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# Temporary accommodation out of area placement policy

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## 1. Introduction

- 1.1. This document sets out Elmbridge Borough Council's policy on how homeless households will be prioritised for temporary accommodation when there is no temporary accommodation available in Elmbridge. The policy applies to all households placed in temporary accommodation under section 188 and section 193 duties of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017.
- 1.2. We will always try to accommodate homeless households within the borough boundary wherever possible. If we do place a household outside of Elmbridge we will move them back into the borough as soon as we can. Any accommodation secured must be suitable having regard to all members of the household who reside with the applicant or who might reasonably be expected to reside with them.
- 1.3. The council has a legal duty to assist certain categories of households with accommodation under homelessness legislation as referred to above. In formulating this out of borough placement policy and in determining suitability, we have taken into account the following:
  - The Equality Act 2010
  - Children Act 2004 s11 (to safeguard and promote the welfare of children).
  - Relevant case law
  - The Homelessness Code of Guidance (MHCLG 2018)
  - Relevant provisions of the Housing Act 1996 (as amended)
  - Homelessness (Suitability of Accommodation) Orders 1996 & 2012
- 1.4. This policy sets out the matters taken into account in determining if the accommodation to be secured is suitable and the factors that are considered in reaching this decision and how a decision is reached on relative priority between applicants. This will take into account the information obtained during consideration of any homelessness application, Personal Housing Plan and Housing Register application where relevant with additional enquiries being made where necessary to determine what is considered to be suitable accommodation for each applicant.

## 2. The Temporary Accommodation Out of Area Policy

- 2.1. Before offering temporary accommodation outside of Elmbridge we must determine whether the accommodation is suitable and in doing so it must take into account the location of the accommodation. Accommodation that may be suitable for a short period to discharge interim duties may not necessarily be suitable for a longer period.

- 2.2. In reaching the decision on suitability the following matters will need to be taken into account in consideration of the accommodation that may be offered.
- Where the accommodation is outside the borough – the distance from Elmbridge to the property to be offered.
  - The significance of any disruption caused by location of the accommodation on the employment, caring responsibilities and education of the household.
  - Proximity and accessibility of the accommodation to medical facilities and other support that are currently used or provided to a member of the household or is essential to their wellbeing.
  - Proximity and accessibility to any local services, amenities and transport.
- 2.3. In addition to the location of accommodation the physical condition of a property needs to be considered, as does overcrowding and affordability of the accommodation as provided for under the Homelessness (Suitability of Accommodation) Order 1996.

### Procurement of accommodation and when an out of area placement may be considered

- 2.4. The starting point is that no household should be placed out of borough including for interim duties if there is any suitable and available accommodation that has not been pre-allocated within Elmbridge.
- 2.5. There might be specific circumstances where we seek accommodation outside of the borough but this is limited to cases where there may be a risk of violence/ domestic abuse or at the applicant's specific request.

### Emergency Temporary Accommodation – Nightly paid

- 2.6. We plan to avoid emergency placements into bed and breakfast with shared facilities or into nightly paid self-contained accommodation wherever possible and this accommodation is mainly outside of Elmbridge.
- 2.7. If the temporary placement has shared facilities with other households such as a bathroom and kitchen it is to be used as a last resort and no applicant who has dependant children or is pregnant should stay in this type of accommodation i.e. shared facilities for more than 6 weeks. This excludes accommodation owned and managed by the Council, a private registered provider or voluntary organisation. Accommodation that may be suitable for a short period to discharge interim duties may not necessarily be suitable for a longer period.
- 2.8. We are reliant on the vacancies available on the date of placement. If we need to make a bed and breakfast placement we will move an applicant back to Elmbridge as soon as we can to temporary accommodation in Borough being mainly self-contained flats owned and managed by Registered Providers. Single person households may sometimes be offered a room in shared accommodation within Elmbridge also with a Registered Provider, often with support being provided.

### 3. Decision process to be followed regarding potential out of area placement and the factors considered in the allocation of accommodation out Borough

3.1. If there is no available accommodation within Elmbridge at the time of placement the following will be taken into account in determining the priority to place out of borough and if so where and in considering whether this would constitute suitable accommodation. There are three categories against which applicants will be assessed in order of priority being.

- Overriding priority
- Priority 1
- Priority 2

3.2. We aim to keep households who fall within the overriding priority category below within Elmbridge including for interim accommodation wherever possible, but this is subject to suitable vacancies being available at the time. Should they need to be placed outside of Elmbridge they will be prioritised to be accommodated within the borough as soon as possible.

#### i) In-borough priority – Overriding priority cases

3.3. Households who meet the criteria a) to i) below will be considered to have an overriding need and will be considered for any in-borough placement before any household who are within priority categories 1 and 2. Overriding priority means we would not consider the applicant in principle for an out of area placement as we believe they have a need to be housed in Elmbridge. Should a household within the overriding priority categories below be placed out Borough they will be prioritised to be urgently placed back in Borough when a suitable placement becomes available.

3.4. The households who have an overriding priority for housing within Elmbridge are those where the household contains:

- a) Child/ ren under a Child protection Plan in Elmbridge
- b) An adult subject to safeguarding concerns
- c) Children who attend special schools in Elmbridge or are statemented and where any transfer may cause, on the Council's assessment, detriment.
- d) A member of the household is receiving treatment for a significant / serious physical health condition from a specialist hospital unit which can't be transferred.
- e) A member of the household has a severe and enduring mental health issue or addiction and are receiving or will receive treatment in the community which can't be delivered elsewhere.
- f) A member of the household acts as a formal carer for another family member within Elmbridge providing regular and significant care including personal care and support
- g) Employment in Borough working anti-social hours where they otherwise would not reasonably be able to continue in that employment.

- h) Children who are in education and are in their final GCSE / A Level year (dependent upon the location of the school and placement location)
- i) Applicants who are in the very late stages of pregnancy particularly single parents and would not have access to any support in the location of the accommodation

3.5. The only exception to the above may be where a household includes dependent children or a pregnant woman who would otherwise be in shared accommodation bed and breakfast accommodation in excess of 6 weeks, the maximum period set out by the Secretary of State. If there is a need to determine between cases with overriding priority consideration will normally be given to applicants falling within categories a), b), and d) where there may be serious concerns as to risk of injury and category i). Each case will be considered on its merits and regard will also be given will be given to the size and type of accommodation becoming or being available within Elmbridge.

## ii) Out of Area Placement – general comment for applicants falling into priority categories 1 and 2 definitions

3.6. If we need to place out of borough this will normally be made at the nearest and most convenient location for the applicant wherever possible having regard to points a) to f) below dependent upon available vacancies. The priority given to place initially or to move back in borough will be based on firstly overriding priority followed by Priority 1 and then Priority 2 cases.

## iii) Priority 1 cases

3.7. Any accommodation secured for an applicant outside of Elmbridge but within the timeframes below will be considered as suitable.

3.8. However to meet the council's priority to accommodate all homeless households within Elmbridge (unless this is at the applicant's request or due to risk of domestic abuse/violence, for example) if an applicant is placed out of Borough in temporary accommodation and the time frames below are exceeded they are to be prioritised for a move back in Borough or nearer to Elmbridge, after any overriding priority cases (should there be any).

3.9. If a private sector tenancy is being considered and it is not in Elmbridge it will not be regarded as suitable accommodation if the timeframes below are exceeded unless this is at the specific request of the applicant or there are issues of domestic abuse/violence in Elmbridge or surrounding areas.

## iv) Factors to consider

- a) The distance of the property under consideration between the Borough boundary and the property – this will be measured in miles by officers. We will consider travelling time between Elmbridge and the out of area placement taking into account if the applicant has their own transport as well as travelling time by public transport.
- b) We also will consider disruption to employment. The time taken to reach the normal place of employment and working pattern. For category 1 cases the should not exceed 90 minutes travelling distance.

- c) Significant or long-term caring responsibilities on a regular basis and the impact of withdrawal. Travel time will need to be looked at on a case by case basis taking into account how often the care is provided and time taken to travel to give or receive the support. In any case if the responsibility involves attendance at least twice a week the travel time should not exceed 90 minutes travelling time for attendance the property.
- d) Potential disruption to children regarding educational needs. We will have regard to minimising disruption to children's education more generally other than the GCSE and A level years. If alternative schooling can't be easily arranged travelling time should not exceed 75 minutes travelling time for those in secondary school or 60 minutes for younger children
- e) Medical and other support provided at present on a regular and ongoing basis and the impact on health and wellbeing if it is withdrawn.
- f) Significant social isolation – consideration to be given to issues such as disability, faith etc

#### v) Priority 2 cases – considered after overriding and priority 1 cases

- 3.10. If an applicant does not fall within an overriding priority or priority 1 case, they will be determined as a category 2 case and have less priority than overriding and priority 1 cases for placements within or near to Elmbridge.
- 3.11. If an applicant is a priority 2 case, placed out of borough in temporary accommodation and the time frame for travel exceeds 2 hours this will not be deemed suitable accommodation and arrangements will be made to secure alternative accommodation nearer to or in Elmbridge as soon as possible.
- 3.12. No private sector property secured under the main homelessness duty where travel time exceeds 2 hours will be considered suitable unless the location is at the specific request of the applicant.

## 4. Consideration of the offer

- 4.1. If a bed and breakfast / nightly paid accommodation is offered in an emergency, applicants need to confirm acceptance on the day.
- 4.2. If the accommodation is made to discharge a main S193 duty, an applicant will normally be given up to 5 days to accept a property.

## 5. Right to request a review

- 5.1. If having considered the offer an applicant wants to refuse the accommodation they can exercise a Right to Review as to the suitability of the accommodation offered. The Right to Request a review does not apply to interim accommodation.

## 6. Review of policy

6.1. The policy will be reviewed at least every two years. The first review of the policy will take place no later than January 2022.