

Blaby District Council
Temporary Accommodation
and
Out of Area Placement
Policy

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1. Introduction and Legislative Consideration

- 1.1. Blaby District Council has a statutory duty to provide temporary accommodation to homeless households who qualify within the criteria set out in Part VII of the Housing Act 1996 and in particular Section 188 The Relief of Homelessness Duty and Section 193 The Main homeless Duty.
- 1.2. The Policy will also have due regard to current legislation notably the Homelessness (Suitability of Accommodation) England Order 2012, the Equality Act 2010, section 11 of the Children Act 2004 and the Homelessness Code of Guidance for Local Authorities (MHCLG, 2018)
- 1.3. Our policy also takes into account the most recent case law including the Court case of Nzolameso and Westminster Council. (Supreme Court recommendations for this case included in the Appendix below)
- 1.4. The Council will strive to provide temporary accommodation within Blaby District wherever this is possible so households are able to retain their existing networks (for example employment, schooling and familial connections).
- 1.5. However, due to a lack of temporary accommodation provision and the needs of a household, in certain circumstances the Council retains the discretion for Households to be placed outside of the district boundaries on occasion. For example, should a family present as homeless and require emergency accommodation with no prior warning to the authority or applicants who are fleeing domestic violence or any other type of violence it will not always be possible to secure accommodation in Blaby District on the day of presentation.

2. Existing Provision

- 2.1. Prior to 2018 the Council had no provision of temporary accommodation other than the use of local Bed and Breakfast accommodation. It was recognised that this was not compatible for meeting our duties set out in the above legislation. Since this time the Council has leased three self contained properties from our Stock Transfer Partner (EMH Homes) and now has access to a three bedroom house, a two bedroom flat and a one bedroom flat (all self contained with appropriate facilities).
- 2.2. The Council will continue to monitor the numbers of households in temporary accommodation and the budgetary pressure that this entails. This data will be reviewed regularly to ascertain whether the procurement of additional self contained units is required.

3. Suitability of accommodation

- 3.1. When placing a household in temporary accommodation, Housing Options officers will take into account the needs and requirements of each household member. Particular needs to be considered will include health or mobility issues and any care or support needs provided for by other agencies. Consideration will also be taken into account to whether the accommodation is affordable for the applicant.
- 3.2. When it is deemed that the only offer of temporary accommodation possible is Bed and Breakfast accommodation consideration will be given to the acknowledgment of the unsuitability of this type of provision for longer than a six week period. All efforts will be made to provide more suitable accommodation within this 6 week period, however there will be exceptions where this is unfortunately not possible.

4. Location of Accommodation Provided

- 4.1. As stated previously Blaby District Councils Housing Options team will always endeavour to accommodate households within the districts boundaries where practicably possible utilising the Councils own leased temporary accommodation or if needed Bed and Breakfast accommodation within the locality. However when considering each households needs it may be more appropriate to place a household outside of the district boundaries if this allows better access to established links such as employment, family connections, medical services or schooling thus maintaining the wellbeing of the household.
- 4.2. When placing a household within the boundaries of other local authorities Blaby District Council Housing Options staff will follow the statutory requirement under section 208 of the Housing Act 1996 to notify the host local authority whether this is a Temporary Accommodation placement or a discharge of the 'full housing duty'.

5. Requesting a review of a Temporary Accommodation Offer

- 5.1. For those applicants who are offered temporary accommodation under Section 188 of the Housing Act 1996 (interim accommodation whilst enquiries are carried out) the applicant will not have a right to review the suitability of this offer.
- 5.2. For applicants who are owed the Main duty (Section 193 of the Housing Act 1996) the right to review is afforded. Applicants will have to provide the reasons for a review of the offer which will then be assessed by the allocated Housing Options Officer. If the reasons supplied are considered valid the offer will be withdrawn and alternative accommodation will be sought by the Council. Should the reasons for refusal be considered invalid (and therefore the accommodation is considered suitable) then the applicant would need to consider whether to accept the offer of accommodation or to source alternative accommodation themselves.

- 5.3. Where a household is provided temporary accommodation under Section 188 of the Housing Act 1996, and following investigation are found to not be owed the main homelessness duty then the applicant will be given reasonable notice to leave the accommodation provided. The length of this notice period will vary depending on each applicant and their individual circumstances.

6. **Appendix: Supreme Court ruling (Nzolameso v City of Westminster)**

2015 Supreme Court ruling (Nzolameso v City of Westminster) on out of area accommodation. The main recommendations put forward by the Supreme Court were:

https://www.nhas.org.uk/docs/8367_NHAS_Out_of_Area_Best_Practice_Report_v21.pdf

- Distance is key: If accommodation cannot be procured in area, then attempts must be made to find a suitable alternative as close as possible to where the household were previously living. The search for accommodation must be evidenced.
- Decisions must be based on a case by case assessment of the household and their needs. The principal needs of the particular household must be acknowledged, including adults and children, and assessed both individually and collectively when determining the location of accommodation. For example, enquiries should be made about the availability of suitable school placements in the other area for each of the children.
- Written evidence should be recorded and the reasons for the authority's decision should be explained on a case-by-case basis when making out of area placements, acknowledging each household's collective and individual needs.
- Households must be given sufficient time to make a decision on an out of area offer, when no alternatives are available and thorough information regarding the proposed area must be provided. Currently, in some cases local authorities are requesting that families make a decision on the same day that the out of area offer is made.
- Local authorities have a particular duty under s.11 of the Children Act 2004 to have regard to the need to safeguard and promote the welfare of children. The Supreme Court stated that it was not enough for the local authority simply to ask whether any of the children were approaching external examinations. It had to identify and have regard to their needs, though it did not have to treat those needs as the paramount consideration.