use as temporary accommodation subject to meeting value for money criteria.
 - Exploring options for working with lettings agencies
 - Seeking to increase the number of private sector landlords willing to let directly to homeless households to encourage move on from temporary accommodation
- 3.2 The approaches will complement the existing and planned approaches to prevent homelessness and increase social and affordable housing supply.
- 3.3 The lack of affordable a properties within Adur District and Worthing Borough means a considerable number of units are likely to be out of Adur District and Worthing Borough in order to be affordable to low income households. This approach will allow households to create a stable, secure family environment and build and sustain some community cohesion. Accommodation outside the area is likely to be more affordable due to the Local Housing Allowance rates in some areas being more in line with market rents.

4.0 Temporary Accommodation Offers and Refusals

- 4.1 Homeless applicants who are housed under the council's interim duty to accommodate pursuant to Section 188 Housing Act 1996 may initially be placed into accommodation with shared facilities (such as B&B or hostel style accommodation). Households with children or a pregnant woman will be moved to alternative accommodation within 6 weeks to comply with the legislation on B&B use. It is possible that families will be moved to nightly paid self-contained accommodation. This accommodation is increasingly likely to be out of area.
- 4.2 Where the council decides that applicants housed under Section 188 Housing Act 1996 are not owed the main homelessness duty, they will be asked to leave following the provision of reasonable notice, after being notified of the decision. In this context reasonable notice means a period between 14 and 28 days, though this will depend on the circumstances of the household. 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. The Council will work with Social Services to assist the applicant and their household.

- 4.3 Applicants will be given one offer of suitable interim or longer term temporary accommodation and they will be asked to accept it. There is no obligation upon the council to enable applicants to view the accommodation prior to acceptance and it would be impractical to do so.
- 4.4 In making the offer, the household's individual circumstances will be considered, taking into account the factors set out in section 3 of this Policy and the Council's criteria on out of area placements (section 5).
- 4.5 If an applicant refuses an offer, they will be asked to provide their reasons for refusal and to sign a pro-forma confirming that they understand the consequences of the refusal. Failure to agree to sign the refusal pro-forma will be noted. This applies to new applicants to whom the council has an interim duty to accommodate under Section 188 Housing Act 1996, as well as those being transferred to alternative temporary accommodation. The council will consider the reasons given and undertake further enquiries as necessary. If the council accepts the accommodation is unsuitable, the offer will be withdrawn and another suitable offer will be made.
- 4.6 Where applicants refuse suitable emergency accommodation (which may include out of area 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. A referral to Social Services will be made if the applicant's household includes anyone who is vulnerable or pregnant or a child.
- 4.7 If the applicant is resident in emergency accommodation, they will usually be asked to vacate the property and advised that no further assistance will be provided. If they are already in longer-term temporary accommodation not managed by the council, the relevant housing provider would be advised that the duty has been discharged so that they can start possession action.
- 4.8 Homeless applicants to whom a full housing duty has been accepted have the right to request a review as to the suitability of any accommodation offered. The Council has discretionary powers to provide accommodation pending the outcome of the review. Households placed pursuant to S188 of the Housing Act 1996, pending the completion of enquiries, do not have the right to request a review as to suitability; any challenge is brought by way of Judicial Review. (See section 7 below).
- 4.9 Where applicants, for whom the council has accepted a full housing duty (a S193 duty), refuse a suitable offer and submit a 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.

5.0 Suitability of accommodation – factors to consider

- 5.1 The Council acknowledges that some accommodation that is suitable for a short period, for example bed and breakfast, may not necessarily be suitable for a longer period. In offering temporary accommodation, the council will consider the suitability of the offer, taking into account the following factors:
- 5.2 **Location** – if suitable, affordable accommodation is available in its area, applicants will be housed in the Council's area, 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 needing accommodation in the Council's area, placements out of area will be used to meet the Council's housing duty. Attempts will be made to source accommodation within other parts of West Sussex. If this is not available, the provision of accommodation on the periphery of West Sussex or further afield may have to be considered.
- 5.3 **Size, condition and facilities** – accommodation must provide appropriate space for the household to occupy and meet appropriate standards. Reasons for a refusal that relate to things such as the quality of the decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden will be considered based on each household's needs. Minimum space standards and provision of cooking and other facilities are laid down in Appendix 17 of the Homeless Code of Guidance.
- 5.4 **Health factors** – the Council will consider health factors, such as the ability to get up and down stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in the Council's area. 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 evidence. The key test in determining the impact of medical issues is whether the condition itself makes the housing offered unsuitable. Prior to being placed in temporary accommodation every household is asked to complete a vulnerability and suitability assessment form. This form is used to assess the suitability of accommodation provided.
- 5.5 **Education** – consideration will be given to special educational needs and students who are close to taking public examinations in determining priority for placements in the district. Regard will also be given to other issues that may disrupt a child's educational development. The scarcity of temporary accommodation means that households with children cannot always be placed in the catchment area for their children's schools.
- 5.6 **Employment** – the Council will consider the need of applicants, who are in permanent, paid employment to reach their normal workplace from the accommodation that is secured. This will include having a regard to both travelling time and the costs associated with this travel. Applicants are expected to travel a reasonable distance to get to their workplace.
- 5.7 **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 Council will have regard to any form of transport available to the household when considering proximity services.

- 5.8 **The need to safeguard and promote the welfare of any children in the children in the household** – insofar as 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 their welfare in making decisions on whether the offer is suitable.
- 5.9 **Any special circumstance** - The Council will consider any other reasons put forward by the applicant and come to an overall view about whether the offer is suitable.

6.0 Criteria for prioritising placements inside/outside the area

- 6.1 As the Council faces pressure to house applicants inside its area, it will increasingly 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 temporary accommodation that can be offered. In many cases housing outside of the area will be more sustainable for the household in the long-term, as lower rents would allow them to meet their subsistence and household costs and avoid rent arrears.
- 6.2 Guidelines for prioritising households are set out below. Whilst priority will be given using these criteria for placements in the Council's area, this is dependent on such accommodation being available.
- 6.3 In practice, each decision will take into account the individual circumstances of each household to determine the suitability of an offer, and the competing demands of other households in need of placement in the area. Priority for local placements includes:
- Applicants with a severe and enduring health condition requiring intensive and specialist medical treatment that is only available within the Council's area. This will be subject to a medical assessment.
 - Households containing a child with special educational needs who is receiving education or educational support in the Council's area, where change would be detrimental to their wellbeing.
 - Applicants who have a longstanding arrangement to provide intensive care and support to another family member in the Council's area who is not part of the household and would be likely to require statutory health and social support if the care ceased. Independent and relevant documentary evidence will be required.
 - Applicants who have as part of their household, a child or children who are enrolled in public examinations at GCSE or A Level which is to be taken within the current academic year
 - Any other special circumstance will be taken into account.

- 6.4 Households will be required to provide independent and relevant documentary evidence that they fall within any of these groups. Households who consider that they need to live in the local area to provide care for someone will need to obtain that person's authorisation to disclose their confidential details to the Council to verify their care needs.

7.0 Right to request a review of suitability

- 7.1 There is no legal right of internal review against the suitability of accommodation offered to applicants under Section 188 Housing Act 1996 (although applicants can apply for judicial review through the courts). However, applicants can request for a reconsideration of the suitability of their temporary accommodation at any time either verbally or in writing.
- 7.2 For applicants where the council has accepted a rehousing duty under Section 193 Housing Act 1996, (s193 duty) there is a right to request an internal review of the suitability decision, pursuant to Section 202 Housing Act 1996. Applicants can request a review of the suitability of their temporary accommodation at any time either verbally or in writing. If the internal review concludes that the accommodation is suitable the applicant has a right of appeal to the County Court.

**Adur District Council and Worthing Borough Council
Vulnerability and Suitability Assessment form**

Applicant's Name		Date	
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HEALTH ISSUES	
Provide details of any medical or support needs you or any member of your household will like us to consider	
Learning difficulty, Mental Health issues or Sensory issues (e.g. sight)	
Physical Health Issues	
Substance Misuse including alcohol	
Any other health issues	

MOBILITY	
Provide details of any mobility issues you or any member of your household will like us to consider	
Issues managing stairs or using a lift	
Use of walking stick, frame or any other walking aid	
Use of wheelchair	

Other specific aid or adaptation e.g. access to toilet or bathroom	
Any other mobility issues	

EMPLOYMENT AND EDUCATION		
Provide details of current your employment or that of any member of your household		
Name of household member	Name of your Employer	Full address of work place of work
Provide details of any educational institution you or any member of your household currently attend		
Name of household member	Name and address of School/College/University	Details of any major exams this academic year

ACCESS TO MEDICAL OR SUPPORT SERVICES
 Provide details of any specialist medical or support services you or any member of your household currently use regularly

Name of household member	Name of the services	Address of where you receive support	Name and contact details of officer supporting you	What support do you receive from this service?

Other care or support you or any member of your household receive or give	
Do you or any member of your household, receive care or support from anyone not in your household? Give details.	
Do you, or any member of your household, provide support to anyone not in your household? Give details.	
Is any child or adult in your household known to social services? If so give details.	
Risk to you or any member of your household	
Provide details of any area that you, or any member of your household, cannot live in due to risk of violence or court injunction? Provide further evidence.	
In the past five years have you, or any member of your household, been convicted of any offences involving violence? Provide details.	
Are you, or any member of your household, on the sex offenders register? If yes, give details.	
Other issues to consider	
Do you, or anyone in your household, own, or have use of a car?	
Are you, and other members of your household, able to use public transport? If no, give details.	
Do you have any pets? If yes, give details.	
Provide information on any other issue not mention on this form you will like us to take into consideration in obtaining temporary accommodation for you and your household?	

DECLARATION

Please note: It is a criminal offence to make a false statement on this form, or withhold any information which we have requested, or fail to notify us of a change of circumstances. The maximum penalty on conviction is a fine of £5000

I confirm that the information I have given above is true, and I have not withheld any information. I understand that I must notify the Council if any of the information changes.

Signature		Date	
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OFFICIAL USE ONLY

Address of Property Offered		In or Out of Area	
Reason for Out of Area placement			
Is property affordable		Share or Self Contained	
Did applicant accepted or refused		Duty owed - S188 or S193	
If refused, reason given			
Was another property offered		If no, was duty discharged	
Name of Officer		Sign & Date	