

# City of Bradford Metropolitan District Council

## Temporary Accommodation Placement Policy 2017 – 2022

### 1 Introduction

- 1.1 This document sets out Bradford Council's policy for placement of homeless households in temporary accommodation. It covers both interim placements made under Section 188 Housing Act (HA96), while homeless enquiries are undertaken, and longer-term temporary accommodation placements for households accepted as homeless under Section 193 HA96.

### 2 Background

- 2.1 Local authorities have a statutory duty to provide temporary accommodation in their own area "so far as is reasonably practicable". Statutory guidance requires local authorities "where possible" to try and secure accommodation as close as possible to where an applicant was previously living (HA96, Part vii, Section 208(1)), although local authorities are not constrained by the preference of the applicant. The average length of time a household spends in all forms of temporary accommodation is between 12 – 15 weeks (at January 2017), before a longer-term solution can be provided. As temporary accommodation is necessary only for a short term for most households, there is usually no expectation that households will need to make alternative arrangements for education or employment during their stay in temporary accommodation.
- 2.2 The Council acknowledges that with a growth in homeless applications and acceptances, there are pressures on providing sufficient suitable accommodation in the district to households owed a statutory duty. The Council currently commissions temporary accommodation and support services in the district from a Registered Provider to meet its requirements. The accommodation commissioned includes a mixture of self-contained flats within hostels, rooms with shared facilities and dispersed self-contained properties across the district.

### 3 Legal Framework

- 3.1 This policy has been developed in accordance with the relevant sections of the following legal and statutory guidance material:-
- S188 Housing Act 1996
  - S193 Housing Act 1996
  - S208 Housing Act 1996
  - Homeless (Suitability of Accommodation) Order 2012
  - Localism Act 2011
  - S11 Children Act 2004

- Equality Act 2010
- Homelessness Code of Guidance for Local Authorities (Department for Communities and Local Government, 2006)
- Associated Case Law

3.2 Supplementary guidance to the homelessness changes in the Localism Act 2011 and the Homeless (Suitability of Accommodation) Order 2012 states the following:

*“Where it is not possible to secure accommodation within the district, and an authority has secured accommodation outside their district, the authority is required to take account of the distance of that accommodation from the district of the authority. Where accommodation which is otherwise suitable and affordable is available nearer to the authority’s district than the accommodation which it has secured, the accommodation which it has secured is unlikely to be suitable unless the authority has a justifiable reason or the applicant has expressed a preference.”*

3.3 *Nzolameso v Westminster City Council* – the Supreme Court Judgment included a set of requirements that local authorities need to consider when allocating temporary accommodation to homeless households. These include:

- A requirement that local authorities need to explain their decisions as to the location of the properties offered.
- Each local authority should have, and keep up to date, a policy for allocating temporary accommodation to homeless households.
- The policy should reflect the authority’s statutory obligations under both the Housing Act 1996 and the Children’s Act 2004.
- Where there is an anticipated shortfall of accommodation in the District, the policy should explain the factors to be taken into account when making decisions on where a household is placed.
- The Supreme Court also proposed that each local authority should have a policy for procuring sufficient units of temporary accommodation to meet anticipated demand for the coming year.

3.4 In *Birmingham City Council v Ali*, *Moran v Manchester City Council* [2009], the court observed that *‘what is regarded as suitable for discharging the interim duty may be rather different from what is regarded as suitable for discharging the more open-ended duty in section 193(2).’* This confirms the Code of Guidance’s approach that, accommodation that would not be suitable in the long term may be suitable in the short term.

3.5 In exercising these functions the Authority will have due regard to S149 Equality Act 2010 to:

- eliminate any form of unlawful discrimination

- advance equality of opportunity for people with protected characteristics
- foster good relations between people with protected characteristics and those who do not.

#### **4 Key Principles**

- 4.1 The Council will wherever possible offer temporary accommodation within the Bradford district.
- 4.2 There are occasions when demand for temporary accommodation exceeds the number of available commissioned units, or there are other constraints in finding suitable commissioned accommodation. In these circumstances, if there is a duty to accommodate a household, the Council will as a last resort place a household in bed and breakfast/hotel/guesthouse accommodation.
- 4.3 Any accommodation provided to 16/17 year old must be suitable. The Secretary of State considers that bed and breakfast is never suitable under any circumstances for this category of applicants.
- 4.4 The Council will take account of all relevant need factors when assessing the suitability of location for temporary accommodation. These factors are listed in Section 5 below.
- 4.5 When assessing the suitability of location for temporary accommodation, the Council will only take account of actual need and not the applicant's preference.
- 4.6 If it is not possible to provide temporary accommodation within the District, the Council will offer accommodation in another district, taking into account the distance of that accommodation from the Bradford District.
- 4.7 If this should prove necessary, the Council will endeavour to provide accommodation with good transport links to Bradford city centre.
- 4.8 Households placed outside of the district may be considered for temporary accommodation within the district once a suitable unit becomes available, subject to their needs being assessed alongside the needs of other households who are owed a duty at the time.

#### **5 Factors to be taken into account when making placements**

- 5.1 Children's education - The ages and key educational stages of children will be taken into consideration, including any public examinations at Key Stage 4 (GCSE) or Key Stage 5 (A Levels or equivalent Stage 3 vocational courses such as BTECs). The practicalities of travel arrangements to existing schools will be considered including the cost and ease/length of time of travel. Support

(to be) provided to any children with special educational needs will also be taken into consideration.

- 5.2 Children's needs - In accordance with Section 11 of the Children Act 2004, we will consider the needs of all children in the household and any arrangements for safeguarding those needs. The key areas that will be taken into account are risks to health, safety, to enjoyment and achievement and economic wellbeing. Households with children at risk, on the Child Protection Register or significantly disadvantaged, will be prioritised for an offer of temporary accommodation within Bradford district. In such cases Children's Services will be consulted about making a temporary accommodation placement outside of the Bradford district.
- 5.3 Childcare and other caring responsibilities - The practicalities of maintaining existing childcare and / or other caring arrangements may be taken into account. The cost and availability of caring arrangements in the new area will also be explored, including travel time to that care provision.
- 5.4 Employment - Where the applicant or their partner is accepted as being in employment and has been working continuously for a period of six months in the District under a written contract of employment (temporary or permanent) which requires at least 16 hours work a week, the place of employment will be taken into consideration. Parents who are on parental leave who intend to return to work will also have their work location considered under this criterion. The ease and cost of travel from the location of the temporary accommodation to an existing place of work, including any shift patterns, may be taken into account.
- 5.5 Health and support needs - Households which contain person(s) suffering from a terminal illness or having a severe disability and receiving regular treatment under the care of a Bradford hospital will be prioritised for an offer of temporary accommodation within Bradford district. Any other specialist medical or support needs will be taken into account, including any existing health or support services provided. The Council will consider whether moving the client's healthcare or support services would have a detrimental effect. Any need for accessible accommodation will be addressed.
- 5.6 Risk - Where a household is perceived to be at risk from others, or where there is a history of risk to others, the extent, nature, likelihood and gravity of the risk will be assessed and taken into account.
- 5.7 Affordability – The Council will take into account a household's income in order to source temporary accommodation which has a rent that is affordable, as well as meeting the household's needs. Due to high rents within some part of the

District, this may mean securing temporary accommodation not in a household's immediate locality. The household's ability to meet any shortfall between housing benefit paid and the rent charged will be taken into account. The Council will determine whether a household may be exempt from the general household benefit cap or whether they may be eligible for a Discretionary Housing Payment (DHP) to help pay the rent.

- 5.8 Transport links - Where accommodation is sourced outside of the Bradford district for temporary accommodation placements, the distance of the property from Bradford together with services, amenities and transport links in the new area may be taken into account. The potential impact of the location on family members will be considered.

## **6 Monitoring and Review**

- 6.1 The Council or any partner acting as the Council's agent in providing temporary accommodation services will keep daily records of what properties or units are available on each day, and assess the best use of vacancies based on the needs of all households requiring accommodation.
- 6.2 A light-touch desktop review of this policy will be undertaken annually, taking into account patterns of demand for temporary accommodation and the availability of both commissioned and non-commissioned sources of temporary accommodation.
- 6.3 A full review of this policy will be undertaken to coincide with the full review and expiry of the Council's Housing Allocations Policy (due by 2022).