



PORTSMOUTH CITY COUNCIL

TEMPORARY ACCOMMODATION
PLACEMENT POLICY

2020-2025

1. Introduction

- 1.1. The purpose of this Temporary Accommodation Placements Policy is to outline how Portsmouth City Council ('the Council') supports those who approach it in need of finding a temporary home whilst assessments are taking place or whilst awaiting the offer of more settled accommodation.
- 1.2. The Council recognises the vital role that housing plays in helping residents achieve and maintain the life they want to lead. It also recognises that there are times when crisis situations happen, for various reasons, which can lead to residents being without a home. At this time the council may have a duty to provide support to help people get back into a stable home.
- 1.3. The Council has a statutory duty to provide temporary accommodation to homeless applicants in certain circumstances. This is governed by legislation and guidance in how to perform the duty which can be found in the Code of Guidance (<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>).
- 1.4. The Council faces high demand for such accommodation, and this demand has risen in recent years. It also currently has a shortage of its own temporary accommodation and it aims to ensure that the profile of different types of accommodation meet the needs of those who use the service. Therefore, it is necessary to prioritise the resources available to it by allocating temporary accommodation proportionately. This policy aims to simply and clearly set out the factors to be considered to ensure the temporary accommodation being offered is suitable, and is allocated equitably.
- 1.5. The policy will be reviewed annually. Where appropriate, recommendations will be made to elected councillors to authorise major changes to the scheme.
- 1.6. The role of the elected councillors is to agree this policy and provide the relevant oversight that it is followed appropriately. Data on the use of temporary accommodation is published quarterly as part of the review by the council's Governance and Audits and Standards Committee.
- 1.7. The role of council officers from the Housing Needs, Advice & Support Service is to assess individual circumstances and cases and make the relevant decisions in line with this policy. In this regard officers are acting as 'the Council'.

2. Legal framework

- 2.1. This policy complies a range of national legislation, and it is the responsibility of the council, and its officers, to be mindful of and comply it when making relevant decisions. This includes:
- Sections 188, 193, 206, 208 and 210 of the Housing Act 1996
 - The Homelessness Code of Guidance for Local Authorities
 - The Homelessness (Suitability of Accommodation) (England) Order 2003
 - The Homelessness (Suitability of Accommodation) (England) Order 2012
 - The Homelessness Reduction Act 2017
 - The Equality Act 2010
 - The Localism Act 2011
 - Section 17 of the Children's Act 1989
 - Section 11 of the Children's Act 2004
 - The prevailing case law
- 2.2. Section 188 of the Housing Act 1996 provides that the Council must secure that accommodation is available for an applicant where it has reason to believe they may be homeless, eligible for assistance and in priority need (these are all defined terms in law). This duty is known as the 'interim duty' and continues until the Council has made a final decision as to whether the applicant is owed the 'main housing duty'.
- 2.3. Section 193 of the Housing Act 1996 provides that the Council must secure that accommodation is available for an applicant where it determines that they are homeless, eligible for assistance, in priority need, not intentionally homeless, and where it has not successfully 'prevented' or 'relieved' homelessness (these are all defined terms in law) and has not referred the application to another local authority. This is known as the 'main housing duty' and continues indefinitely until the applicant accepts an offer of a settled home, or until one of another of a list of prescribed events occurs.
- 2.4. Section 206 of the Housing Act 1996 provides that any accommodation provided under section 188 or 193, whether temporary or otherwise, must be suitable.
- 2.5. Chapter 17 of the Homelessness Code of Guidance codifies the factors, borne from various legal instruments, local authorities should consider when determining whether temporary accommodation is suitable. Such factors include the standards, size, affordability, and location of any accommodation.
- 2.6. Section 208 of the Housing Act 1996 provides that, so far as reasonably practicable, accommodation found by the Council should be in the local authority area. When accommodation is provided out of the area, the Council should notify the local authority in whose area the accommodation is situated.

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- 2.7. The Homelessness (Suitability of Accommodation) (England) Order 2012 provides that the following factors should be considered when deciding whether accommodation is suitable.
 - 2.7.1. The distance of the accommodation from Portsmouth;
 - 2.7.2. The level of any disruption to employment, caring responsibilities or education;
 - 2.7.3. The proximity and accessibility of the accommodation to medical facilities and support
 - 2.7.4. The proximity and accessibility of the accommodation to local services and transport
- 2.8. The Homelessness (Suitability of Accommodation) (England) Order 2003 provides that households containing children or pregnant women should only be housed in 'bed and breakfast' accommodation where no other accommodation is available, and even then such occupation should not exceed 6 weeks.
- 2.9. Section 11 of the Children's Act 2004 provides that, in carrying out its functions, a local authority must have regard to the need to safeguard and promote the welfare of children.
- 2.10. The Equality Act 2010 provides that, in carrying out its functions, a local authority must have due regard to the following.
 - 2.10.1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - 2.10.2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - 2.10.3. Foster good relations between people who share a protected characteristic and those who do not.

3. Offers of temporary accommodation

3.1. Interim accommodation whilst the Council undertakes enquiries

- 3.1.1. Where an applicant is owed the interim accommodation duty (as per 2.2) and has no suitable accommodation available to them, they will be offered temporary accommodation until a final decision is made regarding their homelessness application.
- 3.1.2. In identifying a suitable offer, the household's individual circumstances will be considered, taking into account the factors set out in section 5 of this policy.
- 3.1.3. If the applicant refuses an offer of interim accommodation they will be asked to give their reasons for refusal. The Council will consider the reasons given. If the Council determines that the accommodation is unsuitable, the offer will be withdrawn and a further offer will be made.
- 3.1.4. If the Council hears the applicant's reasons but determines the accommodation is suitable, the applicant will be given the opportunity to reconsider their decision. If the applicant continues to refuse the offer it will be withdrawn and the Council will no longer be obliged to provide interim accommodation. This would not affect any future accommodation duties owed as part of the homeless application and the Council would continue to make enquiries as to what duties are owed.
- 3.1.5. There is no statutory right to review the suitability of interim accommodation provided under section 188 of the Housing Act 1996 while enquiries are underway. The Council will consider any concerns raised though.

3.2. Applicants to whom the 'main housing duty' has been accepted.

- 3.2.1. Where an applicant is owed the main housing duty (as per 2.3) and has no suitable accommodation available to them, they will be offered temporary accommodation until they are offered a suitable home or until the main housing duty comes to an end for one of the other prescribed reasons.
- 3.2.2. In identifying a suitable offer, the household's individual circumstances will be considered, taking into account the factors set out in section 5 of this policy.
- 3.2.3. If the applicant refuses an offer of temporary accommodation they will be asked to give their reasons for refusing. The Council will consider the reasons given. If the Council determines that the accommodation is unsuitable, the offer will be withdrawn and a further offer will be made.
- 3.2.4. If the Council hears the applicant's reasons but determines the accommodation is suitable, the applicant will be given the opportunity to reconsider their decision. If the applicant continues to refuse the offer it will be withdrawn and 'the main homelessness duty' will be discharged.

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- 3.2.5. The suitability of accommodation provided in performance of the 'main housing duty' is subject to a statutory right to review. Applicants owed such a duty are advised in writing of this right and how to exercise it.
- 3.3. Applicants being placed in temporary accommodation will be required to sign a temporary accommodation agreement which outlines what can be reasonably expected from them whilst they are in temporary accommodation.
- 3.4. The Council may consider applicants who have been asked to leave temporary accommodation after breaching the terms of the agreement to have voluntarily 'refused' the accommodation. The Council will consider the nature of the breach, what warnings were given to the applicant and the applicant's personal circumstances when determining whether accommodation has been refused. The consequences for refusing temporary accommodation are set out in Sections 3.1 and 3.2 of this policy.
- 3.5. Applicants may be asked to move to alternative temporary accommodation for a number of reasons, such as to provide the most appropriate accommodation, or because an external provider has brought the provision to an end. Such requests will be treated as an offer of temporary accommodation as set out in Sections 3.1, 3.2 and 5 of this Policy.

4. Types of temporary accommodation

- 4.1. The Council uses a range of different type of temporary accommodation which are designed to cover the range of customers, likely length of occupation and overall numbers in need at that time. This means that some accommodation will be provided directly by the Council, whilst other accommodation will be owned and/or managed by external providers.
- 4.2. The types of temporary accommodation available to the Council may include:
- 4.2.1. Self-contained, leased accommodation
 - 4.2.2. PCC-owned accommodation with support, known as the Temporary Accommodation Service (TAS)
 - 4.2.3. Accommodation with shared facilities such as 'bed and breakfast' accommodation and hotels
 - 4.2.4. Hostel Accommodation
- 4.3. Self-contained, leased accommodation
- 4.3.1. Leased accommodation means privately owned separate and self-contained premises (flats, maisonettes and houses) which the Council has leased for the purpose of providing temporary accommodation.
 - 4.3.2. Leased accommodation is provided unfurnished but some discretionary help is available for those households who are unable to source their own furniture and/or white goods (subject to an assessment by Housing Needs Advice & Support).
 - 4.3.3. Leased accommodation is only usually provided for those in longer-term temporary accommodation in performance of the 'main housing duty'.
- 4.4. Temporary Accommodation Service (TAS)
- 4.4.1. TAS accommodation means separate and self-contained premises owned by the Council used exclusively as temporary accommodation.
 - 4.4.2. The TAS is currently managed on behalf of the Council by an external service provider. The service provider will assess the needs of households placed in TAS accommodation, provide support, and signpost to appropriate agencies as required.
 - 4.4.3. TAS accommodation is provided fully furnished.
 - 4.4.4. TAS accommodation can be provided to households in performance of either of the interim or main duties.
- 4.5. Accommodation with shared facilities such as 'Bed & Breakfast' and hotels
- 4.5.1. 'Bed and breakfast' accommodation means accommodation (whether or not breakfast is included) which is not separate and self-contained premises, and where one or more of the following amenities is shared by more than one household: a toilet, personal washing facilities, cooking facilities. This can take the form of a hotel or traditional 'bed and breakfast' setting and is usually not owned or managed by the Council.
 - 4.5.2. Bed and breakfast accommodation can be provided to households in performance of either of the interim or main duties.

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- 4.5.3. Bed and breakfast accommodation can offer residents limited space, privacy, and amenities such as cooking and laundry facilities. The Council aims to avoid the use of such accommodation where possible.
- 4.5.4. Bed and breakfast accommodation may be considered suitable if emergency accommodation is needed at very short notice or if there is simply no better alternative available.
- 4.5.5. Bed and breakfast accommodation should only be provided to households containing children or pregnant women as a last resort. Where this is the case, the Council will endeavour to move households into more suitable accommodation within six weeks.
- 4.6. Hostel accommodation
- 4.6.1. Hostel accommodation means accommodation owned by the Council but which is not separate and self-contained premises, and where one or more of the following amenities is shared by more than one household: a toilet, personal washing facilities, cooking facilities.
- 4.6.2. Hostel accommodation can be provided to households in performance of either of the interim or main duties.
- 4.7. Applicants placed in temporary accommodation will be expected to pay a weekly charge for the use and occupation of the premises. Applicants on a low income can claim Housing Benefit to help pay all or some of the charge.
- 4.8. All occupants of temporary accommodation will have limited security of tenure. Depending on the accommodation offered, applicants will have either a licence to occupy or a non-secure tenancy. Licensees and non-secure tenants do not have the same rights as secure tenants have, for example they do not have a right to buy, right to exchange or right to take in lodgers.
- 4.9. Details of how the Council plans to secure further suitable, affordable temporary accommodation to meet future demand will be found in its Temporary Accommodation Procurement Policy which is due for decision in Spring 2020.

5. Suitability of temporary accommodation

- 5.1. All temporary accommodation secured by the Council will be subject to a 'fitness' check. This would include checks around the condition and safety of the accommodation, and the suitability of the landlord.
- 5.2. The Council generally looks to avoid using temporary accommodation out of the area or placing families into bed and breakfast accommodation wherever reasonably practicable, but there will be occasions where it is not reasonably practicable and such placements are necessary. The factors below should be considered when such decisions are made.
- 5.3. Assessments of the suitability of temporary accommodation are made based on the individual circumstances relating to any given applicant and their household. Assessments consider the applicability and significance of any of the below factors, as well as the competing demands for accommodation and the availability of accommodation at that time. The assessment is a composite one.

5.3.1. Overcrowding

- 5.3.1.1. The size of any accommodation offered, and the number of bedrooms present will be relevant considerations. High demand for temporary accommodation and a shortage of available accommodation means it would not be unusual for homeless households to be accommodated in accommodation with fewer bedrooms that might be required on a permanent basis.

5.3.2. Affordability

- 5.3.2.1. Any temporary accommodation provided should be affordable for the applicant. Affordability is determined by the Council, in consultation with the customer.

5.3.3. Location

- 5.3.3.1. Wherever reasonably practicable, temporary accommodation will be provided in Portsmouth. It is recognised that the location of accommodation can be key; any accommodation provided out of the area will be as close to Portsmouth as can be found.
- 5.3.3.2. Account will be taken of any disruption to employment that would be caused by the location of the temporary accommodation.
- 5.3.3.3. Account will be taken of any disruption to education that would be caused by the location of the temporary accommodation, which includes but is not limited to the particular impact that might be felt around exam times. Account will also be taken of the need to promote and safeguard children more generally. This includes consideration of

the physical, mental and emotional wellbeing of children being placed in temporary accommodation.

5.3.3.4. Account will be taken of any disruption to caring responsibilities that would be caused by the location of the temporary accommodation.

5.3.3.5. Account will be taken of the proximity and accessibility of any accommodation to medical facilities essential for wellbeing, and to transport, amenities and local services.

5.3.3.6. Pets are not to be permitted in some temporary accommodation. The Council will consider the welfare of animals when placing applicants in temporary accommodation and will offer solutions on a case by case basis. For example this may include the provision of kennels to house dogs.

5.3.3.7. Any temporary accommodation provided out of the area in performance of the 'main housing duty' is likely to be for a very limited time until accommodation is found in Portsmouth. It would not usually be necessary, for example, for children to have to move school. Housing Needs, Advice & Support department will liaise with the education department to ensure children are able to get to school.

5.3.4. Health and support needs

5.3.4.1. Any health needs of the applicant or a member of their household should be taken into account when considering the suitability of any temporary accommodation. Any likely impact of the accommodation on those health needs would be relevant factors.

5.3.4.2. Any support needs identified as part of the housing assessment would also be relevant considerations, including what the impact would be of any existing support being removed.

5.3.4.3. Any information provided from health professionals, social care departments and other agencies will be considered.

5.3.5. Expected length of occupation

5.3.5.1. The length of time any temporary accommodation is likely to be occupied is a relevant consideration. Accommodation that might not be considered reasonable to occupy indefinitely or for a number of years, may well be considered suitable for a number of days or weeks.

5.3.6. Prevailing conditions

5.3.6.1. Account will also be taken of the following considerations.

- The prevailing housing conditions in Portsmouth and the surrounding area;

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- The resources available to the Council;
- Any general or acute difficulties in sourcing suitable accommodation locally;
- Competition for resources, including other households who require temporary accommodation and the severity of their needs.

5.3.7. The Public Sector Equality Duty

5.3.7.1. The Council will consider whether the applicant has any relevant protected characteristics as per the Equality Act 2010, the extent of them, and what their likely effect would be in relation to any proposed temporary accommodation.

5.3.8. Any other special reasons

5.3.8.1. Consideration will be given to any other special circumstances that apply to any given applicant or their household.

6. Challenges to the suitability of temporary accommodation

- 6.1. The Council always aims to offer suitable accommodation to the applicant at the first time of offer. Applicants who have any reservations about the suitability of accommodation being offered should initially discuss the matter with the officer managing their homeless application.
- 6.2. There is no statutory right to review the suitability of accommodation provided under the interim duty. If an applicant refuses a suitable offer of such accommodation they may not be owed any further accommodation duty.
- 6.3. The suitability of accommodation provided in performance of the main housing duty is subject to a statutory right to review. Applicants owed such a duty are advised in writing of this right and how to exercise it. If an applicant refuses a suitable offer of such accommodation they may not be owed any further accommodation duty under this section.
- 6.4. All customers retain the right to make a formal complaint about the service they receive from the Council by following its formal complaints process.