

# Thanet District Council Temporary Accommodation Policy

May 2024/CS

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## 1 Introduction

### 3.0 Securing Temporary Accommodation

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## 1 Introduction

The Council aims to work with households to prevent homelessness occurring wherever possible under prevention duty. However, regrettably it is just not possible to prevent homelessness in all cases and as a result some households will require temporary accommodation.

This document sets out Thanet District Council's approach to the placement of homeless households in temporary accommodation both inside and outside of the district. It covers both the council's interim and full housing duties to provide accommodation, as follows;

- Interim Housing Duty: This applies to interim placements made under section 188 of the Housing Act 1996 (as amended) (Homelessness Relief Duty) which requires the local authority to have accommodation available for applicants who they believe are homeless, eligible for assistance and in priority need, while the authority completes investigations.
- Full Housing Duty: This applies to longer-term temporary accommodation placements for households accepted as homeless under section 193 of the Housing Act 1996 (as amended). In this case, the local authority has a duty to secure accommodation for applicants who are homeless, eligible for assistance, have a priority need and are not intentionally homeless.

The document also sets out the principles the Council will apply to recover some of the cost of providing temporary accommodation through reasonable charging (these charges are for the use and occupation of the accommodation we provide - in many cases those households will be entitled to either full or partial housing benefit payments), as provided within the legislation.

The policy takes into account the statutory requirements on local authorities to find suitable accommodation, including Suitability of Accommodation Orders, the Homelessness Code Of Guidance 2018 and relevant case law. Consideration has also been given to the need to safeguard and promote the welfare of children, as required by section 11 of the Children's Act 2004 which places a duty on the Council to make arrangements that safeguard and promote the welfare of children.

This policy has taken into account the Public Sector Equality Duty (section 149 of the Equality Act 2010) which eliminates discrimination, harassment and victimisation for example. Therefore, the council's allocation of temporary accommodation will take into account the need:

- to eliminate unlawful discrimination, harassment and victimisation
- to advance equality of opportunity between different groups
- to foster good relations between different groups of any household
- Consider 'relevant protected characteristic' when placing in temporary accommodation.

In accordance with section 208 of the Housing Act 1996 (as amended), as far as possible, the council will seek to accommodate homeless households within the Thanet district.

However, due to a lack of accessible accommodation available to the Council in Thanet, some households may be placed outside the district. This is not our preference. When considering whether it is reasonably practical to secure accommodation in the area, the cost of the accommodation is a relevant and proper consideration. The Council will work with households placed out of the area to access support to maintain local ties where it is possible to do so.

## **2. Approach to Meeting Demand for Temporary Accommodation**

Thanet District Council has limited resources however the Council aims to ensure a supply of good-quality temporary accommodation. This includes:

- the use of private providers to supply suitable properties
- using existing and future council and housing association stock
- exploring options for working with letting agencies to increase the number of properties available for homeless households
- working with supported housing providers to increase provision and enable access
- seeking to increase the number of private sector landlords willing to let directly to homeless households through the Council's Landlord Liaison Team

The approach taken is supported by the Council's aim to prevent homelessness and increase social and affordable housing supply as detailed within its Housing, Homelessness and Rough Sleeping Strategy 2020-2025.

## **3. Securing Temporary Accommodation and the Suitability of Accommodation**

As stated, the Council, where possible, will try to secure suitable temporary accommodation within the district to allow a household to maintain their existing networks, such as employment, schooling, medical care and family and social support. However, due to the very limited supply of temporary accommodation, this may not always be possible.

This policy takes into account the statutory requirements on local authorities to find suitable accommodation, including the Suitability of Accommodation Order 2012 and has regard to the need to safeguard and promote the welfare of children as required by section 11 of the Children Act 2004, mentioned earlier.

When deciding if a temporary accommodation placement is suitable, consideration will be given to Chapter 17 of the Homelessness Code of Guidance for Local Authorities which states that the following factors need to be taken into account:

**Location** – if suitable, affordable accommodation is available in its area, applicants will be housed in the District, allowing them to maintain any established links with services, employment and social/support networks. However, when there is a lack of suitable accommodation or there are higher-priority households needing accommodation in the district, then out-of-district placements will be used to meet the Council's housing duty. Attempts will be made to source accommodation within other parts of Kent.

**Size, condition and facilities** – accommodation must provide adequate space and room standards for the household and be fit to inhabit. Households in temporary accommodation may be placed into units with one bedroom fewer than they would be entitled to on a permanent basis, with the expectation that living rooms provide dual purpose as a living and sleeping area in the short-term. 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.

The Council has a specification that it asks providers of temporary accommodation to meet - not only in terms of safety and building compliance but in terms of tidiness and decoration. We will ensure that the properties we utilise are not in a state of disrepair and will be free from category 1 hazards (as defined by the Housing, Health and Safety Rating System). We place pressure on our temporary accommodation providers to deliver properties that meet as far as possible the specification set out in the attached appendix. This includes ensuring that homes provided meet stringent compliance standards and have all relevant safety certification.

While Thanet District Council will always seek to place households in self-contained accommodation (that is to say properties with their own front door and own kitchen and bathroom facilities), it is not always possible. Therefore, accommodation where there are communal kitchens or shared bathrooms may sometimes be offered.

**Health factors** – the council will consider health factors, such as an ability to manage stairs, the care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Thanet. 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 to evidence this within a reasonable time period. The key test in determining the impact of medical issues is whether the condition itself makes the housing offered unsuitable. For example, 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. Where it is practical to do so, prior to being placed in temporary accommodation, homeless households will be asked to complete a vulnerability and suitability assessment form. This form will allow officers to assess the suitability of any accommodation that is to be provided.

**Education** - attendance at local schools will not ordinarily 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 district. Thanet

District Council will seek to ensure all placements are within 45 minutes travelling distance of any schools attended. This is in line with Kent County Council's guidance as to what is considered reasonable for a child to travel to school.

**Employment** – the Council will consider the needs of homeless households, who are in paid employment, to reach their normal workplace from the accommodation that is secured. This will include having regard to both travelling time and the costs associated with this travel.

**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 need to safeguard and promote the welfare of any children in the household** – Further to what has been described already, 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 (however it should be noted that almost all families seeking temporary accommodation are families with children).

**Any special circumstances** - The council will take into account and consider any other reasons put forward by the applicant in its decision as to whether the offer is suitable.

Assessments as to the suitability of a temporary accommodation placement will be completed on a case-by-case basis to ensure any temporary accommodation offered is considered reasonable and suitable for the household involved. These assessments are made within the context of the accommodation and resources that are available to the council.

The individual needs and requirements of a household will be assessed by a Homeless Officer to confirm whether an allocation would be suitable. Consideration is given to any potential risks an applicant may pose to existing residents or members of the public.

A review of the suitability of the accommodation can be requested in writing to the temporary accommodation team if a Full Homeless Duty has been accepted to the applicant. The team will then contact the temporary accommodation provider and may request additional information from them to substantiate the statements made by the person requesting the review such as photos, video of the property and/or written report. The officer will then review the information within 10 working days. If the accommodation is determined to be suitable then the household will be notified of the conclusion that has been reached following the review and advise how this decision has been arrived at.

If, following the review, the officer believes the property may not be suitable, a visit may be required from a Senior Officer. After the visit has taken place, and it is identified that the property is not or no longer, suitable for the household the Temporary Accommodation Team will contact all of our providers to see if an alternative, more suitable placement can be found.

## 4. Making a Temporary Accommodation Placement

Homeless households who are accommodated under an interim duty (s.188 Housing Act 1996) will normally be offered short-term accommodation while the Council fulfils their relief duty (where we help the applicant to source accommodation) and enquiries are carried out.

The Council will seek to avoid placing families with children, pregnant women into bed and breakfast accommodation with shared facilities. In the unusual event that such a placement cannot be avoided, the household will be moved to self-contained emergency accommodation as soon as possible and within six weeks of initial placement.

In the case of any 16-17 year olds who are homeless and approach the Council, they will be referred to Kent County Council Children's Services and a joint assessment will be carried out under the [Kent Joint Working Protocol for Young People](#), so that the most appropriate accommodation and support can be provided to them.

Homeless households placed in accommodation under an interim duty (s.188) are not protected under the Protection from Eviction Act 1977 and do not have security of tenure due to being on an excluded licence. Where the Council decides it does not owe the household a main housing duty, they will be notified and given a reasonable timescale to vacate, as detailed in their homelessness decision letter.

Homeless households who are placed in accommodation outside of the district, the 'placing' Council are required to notify the area in which the placement has been made under s.208 of the Housing Act 1996. In addition, in relevant cases, they are required to notify the Violent and Sex Offender Register (VISOR) or equivalent in order to ensure public protection obligations are fulfilled. Consent to disclose relevant risk information to temporary accommodation providers will be obtained from Police or Probation or other relevant agencies prior to placement, as appropriate. We will always comply with these requirements.

Where temporary accommodation is not available within the district, the Council will look to neighbouring Council areas within Kent and Medway and, following this, further afield.

Assessment of housing and support needs is carried out for all applicants to identify any support needs and risks that the household presents with that may need to be taken into account in any temporary accommodation placement. Households assessed with known risks to themselves or others, such as history of offending, licence conditions, drug and alcohol use, mental or physical health may be placed outside of District due to the shortage of accommodation able to accommodate their needs.

## 5. Out of District Placements

Wherever possible, Thanet District Council will seek to provide temporary accommodation within the district. The Council is a popular seaside destination and sometimes (especially during peak periods) accommodation in the district is not available. Privately-rented accommodation is at a premium within the district and demand is high. As a result, access to other nightly-paid temporary provision in the district is limited. In addition, neighbouring districts have similar supply issues.

In some circumstances, it may be more appropriate for a placement outside of the area to be arranged. For example where an applicant may be at risk of violence, harm or threat within the district. We will take into account any advice provided by specialist services to ensure risks are managed and we secure the most appropriate placement for the household.

Where an out-of-area placement is made outside of the district, the placing Council will notify the area in which placement is made under s.208 of the Housing Act 1996. In addition, in relevant cases, they will notify the Violent and Sex Offender Register (VISOR) or equivalent in order to ensure public protection obligations are fulfilled. Consent to disclose relevant risk information to temporary accommodation providers will be obtained from Police or Probation or other relevant agencies prior to placement, as appropriate.

Where temporary accommodation is not available within the district, the Council will look to neighbouring areas within Kent and Medway and, following this, further afield.

## 6. Hotel and B&B Placements

Circumstances may arise which require short-notice placements of households into emergency temporary accommodation. At this time, options available can be very limited. In these cases, the use of hotel accommodation may be the only option available to fulfil the Council's temporary accommodation duty. However, this is a last resort. In addition, if an applicant contacts the Council outside of office hours and requires emergency accommodation, hotel accommodation is often the primary option given the time of approach.

Consideration is given to the Code of Guidance which states that hotel accommodation is not to be regarded as suitable for 16 and 17 year olds or applicants with family commitments. Therefore hotel placements for households of this type are only to be used if no other accommodation is available.

## 7. Offers and Refusals of Accommodation

The Council seeks to place all applicants in self-contained accommodation where possible. However, in some circumstances, due to the significant demand and shortage of suitable accommodation, homeless households placed under the Council's interim duty to accommodate may initially be placed in emergency accommodation with shared facilities and, in out-of-hours or major emergencies this could be in the form of a hotel/bed and breakfast.

Where the Council has decided applicants placed under its interim duty are not owed a further accommodation duty, they will be asked to leave following a reasonable period of notice after being notified of the decision. For those that are deemed Intentionally Homeless applicants will be given 28 days notice to leave the Temporary Accommodation. Applicants who are found not to be in priority need will be given 14 days notice to leave the temporary accommodation. If previous warnings have been issued by the temporary accommodation provider and Thanet District Council depending on the circumstances temporary accommodation could be ended with immediate effect, where possible we will try to give 24 hours notice. 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.

Homeless households will be made one offer of suitable interim or longer-term temporary accommodation. There is no obligation upon the Council to allow applicants to view the accommodation prior to acceptance. As set out in section 3 (which relates to the suitability of accommodation) the household's circumstances and needs will be considered prior to an offer being made and so the best fit will be made given the properties available at the time.

For applicants placed outside of the Thanet district, if they have no benefits in pay or any other financial means to travel to the arranged emergency placement, then, in exceptional circumstances, the Council can arrange a single one-off travel warrant. A financial assessment will be conducted and this would need to be approved by a senior officer.

If a household is offered alternative temporary accommodation (e.g. out of the district and offered a Thanet vacancy) there will be minimal notice provided as the Council is unable to hold a vacant temporary accommodation unit. The Council will offer at least 24-hours notice to move.

If an applicant refuses an offer, they will be asked to provide their reasons for doing so and the consequences of refusal will be clearly explained. Failure to agree to sign the document will be noted. If a household is being placed under interim duty then, no further offer of accommodation will be made until the outcome of their homeless decision. If they are found to be intentional, then Thanet District Council will make a further offer of accommodation for a period of 28 days. If a household has a decision where Full Homeless Duty is accepted to them then they will be offered further temporary accommodation. Should this further offer be refused then Thanet District Council will end Full Homeless Duty to them. This also applies if a Full Homeless Duty is owed and the household refuses to move to an alternative accommodation being offered to them the Full Homeless Duty will also be ended.

Consideration will be given to the reasons for refusal. If it is then accepted that the accommodation is unsuitable, the offer will be withdrawn and another suitable offer made. A referral to social services will be made if the homeless household includes anyone who is vulnerable, pregnant or has a dependent child. If the Council accepts the reasons for refusal and agrees that the offer was unsuitable, a further offer will be made.

There is no right of appeal against the suitability of offers made under s.188 Housing Act 1996 (although judicial review can be applied for). For homeless households where the Council has accepted a housing duty under s.193 there is a statutory right to review the suitability of the accommodation, under s.202. This means an applicant who is offered accommodation can request



a review of its suitability whether or not they have accepted the offer within 21 days of being notified that the offer is suitable; after that time the only remedy is judicial review.

Homeless households who question the suitability of the temporary accommodation are advised to accept the offer of accommodation and pursue a review of the suitability of the accommodation whilst in occupation.

For any new placements made an introductory telephone call is made which will reiterate the importance of housing benefit, charging of accommodation, applying to be on the Council's housing register and ensuring the quality of accommodation is satisfactory.

## 8. Moving Within Temporary Accommodation

Where it is considered that the household falls within a priority group for accommodation within the district but no accommodation is available, the household will be placed in another location where there is availability on that day. This accommodation may be suitable in the short-term but not the long-term. If the accommodation provided is deemed unsuitable in the longer term a household will be given priority to be transferred to alternative accommodation within the Council's boundary, or as close to it as possible, as soon as a more suitable unit becomes available.

It may be necessary to move homeless households to another temporary accommodation property to make best use of available resources.

Households will be required to move when requested. If the households refuse to move, this may result in the Council ending its duties as set out in Section 7 of this policy.

## 9. Pets

The Council does not have a duty to accommodate pets and, unfortunately, our external providers of temporary accommodation are usually unable to accommodate pets. In this instance, applicants will need to make alternative arrangements for any pets whilst they are in such accommodation and the Council will discuss these options with them. However, if applicants have support pets, Thanet District Council would be willing to house both the applicant and the pet (subject to seeing medical evidence).

If an applicant is placed into temporary accommodation that is owned by Thanet District Council, the applicant will be able to be housed with one dog. The dog must be up to date with theory flea treatment and worm treatment prior to taking up the placement.

## 10. Costs of Temporary Accommodation

The cost of providing temporary accommodation has increased significantly. This is due to a number of factors including, but not limited, to:

- applicants having to stay in temporary accommodation for longer periods of time due to a declining supply of social housing lets

- a reduction in the supply of private rented housing being available at an affordable rent level.

The Housing Act 1996 places a statutory duty on local authorities to provide interim accommodation. It also gives the Council the right to make a reasonable charge for the accommodation provided.

The Council's Tenancy Strategy 2018 states the Council will raise a charge equivalent to the relevant local housing allowance (or LHA) rate. It is considered a charge levied at this rate is reasonable.

Homeless households are able to seek help from Housing Benefit towards the cost of temporary accommodation. Claims for help with temporary accommodation costs are exempt at present from Universal Credit. Homeless households will be supported to complete a Housing Benefit form and submit this to the relevant section. It is the responsibility of the homeless household to ensure they supply the Housing Benefit team with any supporting evidence required to complete their claim.

In circumstances where an applicant is placed in self-contained accommodation and full Housing Benefit is in place no further contribution will be required.

Where an applicant is not eligible to receive any help from Housing Benefit they will be expected to pay a reasonable charge for the accommodation provided. This charge will be at a level equivalent to the relevant Local Housing Allowance.

In the event a charge is due and not received from the applicant, the council will send an arrears letter. If no attempt has been made to resolve the arrears then a final notice is given notifying them of their last night in accommodation. The Council has the right to end the accommodation and discharge the relevant duties.

Where an applicant is placed in self-contained accommodation they will be responsible for meeting the costs of their utilities and Council Tax. Applicants are able to apply for Council Tax relief. However, they will need to speak with the Council Tax team in the area in which they are placed.

Where there is an opportunity for social housing, customers' temporary accommodation rent account should be up to date and not have an outstanding balance. Where there are monies owed the customer will be provided the opportunity to clear this or the offer may be withdrawn.

## 11. Direct Lets & Point Scoring System

Thanet District Council has introduced a point scoring system applicable to all clients placed into interim and temporary accommodation who either have a full homeless duty accepted to them or are under an interim duty and have any pending enquiries.

To qualify for a permanent offer of social or affordable housing, homeless applicants must apply to the council's housing register. Homelessness applicants on the housing register are prioritised within the council's Housing register banding system, in accordance with the council's approved

Allocations Policy. The allocations policy does also provide for homeless households to be allocated a permanent tenancy, outside of the banding system, by way of a direct let.

The points scoring system has been created to set out our priorities in the following circumstances: Households placed out of the area in emergency or temporary accommodation who need to move back to the Thanet district as well as households in temporary accommodation, with a full housing duty accepted, who are being considered for a direct let under the council's allocations policy.

Points (in multiples of 5) are awarded for:

- An application being made to the housing register - either a live application or pending
- Schooling at key stages - 11+, GCSEs, A Levels at school 6th form - 5 points awarded for each child within the household
- Children under a care plan - to include children living with birth families, foster placements or those placed for adoption
- Special educational needs - awarded for SEN at school, special arrangements in education setting - doesn't have to be outside of mainstream schooling.
- Over or under-occupation of their current accommodation - whilst bedroom need is not a priority when placing into accommodation - 5 points are awarded for each room.
- Known diagnosed disabilities - evidenced with an award of PIP, DLA or AA for each household member.
- Adults under a care plan - extreme mental health
- If applicants work in the Thanet area and are required to travel to work - no points are allocated for those placed already in Thanet.
  - If, however, applicants work in the Thanet area but are placed outside of the district, 5 points are awarded to each member of the household who work in Thanet
- Conditions of current accommodation
  - if no complaints received and accommodation is suitable **GREEN no points**,
  - if ongoing repair issues received **AMBER 5 points**,
  - if unresolved, ongoing repair issues and accommodation is unsuitable due to mobility issues **RED 10 points**
- Applicants who receive care that is only available in the Thanet area - this includes specialist school placements, support and care from medical professionals only available in the Thanet district.

Access to a car - no points are awarded if applicants are placed out of the Thanet area without a car unless they work or have specialist schooling in the Thanet area.

Homeless applicants may also qualify for an offer of permanent accommodation through the banding system set out in the adopted allocations policy. This points based priority system does not impact on the banding assessment of any housing register application.

Being placed outside of Thanet does not mean that points would be awarded. This is because the accommodation would have been deemed suitable at the time of the placement. We contact each of our temporary accommodation providers individually when an applicant approaches Thanet Council. We give the provider information based on the answers provided in the applicant's initial homeless assessment and request accommodation in, or as close to, Thanet as possible.

When consideration is to be made for a Direct Let or for a household to be returned to the Thanet district the points scheme would be utilised. Those matching the criteria for the property available will be considered based on the applicant with the highest points awarded.

Should more than one applicant be identified with equal points awarded then the applicant with the greater need of the available property (such as having a household size equivalent to the property available) would be considered.

This policy will be reviewed every year.

## Appendix

### 1: TA Specification

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