

Haringey Council

Draft Temporary Accommodation Placements Policy

1 Introduction

- 1.1 This document sets out our approach to the placement of households in temporary accommodation, both in and out of the borough, on the periphery of London and when required further afield. It covers both *interim* placements made under Section 188 Housing Act 1996 (“HA96”), while homelessness enquires are undertaken, and longer-term temporary accommodation placements for households accepted as homeless under Section 193 HA96.
- 1.2 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.
- 1.3 As per 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 Haringey 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 borough as it will not be reasonably practicable to provide accommodation within Haringey.
- 1.4 When determining whether it is reasonably practicable to secure accommodation in Haringey, 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 in Haringey and a high demand for a range of suitable accommodation with a limited budget.
- 1.5 The Local Housing Allowance (LHA) is used to work out how much Housing Benefit a tenant will receive to pay their rent. LHA rates depend on who lives in the household, and the area they are making their claim in. These areas are called Broad Rental Market Areas (BRMA).
- 1.6 Haringey Council is divided into two Broad Rental Market Areas which are used to calculate LHA rates in Haringey. Inner North London BRMA and Outer North London BRMA.
- 1.7 Due to the lack of supply of affordable, suitable temporary accommodation across London, it may be necessary to procure some units outside London. Where possible, these units will be in the periphery of London, for example in Essex and Hertfordshire. However, at times of high demand and limited supply, it may be

necessary to secure units further away from London. 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 affordable in cases where travel to employment is a factor.

- 1.8 This Policy details how applicants will be prioritised for temporary accommodation in Haringey, and out of the borough.

2 Temporary Accommodation Offers and Refusals

- 2.1 Homeless applicants who are housed under the council's interim duty to accommodate pursuant to Section 188 HA96 may initially be placed into accommodation with shared facilities. Where this is non-council owned accommodation, families will be moved to alternative accommodation within 6 weeks to comply with the legislation on B&B use. There is no restriction on the length of time a household can spend in council owned accommodation with shared facilities. It is also possible that families will be moved to nightly paid self-contained accommodation. This accommodation is increasingly likely to be out of the borough. If the council decides it has a duty to house the household, they may be moved to longer-term accommodation such as council owned hostel, Housing Association leased or other leased accommodation as soon as a suitable property becomes available.
- 2.2 Where the council decides that applicants housed under Section 188 HA96 are not owed the main homelessness duty, they will be asked to leave following reasonable notice, after being notified of the decision. The reasonable notice period would generally be 7-14 days for single applicants and 28 days for families (having regard to the need to safeguard and promote the welfare of any children in the family). The cessation of temporary accommodation will always be notified to Social Services in cases where there are dependent children.
- 2.3 Applicants will be given one offer of suitable interim or longer term temporary accommodation and they will be asked to accept it straight away. There is no obligation upon the council to enable applicants to view the accommodation prior to acceptance. 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 borough placements (section 4).
- 2.4 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 HA96, as well as those being transferred to alternative temporary accommodation. The council will consider the reasons given and undertake further enquires as necessary. If the council accepts the reasons for refusal as valid, the offer will be withdrawn and a further offer will be made.
- 2.5 Where applicants refuse suitable emergency accommodation (which may include out of borough 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. There is no right of internal review against the suitability of accommodation offered to applicants under Section 188 HA96 (although applicants can apply for judicial review through the courts). For applicants where the council has accepted a rehousing duty under Section 193 HA96, (s193 duty) there is a right to request an internal review of the suitability decision, pursuant to Section 202 HA96.

- 2.6 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 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 should be advised that the duty has been discharged so that they can start possession action.
- 2.7 Where applicants, towards whom the council has accepted 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.

3 Suitability of accommodation – factors to consider

- 3.1 In offering temporary accommodation, the council will consider the suitability of the offer, taking into account the following factors:
- 3.2 **Location** – if suitable, affordable accommodation is available in its area, applicants will be housed in Haringey, 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 borough, out of borough placements will be used to meet the council's housing duty (see section 4 on priority for local accommodation below). If no suitable accommodation is available in the borough, attempts will be made to source accommodation within other parts of London. If this is not available, the provision of accommodation on the periphery of London or further afield may have to be considered.
- 3.3 **Size condition and facilities** – accommodation must provide adequate space and room standards for the household and be fit to inhabit. Households in temporary accommodation will often be placed into units with 1 bedroom less than they would be entitled to on a permanent basis, with the expectation that the living room provides dual purpose as a living and sleeping area. In deciding on the fitness of the property, consideration should 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 extremely unlikely to be acceptable reasons for a refusal.

- 3.4 **Health factors** – the council will consider health factors, such as an 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 Haringey. 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 information within 24 hours. The key test in determining the impact of medical issues is whether the condition itself makes the housing 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.
- 3.5 **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 placements in the borough (see Section 4).
- 3.6 **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. This will include having a regard to both travelling time and the costs associated with this travel (see Section 4).
- 3.7 **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
- 3.8 **The need to safeguard and promote the welfare of any 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 (although it has to be borne in mind that almost all families seeking temporary accommodation are families with children).
- 3.9 **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.

4 Criteria for prioritising placements inside/outside the Borough

- 4.1 As a number of applicants will be housed out of the borough, it will increasingly be necessary to make decisions about the suitability of out of borough placements for individual households and balance these against the type and location of temporary accommodation that can be offered. In many cases housing out of the borough will be more sustainable for the household in the long-term, with lower rents allowing them to better meet their subsistence and household costs and avoid rent arrears.
- 4.2 **Priority for accommodation in the borough will be given to*:**
- 4.3 Members of an applicant's household with a severe and enduring health condition requiring intensive and specialist medical treatment where a move from Haringey would disrupt that treatment and continuity of care.

- 4.4 Members of an applicant's household who are in receipt of a significant package and range of health care options that cannot be easily transferred.
- 4.5 Members of an applicant's household 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 well being.
- 4.6 Households with children registered on the Child Protection Register in Haringey who are linked into local services and where it is confirmed that a transfer to another area would adversely impact on their welfare.
- 4.7 Households containing a child with special educational needs who is receiving education or educational support in Haringey, where change would be detrimental to their well-being.
- 4.8 An applicant or a member of their household who have a longstanding arrangement to provide care and support to another family member in Haringey who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.
- 4.9 Any other special circumstance will also be taken into account (including any particular needs of the children in the household not already identified).

*Whilst priority will be given for these placements, this is dependent on such accommodation being available.

4.10 Priority for placements within neighbouring boroughs will be given to:

- 4.11 Applicants who have as part of their household, a child or children who are enrolled in GCSE, AS or A level courses or post 16 vocational qualifications (for example, BTEC) in Haringey, with exams to be taken within the academic year. Wherever practicable we will seek to place such households within 60 minutes' travelling distance of their school or college.
- 4.12 Wherever practicable, an applicant or a member of their household who works for more than 16 hours per week will not be placed more than one hour travelling distance by public transport, from their place of employment. Consideration will also be given to the affordability of the travel arrangements needed to reach the place of employment. This will include women who are on maternity leave from employment.
- 4.13 Any other special circumstance will be taken into account (including any particular needs of the children in the household not already identified).
- 4.14 Applicants who meet none of the above criteria are likely to be offered properties outside of Haringey and the neighbouring boroughs, in other parts of London or outside London.

4.15 If placed outside London the council may offer assistance and support for a reasonable period. This will be judged on a case by case basis and may include help to find employment, child care, schools and a GP.

5 Minimum Size Criteria

5.1 Accommodation must provide adequate space and room standards for the household and be fit to inhabit. Households in temporary accommodation will often be placed into units with 1 bedroom less than they would be entitled to on a permanent basis, with the expectation that the living room provides dual purpose as a living and sleeping area. The following minimum size criteria will apply:

5.2 Studio accommodation:

- Single applicants
- Couples
- Lone parents with a child under the age of 12 months.

5.3 One bedroom accommodation:

- Lone parents or couples with 1 child over the age of 1 year (no upper age limit)
- Lone parents or couples with 2 children of the same sex (no upper age limit)
- Lone parents or couples with 2 children of opposite sexes where both children are under the age of 10 years.

5.4 Two bedroom accommodation:

- Lone parents or couples with 2 children of opposite sexes where one is over the age of 10 years.

5.5 Three bedroom accommodation:

- Lone parents or couples with between 3 and 6 children.

5.6 Four bedroom accommodation:

- Lone parents or couples with more than 6 children.

6 Criteria for prioritising moves between temporary accommodation

6.1 Transfers between TA will be prioritised in the following order:

1. Transfer from TA found to be in serious disrepair that poses threat to life
2. Transfer from TA because of evidenced critical medical need e.g. TA accessed by stairs and tenant unable to negotiate
3. Transfer from non-council shared accommodation for families who have been in occupation for at least 5 weeks (to avoid penalties of sharing accommodation beyond 6 weeks)
4. Transfer from TA found to be unsuitable following a review.
5. Transfer from PSLs at least 5 months beyond lease expiry date

6. Transfer because of evidenced serious medical need
7. Transfer from TA found to be in serious disrepair that cannot be rectified while the tenant is in situ
8. Transfer from expensive TA to cheaper units
9. Transfer for overcrowding/under occupation.