

# Temporary Accommodation Policy

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## Introduction

Swale Borough Council (“the Council”) has a duty to provide interim accommodation (under s188 of the Housing Act 1996) and temporary accommodation (under s193 of the Housing Act 1996) (hereafter referred to as TA), for households who approach the Council as homeless and meet the criteria set out in the Housing Act 1996 Part VII, as amended by the Homelessness Act 2002.

This document sets out the council’s approach to the provision of TA and placements into both interim and TA, both in and out of the borough, including:

- Placements and prioritising households
- Refusals of TA and discharge of duty
- Charging for TA
- Pets
- Types of TA
- Monitoring and review

The policy accounts for the statutory requirements on local authorities in respect of the suitability of accommodation, including the Homelessness Suitability Order 2003, Suitability of Accommodation Orders, the Homelessness Code of Guidance, and any supplementary guidance. The policy also has regard to the ‘*Prevention of homelessness and provision of accommodation for 16- and 17-year-old young people who may be homeless and/or require accommodation*’ guidance which states that:

*“5.10 Children’s and housing services are reminded that bed and breakfast accommodation, including hotels and nightly let accommodation with shared facilities, is not considered suitable for any 16 or 17 year old.”*

As per section 208(1) of the Housing Act 1996, and chapters 16 and 17 of the Homelessness Code of Guidance, so far as reasonably practical, the Council seeks to accommodate homeless applicants within its Borough and always consider the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to an acute shortage of affordable housing, and TA locally, consideration needs to be

given to accommodation outside of the Borough to ensure homeless households can be suitably housed.

This policy has been written with due regard to the public sector Equality Duty (Section 149 of the Equality Act 2010). The need to safeguard and promote the welfare of adults at risk and children, as required by the 2014 Care Act and section 11 of the Children's Act 2004, has also been taken into consideration.

## Temporary accommodation: key principles

The Council owns a small number of homes for use as TA, including smaller 1 and 2-bedroom properties and a few larger 2 and 3-bedroom houses.

We also work in partnership with Southern Housing to provide several flats and houses across the borough to use as longer-term TA.

The council aims to ensure a supply of good-quality TA for homeless households by:

- Using existing and future council owned and housing association stock,
- Working with private providers to supply nightly paid properties,
- Working with supported housing providers to increase provision and develop pathways to both accessible and move on from supported housing provisions.

The Council will seek placements within the Swale Borough as far as reasonably practicable in line with legislation and statutory guidance (section 208 of the Housing Act 1996 (as amended)). However, as there is limited supply of accommodation within the Swale Borough to meet housing need, it may be necessary to secure accommodation outside of the Borough. In such cases, accommodation will be sought in neighbouring boroughs, but availability challenges could lead to placements in locations further away. The process of determining if a provision is reasonably practicable will balance consideration of costs as well as suitability in terms of property size, location, type, and the particular needs of homeless households.

Due to the limited supply of accommodation within the Swale borough and immediate neighbouring areas, the allocation of this accommodation will be prioritised for homeless households with the greatest need to be in, or close to, a particular location in line with priority categories detailed within this policy. 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 domestic abuse or violence within borough.

The suitability of accommodation is assessed for all offers of accommodation, in accordance with statutory requirement and Chapter 17 of the Homelessness Code of Guidance. Suitability will be considered on a case-by-case basis to ensure any TA offered is reasonable

and suitable for each household. Assessments are made in the context of the availability of accommodation and resources available.

The Council will make reasonable charges for the use and occupation of TA provided to homeless households to support the Council with the costs incurred by the provision of TA. Homeless households occupying TA can seek support towards the cost of the accommodation through a claim and award of Housing Benefit.

## Placements and prioritising households

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

Bed and breakfast accommodation and nightly let accommodation with shared facilities, is not considered suitable for any 16 or 17-year-old and the Council will work with Kent County Council to identify suitable TA options for homeless 16 or 17-year-olds, where no alternative arrangements can be made for them to stay temporarily with appropriate family or friends.

When deciding if a TA 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 considered:

- Location
- Size, condition, and facilities
- Health factors
- Education
- Employment
- Proximity to services
- Any special circumstances

Assessments for suitability of a TA placement will be completed on a case-by-case basis to ensure any TA offered is considered reasonable and suitable for the household involved, considering the circumstances of the individual or household and the resources available.

The Council will look to secure placements within the Swale Borough as far as reasonably practicable in line with legislation and statutory guidance. However, as there is limited supply of accommodation within the Swale Borough it may be necessary to secure accommodation outside of the Borough.

In determining priority for an in-borough placement, priority for such accommodation will be given to homeless households whose circumstances may include:

- i. Applicants with children on a Child Protection Plan, or with significantly high or complex welfare needs where support can only be provided by statutory agencies within the Swale borough.
- ii. Households with a dependent child with an Education Health Care plan who is receiving specialist education support within the Swale borough and where this cannot reasonably be transferred to another school.
- iii. Applicants with a diagnosed severe and enduring mental health issue who are receiving regular psychiatric treatment within the Swale borough and a transfer of care would severely impact on their wellbeing.
- iv. Applicants who have been continuously employed within the Swale borough for a period of at least one year,
- v. Those who have worked within the borough of Swale for under one year or less than 16 or more hours a week and who have no adequate means of transport.
- vi. Women on maternity leave from employment meeting the same criteria would also be considered.
- vii. Applicants who have a child within the household who are due to take public examinations within the current school year, e.g. GCSEs, 'A' Levels or equivalent.
- viii. Exceptional circumstances – where a household's circumstances are particularly complex or significant vulnerabilities exist, to be considered on a case-by-case basis.

The above categories are not listed in priority order, nor is this list exhaustive. It may be considered that, following a detailed assessment of the household's current circumstances and needs, they should qualify for an offer of accommodation within the Swale borough, or outside it.

Given the shortage of TA, it is inevitable that the Council will need to make decisions to prioritise the offer of particular TA within the Swale borough. The following circumstances will be considered by the Council when reaching decisions on prioritisation between households:

- Welfare and safeguarding of any children in the household
- Level of special educational need
- Risks posed by living in particular areas
- The permanency or flexibility of employment
- Access to transport, services, medical facilities, support, cultural or religious amenities
- Impact on caring responsibilities
- Affordability of the accommodation

Where accommodation is available within the Swale borough and no priority groups require this accommodation, all other households, subject to suitability and risk assessment, will be considered for this accommodation, although there may be circumstances where the Council considers 'holding back' TA within the borough to ensure that there is available provision for a homeless households falling within a priority category.

# Refusals of temporary accommodation and discharge of duty

Applicants provided with TA will be made one offer of suitable accommodation. There is no obligation to allow applicants to view accommodation before they accept it and only in exceptional circumstances would it be possible for an applicant to view a TA property before deciding on whether to accept the offer. An example of an exceptional circumstance may be where an Occupational Therapist is involved with a household and needs to check whether a property is suitable for specialist equipment.

For interim placements made under Section 188 of the Housing Act 1996, applicants do not have the right to request a review of the Council's decision about the suitability of an offer. Where an applicant refuses an offer of interim accommodation, in most cases the Council will discharge the interim accommodation duty. The Council will only consider making a further offer of interim accommodation in exceptional circumstances, for example, where an applicant has refused an offer of interim accommodation having made their own accommodation arrangements, which breaks down at a later date and the children are subject to child protection arrangements, or where the children have severe disabilities. In such cases, one further offer of interim accommodation may be made at the discretion of the Council.

Applicants accepted as homeless under Section 193 of the 1996 Act have a right of review of the suitability of their TA placement. An applicant is entitled to submit a review at any time during the occupation of TA, or prior to occupation once a formal offer is made. The Council acknowledges that an applicant's circumstances and needs may change over time, where TA which was originally suitable may no longer be considered suitable by the applicant.

The Council will undertake an initial soft review where suitability concerns are raised and if upheld, an alternative offer of TA will be made. If the suitability concerns are not upheld, the applicant will have the opportunity to request a formal review which will be carried out by a Review Officer.

Applicants have the right to accept an offer of TA and still seek a formal review. This position is encouraged for applicants who believe that an offer of TA is not suitable and are minded to refuse the offer. Where an applicant refuses an offer of TA due to suitability concerns which are not upheld by the soft review, the Council will discharge the main Section 193 duty, meaning no further offer of temporary or settled accommodation will be made.

The Council may end TA after informing the household if they are found to be non-priority or intentionally homeless, where it is accepted that the homeless applicant has 'deliberately and unreasonably refused to cooperate' with a step in the personalised housing plan, and/or the behaviour of the household results in the loss of the TA.

The household will be informed of the situation and the date that the placement will end so that they can make alternative arrangements. If there are children in the household the Council will notify Kent County Council's Children's Services for assistance under Section 17 Children Act 1989.

## Charging for Temporary Accommodation

The Council is entitled to charge households placed in TA for their use and occupation of the accommodation. Homeless households occupying TA can seek support towards the cost of the accommodation through a claim and award of Housing Benefit (HB). In most self-contained accommodation, households will also be responsible for paying for their own utility bills and council tax and there may be an eligible service charge to cover items such as communal heating, lighting, cleaning and grounds maintenance. There are some units of TA, where the Council pays for utility bills and in these circumstances the Council will re-charge the costs to the household by means of a non-eligible service charge.

If a household is not entitled to full HB, and/or has a personal non-eligible service charge, they will need to pay the difference between the charge for their TA and their HB entitlement from their earning or entitlement to welfare benefits, or for persons of a pensionable age, their state or private pension.

Households will be charged for TA according to their personal pay arrangements, with charges pro-rata for any incomplete weekly period of occupation. Households are required to provide 24 hours' notice to the Council to terminate their TA and households will continue to be liable for the charge for their occupation in cases where no notice has been given to the Council and the Council either remains liable for paying a private provider of nightly paid TA, or until the Council is satisfied that a household has ceased to occupy their TA placement and surrendered by operation of law.

The charge to the household for their use and occupation of TA is in accordance with the maximum HB payable as detailed in the subsidy rules for TA.

Broadly speaking this is either the one-bedroom January 2011 Local Housing Allowance (LHA) rate in which the property is located where the property is either a Bed and Breakfast (B&B), or is non-self-contained accommodation held on licence (e.g. paid for by the Council at a nightly rate), or 90% of the one-bedroom January 2011 LHA rate for non-self-contained TA which has been leased to the Council, or is self-contained accommodation held on licence or leased to the Council.

For TA owned by the Council, as a non-stocking holding authority without a Housing Revenue Account, the maximum weekly HB subsidy amounts are equal to the level of rent charged. The charge to households occupying TA stock owned directly by the Council is the

current LHA level. As the Council only owns stock within the Swale area the rents set from April 2024 are as follows:

Number of Bedrooms	Weekly charge for TA (Sittingbourne & Sheppey)	Weekly charge for TA (Faversham)
Shared Room rate	£94.36	£97.81
One	£155.34	£155.34
Two	£195.62	£205.97
Three	£216.33	£253.15
Four	£299.18	£302.63

The LHA rate charged is considered a reasonable rent and is reflective of the additional ongoing costs incurred by the Council to manage and maintain this stock, including responsibilities for responsive and planned maintenance and repairs, insurance, and cyclical works.

#### Eligible and ineligible service charges

For some of the TA stock owned by the Council, there may be both an eligible and ineligible service charge payable in addition to the base charge.

Eligible service charges are those charges relating to the provision of the accommodation, usually relating to service in communal areas, such as cleaning, lighting, heating, laundry facilities and grounds maintenance. Ineligible services charges relate to non-communal daily living expenses, such as personal use of water, lighting, heating.

The Council will apply eligible and ineligible service charges to TA stock owned by the Council, where such services are provided.

## **Pets in temporary accommodation**

The Council do not have a duty to accommodate pets and are usually not able to accommodate pets within TA.

Applicants will need to make alternative arrangements for any pets whilst they are in TA.

The Council can help place dogs and cats in kennels and catteries, and applicants will be liable for the cost of accommodating pets and making sure any arrangements are in place to ensure the pets are accepted, for example vaccinations are up to date.

There is no provision for accommodating non-domestic pets, but support will be provided to access appropriate re-homing options.

## **Types of Temporary accommodation**

The Council uses the following options to provide sufficient TA in a mix of sizes and types, to meet housing need:

- use of B&B and commercial hotels as emergency short-term options,
- nightly paid provision of self-contained properties and those with shared facilities,
- block booking arrangements (short term and longer term),
- Registered Provider hostel,
- Register Provider housing stock,
- TA stock owned by the Council,

A procurement exercise was carried out in 2022-23 with the Council going out to tender for interested private suppliers to provide nightly paid accommodation. A decision was made to cancel the tender, as none of the tenderer submissions met the required specification. Future procurement options will be reviewed on an on-going basis.

All TA units need to comply with the Council's minimum TA property standards and, where appropriate, management standards, in line with statutory legislative requirements.

Accommodation and compliance will be checked by the Council's TA team including carrying out property inspections and checking relevant records.

## Monitoring and Review

The Council continuously monitors the number of households in TA to help ensure that budgetary pressures can be managed and reported upon, and that data regarding housing needs can be used to procure appropriate TA and other affordable housing options.

This policy will be reviewed annually, or sooner if required by changes in legislation or relevant case law or following any changes to Housing Benefit subsidy rules for TA.