

Central Bedfordshire Council

Executive

12 June 2018

Transitional Accommodation Placement Policy

Report of: Cllr Carole Hegley, Executive Member for Adults, Social Care and Housing Operations (carole.hegley@centralbedfordshire.gov.uk)

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This report relates to a decision that is Key

Purpose of this report

1. To present the draft Transitional Accommodation Placement Policy to Executive for approval.

RECOMMENDATIONS

The Executive is asked to:

1. **consider and approve the draft Transitional Accommodation Placement Policy.**

Overview and Scrutiny Comments/Recommendations

2. The draft policy was presented to Overview and Scrutiny on 4 June 2018, the Executive Member will provide a verbal update on comments/recommendations at the Executive meeting.

Issues

3. The Council has seen a significant increase in the use of transitional accommodation (TA) since 2014, when numbers of homeless households in TA was around 30 to 40. In December 2017, a peak of 208 households in TA was recorded. A concerted team effort has seen a reduction to just under 170 households in April 2018. The increase in 2017 has led to a need for the Council to have a transparent policy with the rationale and context behind the placement of households in TA.

4. The increase in demand has necessitated the use of “Nightly Let” accommodation, including accommodation outside of Central Bedfordshire, due to a shortage of available supply within the area. Nightly Lets are unlike other private rented accommodation as they are available more quickly and on a nightly basis, meaning that the Council does not have to form a 6 or 12-month agreement. Nightly Let’s outside of Central Bedfordshire have to be used due to the relatively unpredictable nature of the need for TA. 55% demand is “on the day” and a 23% is where 2 to 5 days’ notice is known
5. The Homelessness Reduction Act 2017 (implemented 3 April 2018) and recent case law on “vulnerability” will likely increase the need for TA. Statutory Guidance requires that TA is provided for those applicants thought to be Priority Need as part of the duty to relieve homelessness, and other households have to be “offered help” to secure TA during the 56 days period where the Council tries to relieve their homelessness. If homelessness cannot be relieved, the final step is to determine whether the household is owed a re-housing duty
6. The draft policy (appendix A) recognises the legislation, Code of Guidance and case law related to the suitability of TA. Whilst there are many aspects of what constitutes suitable accommodation, the issue of location is one that can cause most challenge and is specifically mentioned in the Housing Act 1996, which states *“So far as reasonably practicable a local housing authority shall, in discharging their housing functions under this Part, secure that accommodation is available for the occupation of the applicant in their district”*.
7. There is, however, as much challenge from households placed within Central Bedfordshire but away from the original place of residence, due to the large geographical nature of the area. To place a household from, say, Caddington into TA in Potton is likely to cause greater distress than a placement in Luton. In addition, around 15% of TA residents originate from out of area, due primarily to having a local family connection or resulting from domestic violence. Consequently, in terms of location, the policy considers (where all other suitability criteria are met) a location in “close proximity” to Central Bedfordshire, is considered as Central Bedfordshire.

Options for Consideration

8. The draft policy has been presented at staff workshops, giving a range of Officers from across the Council the opportunity to influence the draft, including a desire to offer support to households that don’t receive support from other agencies, particularly when the household moves to a new area. Following staff engagement, the draft policy has been subject to consultation, including with residents currently in TA. The Consultation report is included in Background papers below but respondents were generally supportive of proposals.

9. The draft policy is a Placement policy, not a TA procurement policy. Whilst the intention of the Council is to increase its portfolio of suitable TA stock, supported by proposals in the MTPF and budget, the Placement policy sets out how the Council will prioritise TA placements regardless of the exact quantum of CBC owned/managed accommodation available at any point in time. This Placement policy should influence TA procurement in defining what the Council deems as “suitable accommodation”.
10. The draft policy sets out who the Council will prioritise for accommodation in, or in close proximity to Central Bedfordshire. Accommodation in close proximity to Central Bedfordshire can be as, or more, suitable than accommodation within Central Bedfordshire that is far from the applicant’s previous home and support network. Officers should consider whether a placement is suitable in all respects for the household concerned and not be restricted on using suitable accommodation that is just over the border.
11. An equality impact assessment is produced to ensure the provisions of the draft policy are not discriminatory to any protected group or person. The criteria for prioritising placements in/out of Central Bedfordshire are intended to support the Council’s equality duties.

Reason/s for decision

12. The draft Transitional Accommodation policy provides the rationale and clarity for how the Council will make temporary and interim accommodation placements to suitable properties. The draft policy outlines what is considered a suitable property, which includes locations in close proximity to Central Bedfordshire where all other suitability criteria are met.
13. The draft policy outlines how homelessness applicants will be prioritised to locations within (or close proximity to) Central Bedfordshire, to areas neighbouring Central Bedfordshire (but not in close proximity), and further afield. The health of the applicants and their household, is a key factor when prioritising location of a placement within (or close proximity to) Central Bedfordshire.
14. Overall, the Council have received a positive response to the consultation, with 69 -79 % of respondents supporting each area of the proposals. Many respondents acknowledged support to maintain people’s health and wellbeing as being important. The most prevalent being the wellbeing of any children effected by homelessness and helping people to retain/maintain access to school and employment.

Council Priorities

15. The draft policy supports the Council priority “Protecting the vulnerable; improving well-being. Homeless applicants approaching the Council are assessed, in particular in terms of whether they are vulnerable in some way and have a priority need. The Council has a duty to provide temporary or interim accommodation if applicants are considered to have a priority need.

Corporate Implications

16. The policy includes the criteria to determine the suitability of Transitional Accommodation. The rationale about how households are placed in accommodation looks to prevent placements where there may be health, public health or community safety issues for the applicants.

Legal Implications

17. Under the Housing Act 1996, Part VII, the Council may have a legal duty to provide transitional accommodation, if there is reason to believe that the applicant may be homeless, eligible for assistance and have a priority need. Section 206(1) provides that the authority may discharge their housing functions only by securing “suitable” accommodation, albeit by a variety of routes. Section 208(1) provides that: “So far as reasonably practicable a local housing authority shall, in discharging their housing functions under this Part, secure that accommodation is available for the occupation of the applicant in their district”.
18. The Housing Act 1996 Section 208 requires that a placing local authority should notify the host local authority when placing a homeless household in their area within 14 days of the accommodation being offered to the household.
19. The Children Act 2004, Section 11 requires that local authorities have a particular duty to have regard to the need to safeguard and promote the welfare of children.
20. The Homelessness (Suitability of Accommodation) Order 2012 sets out the following criteria: In determining whether accommodation is suitable for a person, the local housing authority must take into account the location of the accommodation, including:
 - where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority;

- the significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household;
 - the proximity and accessibility of the accommodation to medical facilities and other support which—
 - (i) are currently used by or provided to the person or members of the person's household; and
 - (ii) are essential to the well-being of the person or members of the person's household; and
 - (iii) the proximity and accessibility of the accommodation to local services, amenities and transport.
21. The Supreme Court case judgment in Nzolameso v Westminster City Council 2015 had significant ramifications for local authorities, who are advised to adopt policies as to the procurement and allocation of temporary accommodation. Care should be taken to ensure that the policies reflect the obligations under section 208, the 2012 Order and the associated statutory guidance and under section 11 of the Children Act 2004.
 22. The Homelessness Reduction Act 2017, Section 206(1) provides that all accommodation provided under Part 7 of the 1996 Act must be suitable for the applicant and their household, and the suitability requirements under section 210 apply.
 23. Homelessness Code of Guidance for Local Authorities (2018), 17.46 provides further guidance about the suitability of the location of accommodation. The code consolidates the existing legislation, case law and good practice.

Financial and Risk Implications

24. The draft TA Placement policy is focused on what is considered as "suitable accommodation", which includes the requirement for the accommodation to be affordable to applicants. Consequently, lower cost accommodation out of area might be considered as cost effective for the Council to procure if all other aspects of suitability are met. This policy provides a safeguard to ensure that cost is not the sole driver to procurement but is a factor as to whether applicants are placed out of area. For example, a Nightly Let in Hertfordshire at net £40/night is more cost effective than a hotel in Dunstable at net £70/night.

25. Whilst budget pressures are included in TA budgets for 2018/19 due to the increasing demand, the service is striving towards a situation where as much accommodation as possible is provided at no net cost to the Council and within or in close proximity to Central Bedfordshire.
26. Net pressure of £0.55M was provided for in the budget for 2018/19, to give a total net budget of £0.961M. This compares to a net outturn in 2017/18 of £1.242M. Given the additional requirements of the Homelessness Reduction Act, this is therefore a very challenging target, but Housing have embarked upon a strategy of purchasing properties in the Housing Revenue Account for use as TA. This strategy includes transferring assets from the Council's General Fund (with 2 Care Homes already transferred for this purpose). This is only 1 facet of an action plan that seeks to tightly manage the whole housing system locally, by focusing on casework, initial assessment, decision making, policy, ICT systems, staff training, recruitment, and a "right first time" approach.
27. The Directorate's performance framework will closely monitor use of and cost of TA, during 2018/19.

Equalities Implications

28. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
29. Whilst homeless applicants are often vulnerable due to the nature of their housing situation, the Council has to consider any particular additional issues when considering placing the household into transitional accommodation. The draft policy aims to consider the most aspects of the households needs that safeguard their welfare and health.
30. An equalities impact assessment is developed to explore any potential impacts of this draft policy.

Conclusion and next Steps

31. The draft policy has had regard to legislation, practice guidance and local circumstances. There is a desire to place all homeless households in suitable properties within, or in close proximity to Central Bedfordshire but where that is not possible the policy clarifies how the Council will prioritise households to Central Bedfordshire, neighbouring areas, or further afield, recognising that there are instances where a placement out of area is beneficial.

32. It is proposed that the draft policy is approved by Executive. This will provide all residents and homelessness applicants with a clear policy position for how the Council places households into Transitional Accommodation.

Appendices

Appendix A: Draft Transitional Accommodation policy

Background Papers

The following background papers, not previously available to the public, were taken into account and are available on the Council's website:

- (i) Consultation report
<https://centralbedfordshire.box.com/s/6m982t67xzgsj4df996y3p3r1lup1fnh>
- (i) Equality impact assessment
<https://centralbedfordshire.box.com/s/172dm1ay64izyzjcbpv2ksge5wqx9boc>

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