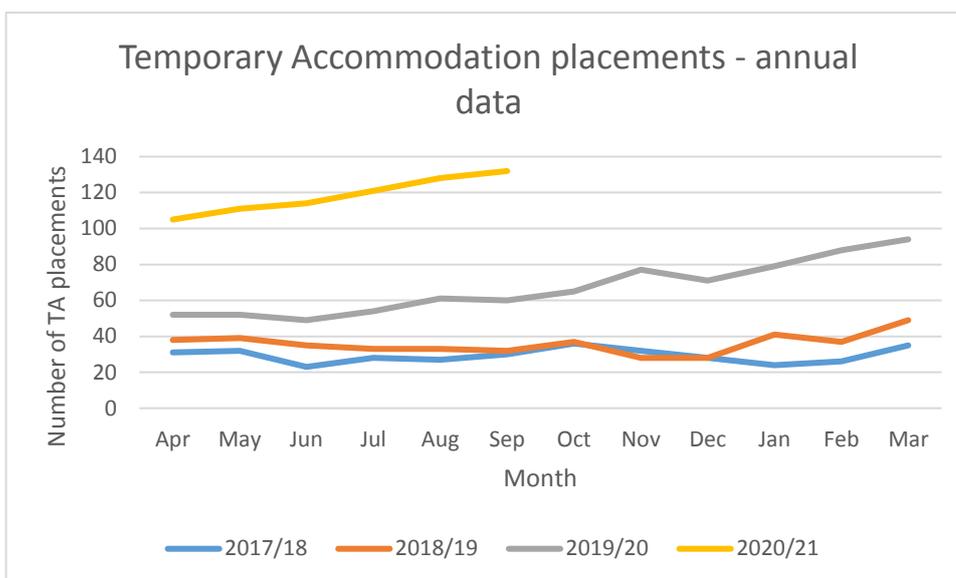


Temporary Accommodation Policy

Version 1
[date approved]

1.0 Background

- 1.1 Tonbridge and Malling Borough Council (TMBC) has a duty to provide interim accommodation (under s188 of the Housing Act 1996) or 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.
- 1.2 There is a national trend in terms of increasing use of TA. Shelter have reported that local authorities in England spent £1.1 billion on TA in 2018/19 and this figure has increased by 78% over the last five years. Over the same period, the number of households accommodated in TA increased by 45%. The burden on councils and their budgets continues to increase.
- 1.3 The West Kent Housing and Homelessness Strategy states high demand for affordable rented accommodation from homeless households has led to increased use of temporary accommodation, with use increasing by a third since 2011 across the three authorities and costs more than doubling to £354,000 in 2014/15. The Strategy acknowledges the challenge to source an adequate supply of appropriate TA for the increasing numbers of homeless households.
- 1.4 The reasons for increased homelessness and consequent increase use of TA are complex. Limited supply of affordable housing options, welfare reform and high value area of TMBC combine to mean it is increasingly challenging for households to find affordable housing solutions.
- 1.5 The number of households in TA has increased over the last few years, from an average of 29 in 2017/18 to 67 in 2019/20 and 119 for the first half of 2020/21. The table below shows this increase from 2017/18 to the current financial year.



See [Appendix B](#) for supporting dataset on numbers of TA placements over time.

- 1.6 The average length of stay by current placement is 145 nights¹.

2.0 Introduction

- 2.1 This Policy applies to TA provision for interim placements made under section 188 of the Housing Act 1996 (as amended), and longer term placements for households accepted as homeless under section 193 of the same Act.
- 2.2 This Policy outlines TMBC's approach to TA provision, including:
- Placements and prioritising households
 - Accommodation costs and charging households
 - TA procurement to secure provision.
- 2.3 This Policy has taken into account the public sector Equality Duty (Section 149 of the Equality Act 2010). The need to safeguard and promote the welfare of vulnerable adults and children as required by the 2014 Care Act and section 11 of the Children's Act 2004 has also been taken into consideration.

3.0 Temporary Accommodation placements: key principles

- 3.1 The Council will seek placements within the Tonbridge and Malling 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 Tonbridge and Malling Borough to meet housing need it will be necessary to secure accommodation outside of the Borough. In such cases, accommodation will be sought in nearby areas, but availability could lead to placements there are further afield. The process of determining if a provision is reasonably practicable will balance consideration of costs as well as suitability in terms of property size and type.

¹ As at October 2020.

- 3.2 Whenever an applicant is accommodated out of the Borough, officers will look for alternative TA within borough as soon as possible.
- 3.3 Due to the limited supply of accommodation in Borough and immediate neighbouring areas 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 the Bands set out in 4.0. 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 within borough.
- 3.4 The suitability of accommodation is assessed for all offers of accommodation, with consideration given to Chapter 17 of the Homelessness Code of Guidance for Local Authorities. 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.

4.0 **Prioritisation, suitability and availability**

- 4.1 The TA offered to a household will be informed by three key factors:
- households priority (in relation to the bands and guidance in Appendix A)
 - suitability
 - availability.
- 4.2 TA will be banded into areas as follows:
Band 1: Tonbridge and Malling Borough
Band 2: Neighbouring local authority areas
Band 3: Other areas, beyond those in Band 2.
- 4.3 Households will be prioritised for TA provision as outlined in the guidance notes in [Appendix A](#). TA placements and offers will also be informed by availability of accommodation and suitability considerations.
- 4.4 Banding in a priority category does not guarantee a placement in the relevant area and is subject to suitable accommodation being available. Households will need to provide documentary evidence that they fall within a priority category.
- 4.5 In cases where Officers are looking to move a household in to borough from a placement outside Tonbridge and Malling, if there are several households with equal prioritisation under the banding guidance length of time in the out of borough placement will be used to finalise priority, i.e. a household who has been placed out of borough longest will be prioritised for a suitable property. There may be exceptions to this, for example, if a household is at risk in their TA, or the Police or other agency such as probation request an applicant is moved.
- 4.6 A suitability assessment is carried out for each household to consider their individual needs, requirements and potential risks to decide if a potential placement/offer

would be suitable using the Vulnerability and suitability of accommodation assessment Form. The assessment includes consideration of:

- Any identified health or mobility issues, care or support provided by agencies or the need to access specialist medical services
 - Any specific requirement for welfare or personal safety reasons, such as households fleeing domestic violence or victims of harassment
 - Any potential risks an applicant or member of their household may pose to existing residents or members of the public. This may include taking account of any arrangements or restrictions they are subject to, such as MAPPA (Multi-agency public protection arrangements), ViSOR (Violent and sex offender register), exclusion zones and bail or licence conditions. Officers will seek guidance from relevant agencies such as probation services and the police in these cases.
- 4.7 A financial assessment will be used to consider the financial circumstances of households and their ability to pay the relevant charges for the accommodation. Officers will review the financial assessment when they are informed of any material changes in a household's finances.
- 4.8 TMBC acknowledge the importance of pets to some applicants, and they will be taken into consideration when assessing suitability of a placement. It may not always be possible to make provision for pets. Households may need to find alternative accommodation for pets while they are in TA.
- 4.9 Suitability will be kept under review all the time a accommodation duty is owed; officers will assess and respond to any relevant changes in a household's circumstances they are made aware of.
- 4.10 Households will often be placed into accommodation that has fewer bedrooms than a household would be entitled to on a permanent basis.
- 4.11 Wherever possible households will be placed in accommodation that does not create conditions where they would be considered statutorily overcrowded. If this is not possible TMBC will move the household to more suitable alternative accommodation as soon as possible in agreement with the household.
- 4.12 TMBC are not responsible for providing parking in cases where households have a motor vehicle/s.
- 4.13 Accommodation provided may be furnished or unfurnished. Officers will liaise with households on a case by case basis about their requirements. However TMBC are not required to provide furnished accommodation.

5.0 Non self-contained placements (bed & breakfast and hotels)

- 5.1 Non self-contained accommodation, such as a hotel or bed and breakfast, may be used if there is no self-contained accommodation available. Officers will look to move a household to more suitable accommodation as soon as possible, and the time in non-self-contained accommodation would be less than six weeks in total for households with family commitments in line with the homelessness code of guidance. Any time the household has been in non-self-contained accommodation provided by another Local Authority will not be included in the total time.
- 5.2 Households with family commitments, i.e. dependent children or which include a pregnancy, will be provided with self-contained accommodation wherever possible.

6.0 Offers and refusals

- 6.1 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.
- 6.2 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.
- 6.3 Applicants accepted as homeless under Section 193 of the same Act have a right of review of TA placements. Reviews will be carried out by the Councils Independent Reviewer.
- 6.4 It is extremely unlikely that the following would be considered acceptable reasons for refusing an offer of TA (this is not an exhaustive list):
- condition of decoration or furniture (where applicable)
 - layout or type of accommodation (e.g. room, flat, house)
 - parking provision
 - lack of access to a garden.

7.0 Temporary accommodation charges

- 7.1 TMBC will agree the cost for provision directly with the TA provider. The Council will pay the provider and will require the customer to pay the Council for their accommodation (referred to as customer cost).
- 7.2 TMBC will work out the customer cost by using whichever is lowest of either relevant benefit amount or the cost to the Council in line with the Recharge Policy.

8.0 Temporary Accommodation procurement

8.1 Increasing need

- 8.1.1 It is anticipated there will be a continued and growing need for TA, as indicated by increased demand over recent years. The annual average number of placements in 2019/20 increased by 86% from the average in 2018/19, and over the four years

since 2017/18 there has been an increase of 310%. This is reflective of an increase in the number of homeless applications. Other influences such as the wider housing market and affordable housing supply will affect the need for TA, and predicting or forecasting need is difficult as it's informed and shaped by multiple socio and economic factors.

While levels may be fluctuating partly due to the COVID-19 response, annual increases indicate it is reasonable to anticipate a continued need at higher levels, reflective of an increase in homelessness applications. Based on monthly averages over the last 18 months² there is a need for 84 good quality TA units.

- 8.1.2 Rising homelessness levels across the South East and the increased demand for TA provision has led to an increasingly competitive TA market. Exploring all options to procure and secure good quality and reasonably priced TA is therefore a priority for the Council.
- 8.1.3 TMBC will seek to secure accommodation within borough and in areas close to the borough wherever it's reasonably practicable. In borough supply is currently limited and out of borough accommodation options will therefore need to be used. For out of Borough provision, local amenities and factors such as parking and public transport will be taken into consideration.

8.2 Procurement options

- 8.2.1 TMBC will use the following options to secure sufficient TA provision, in a mix of sizes and types, to meet anticipated need:
- a) Private provision
 - nightly paid provision of self-contained properties and those with shared facilities
 - block booking arrangements (short term and longer term). A procurement project is being carried out by Officers to agree a set amount of good quality accommodation with providers to increase certainty of availability and cost.
 - b) Council owned provision
 - option to purchase additional properties on the open market for use as TA
 - explore opportunities on a case by case basis subject to funding options.
 - c) Working with Registered Provider partners to access existing social housing stock for TA use.
 - d) Private sector leasing or agreements to exclusive use of properties (including Service Level Agreements).

² April 2019 – September 2020.

- 8.2.2 Nightly paid accommodation with private providers meets over half of the current TA demand. A procurement exercise for nightly paid private providers is intended to secure a set amount of units for use by TMBC at an agreed price.
- 8.2.3 Existing housing stock is currently used as TA in partnership with Clarion Housing (a Registered Provider). Officers will continue to work with Registered Providers to ensure best use of social housing stock including using it for TA provision where appropriate.
- 8.2.4 TMBC currently own and manage six flats for TA. The purchase of additional properties completed in April 2020, with a conversion project planned for 2020-21 to provide an additional 12 self-contained units.

8.3 Standards and requirements

All TA units need to comply with minimum property standards and, where appropriate, management standards, in line with statutory legislative requirements. There may also be local adopted property standards that need to be met. Accommodation and compliance will be checked by TMBC's Accommodation Officers including carrying out property inspections and checking relevant records.

9.0 Monitoring and review

- 9.1 This Policy will be reviewed annually, or sooner if required by changes in legislation or relevant case law.
- 9.2 Minor changes, which make no significant difference to service provision, will be made to the document under delegated authority by the Director of Planning, Environmental Health and Housing in consultation with the Cabinet Member for Housing.

Appendix A – TA bands and prioritisation criteria guidance

TA accommodation band	Prioritisation guidance
<p>Band 1 Tonbridge and Malling Borough</p>	<p>Accommodation in this band will be prioritised for households:</p> <ul style="list-style-type: none"> • where at least one member has a severe long-term health condition or impairment that requires specialist intensive medical treatment/ aftercare which is either a) only available in Tonbridge & Malling Borough or b) where a transfer of care would cause harm or create risk to their safety or the sustainability of the treatment/care • where at least one member is receiving support through a commissioned care package or package of health care options provided in Tonbridge & Malling where a transfer of care would create serious risk to their safety or sustainability of the care • where a child has an Education, Health and Care Plan, is receiving education or educational support in Tonbridge & Malling and a placement elsewhere would be seriously detrimental to their wellbeing • with a child where Social Services has demonstrated serious concerns about the child and is working with them intensively • where at least one person can demonstrate that (a) they have a longstanding arrangement (or if the arrangement has started more recently, it is likely to be longstanding) to provide high levels of care and support to another person in Tonbridge & Malling who is not part of the household and the cared for person would be likely to require statutory health and social support if the care ceased <i>and</i> (b) they would be unable to commute to fulfil their caring duties • where at least one person can demonstrate that (a) they have a longstanding arrangement (or if the arrangement has started more recently, it is likely to be longstanding) to receive high levels of long term care from another person in Tonbridge and Malling who is not part of the household and would be likely to require statutory health and social support if the care ceased <i>and</i> (b) the carer would be unable to commute to fulfil their caring duties. • 16/17 year olds where the housing authority accept the housing interim or TA under Part VII of the Housing Act duty.

Appendix A – TA bands and prioritisation criteria guidance

Band 2 Neighbouring local authorities: Maidstone, Medway, Tunbridge Wells and Sevenoaks	Accommodation in this band will be prioritised for households: <ul style="list-style-type: none">• with at least one child in their final year of Key Stage 4 (generally Year 11) or in Key Stage 5 (A-levels or equivalent Level 3 vocational courses, such as BTECs, or GCSE re-sits in English and Maths) at a school or further education college in the Tonbridge & Malling Borough• where the applicant or their partner is accepted by the council as being in employment and has been working continuously for a period of six months or more in Tonbridge & Malling, with a written contract of employment (permanent or temporary) which requires at least 16 hours a week.
Band 3 All other areas, outside Band 2	All other households not captured in the priority considerations for Band 1 or 2.

NB: Banding in a priority category does not guarantee a placement in the relevant area. Placements and offers will also be subject to availability of accommodation on the day of placement and suitability considerations.

Appendix B – Temporary Accommodation placements data

Table A: Monthly snapshot of TA placements over time

TA placements, monthly and by financial year				
	2017/18	2018/19	2019/20	2020/21
Apr	31	38	52	105
May	32	39	52	111
Jun	23	35	49	114
Jul	28	33	54	121
Aug	27	33	61	128
Sep	30	32	60	132
Oct	36	37	65	
Nov	32	28	77	
Dec	28	28	71	
Jan	24	41	79	
Feb	26	37	88	
Mar	35	49	94	
Annual average	29	36	67	119

Table B: Monthly snapshot of TA placements over time graph

