

## **Appendix 1 - Temporary Accommodation Protocol – Draft**

### **1. Introduction**

The Council has a number of 'statutory duties' and 'powers' to provide Temporary Accommodation as emergency housing for homeless households. There are 5 main occasions when accommodation is provided:

- 1.1. From the initial point of contact of a homeless household until a decision has been made either initially on eligibility and homelessness, or at sometime within the 56 days relief period for priority if the decision is 'not in priority need' and for at least 56 days for other cases (including the intentionally homeless). This encompasses s188 of the Housing Act 1996 (the Act) and could include cases with a likely priority need pending referral to another Council.
- 1.2. For a limited period of time following a finding that whilst a household is eligible, homeless and in priority need they are intentionally homeless and therefore not owed the main homeless duty (s193 the Act). The duty here under s190(2) of the Act is likely to have followed 56 day's worth of accommodation under the 'relief' duty (see 1.1 above).
- 1.3. For those owed the main homeless duty following the expiration of the 'relief' duty (the main s193 duty) until the duty end, which has no fixed time limit.
- 1.4. For those pending certain reviews or appeal decisions. For both scenarios this is a power to accommodate rather than a duty (guided by case law and guidance), however on s204 appeals it would be unlikely that the Court would fail to order that accommodation be provided.
- 1.5. Severe weather provision, the power (not duty) to accommodate rough sleepers where 3 or more nights below zero degrees is forecast.

### **2. Households who are homeless from the Borough of Oadby & Wigston (6 out of 12 month residence cases)**

- 2.1. The Council aims to provide accommodation within Oadby & Wigston Borough and within the neighbouring areas of Leicester City, Markfield, Leicester Forest East, Narborough, Lubbethorpe (the latter being towns within the Blaby District and Hinckley & Bosworth Borough). At times it might be necessary to provide accommodation outside of Borough or the neighbouring areas. In these circumstances every effort will be made to source accommodation within Leicester and Leicestershire before deciding on placements in other counties or cities.
- 2.2. Staff will have liberty to consider the safety and location of temporary accommodation in relation to the applicants. Particular concern is to be given to the safety of applicants who are fleeing domestic abuse in the Borough but who wish to remain close to their current location. Consideration will be given of the views of professionals who have undertaken risk assessments.
- 2.3. Consideration will also be given to the travel issues associated with households with children in years 10 and 11 of school who are preparing to take GCSE exams.

2.4. Those accessing primary health care provisions such as GPs/health visitors and those who are under countywide secondary health provisions such as Community Mental Health Teams will be expected to live anywhere in Leicester or Leicestershire as these services can be provided or accessed in any location. The Council is assured that mechanisms are in place to ensure continuity of care regardless of location.

### **3. Households who are homeless (not 6 out of 12 month residence cases see below)**

3.1. To date it has not been possible to meet all the need for temporary accommodation within the Borough and the Council has to regularly utilise accommodation outside of the Borough. It is right and as such becomes the practice that those who have become homeless from accommodation in the Borough after at least 6 months residence immediately prior to their homelessness should be given preference where possible for temporary accommodation in the Borough. This is in an attempt to reduce the disruption to schooling for children, and to attempt to allow the applicant/s the potential to maintain employment, support networks and other community links.

3.2. This means that households with no local connection or where local connection is derived solely from previous residence (3 out of 5 years), close family connections or employment will not receive preference for temporary accommodation available in the Borough.

3.3. The Council aims to provide accommodation within Oadby & Wigston Borough and within the neighbouring areas of Leicester City, Markfield, Leicester Forest East, Narborough, Lubbethorpe (the latter being towns within the Blaby District and Hinckley & Bosworth Borough). At times it might be necessary to provide accommodation outside of Borough or the neighbouring areas. In these circumstances every effort will be made to source accommodation within Leicester and Leicestershire before deciding on placements in other counties or cities.

3.4. Staff will have liberty to consider the safety and location of temporary accommodation in relation to the applicants. Particular concern is to be given to the safety of applicants who are fleeing domestic abuse in the Borough but who wish to remain close to their current location. Consideration will be given of the views of professionals who have undertaken risk assessments. In relation to location, consideration will be given to the recent accommodation history of the household. Hence a household from Derby city not fleeing violence might be accommodated in Derby whilst a statutory s198(1A) referral takes place.

3.5. Those accessing primary health care provisions such as GPs/health visitors and those who are under countywide secondary health provisions such as Community Mental Health Teams will be expected to live anywhere in Leicester or Leicestershire as these services can be provided or accessed in any location. The Council is assured that mechanisms are in place to ensure continuity of care regardless of location.

### **4. Accommodation Type**

The type of accommodation provided, including its physical layout and number of sleeping rooms (if available) will depend on the composition of the household.

#### 4.1. **Hotels and Bed & Breakfast type establishments** (regardless of whether breakfast is actually provided).

This type of accommodation is not suitable for households with children or households with a pregnant person. In the event nothing else is available then it may be used in an emergency, for no longer than 6 weeks and the household should receive a letter saying that the accommodation is not suitable.

The Housing Manager must be informed of use as described above by the Senior Options Officer and a plan developed to move the household to more suitable accommodation.

The Code of Guidance says that this type of accommodation is not suitable for other types of household. Due regard is given to the Code however staff may use such accommodation for these other households in the absence of other accommodation to which the Council has immediate access to.

#### 4.2. **Hostel and supported accommodation**

The Council maintains a homeless hostel for families at Belmont House. This accommodation is let on a hostel licence and as such is interim or temporary accommodation and cannot constitute accommodation of the type which might be considered suitable for the discharge of the main homelessness duty.

At times the Council may purchase or lease a whole hotel and provide adequate cooking facilities. The exclusive use of such a premises would likely create accommodation akin to a hostel which would be treated practically the same as Belmont House above unless specifically licensed as a house in multiple occupation (HMO).

The Council maintains links with providers of supported accommodation. In some incidences supported accommodation might be treated as interim or temporary accommodation. However if there is a realistic prospect of 6 months or more accommodation then Officers might consider it as accommodation which leads to a fulfilment of main homelessness duties, a finding of 'not-homeless' or similar. Officers will have given due regard to the household's circumstances and to the nature of housing in the locality and further afield in Leicester.

#### 4.3. **Self-contained accommodation**

The Council may maintain a portfolio of self-contained accommodation units. This might include leased privately owned properties, properties temporarily extracted from main housing stock, properties purchased on a 'nightly' basis and short life modular and/or portable units.

Where a property is extracted from Council stock or is leased from it's owner then a non-secure tenancy will be offered with rent payable 52 weeks of each year.

Where a property is accessed on a 'nightly' basis then there will be only a licence to occupy.

The Council recognises that households, particularly those with children, will aspire to self-contained accommodation in preference to accommodation with shared facilities.

Please refer to the movement between accommodations for further details of how the Council decides on accommodation placements for households currently in temporary accommodation.

## **5. Costs**

All accommodation will come at a cost to the Council and it is the Council's policy to levy a reasonable charge to households being accommodated.

For households in self-contained accommodation on non-secure tenancies (these are privately leased properties and extracted Council properties offered on a non-secure tenancy) a weekly rental will be charged (for all 52 weeks of the year). All households will have to submit a Housing Benefit Claim for the cost of their accommodation.

For hotel, bed and breakfast and nightly spot purchased accommodation a daily charge (invoiced weekly) will be applied with an 85% discount applicable for those in receipt of Income Support, ESA or Universal Credit. All households will have to submit a Housing Benefit Claim for the cost of their accommodation.

For the hostel a weekly charge will be applied which is ineligible for help with housing costs (i.e. Housing Benefit) in addition to the main charge for use and occupation. All households will have to submit a Housing Benefit Claim for the cost of their accommodation.

The Council accepts that those working with a good income may consider certain types of temporary accommodation poor value. The Council is committed to assisting qualifying households to secure privately rented accommodation through its Homelessness Prevention Funds Policy.

## **6. Termination of accommodation**

The Council understands that living in any form of temporary accommodation can be stressful and the Council does not intend to add to the stress unnecessarily. However the Council's policy in relation to charges and behaviour is clear:

Non-payment of rent or charges (including failing to apply for Housing Benefit where applicable) will lead to one final warning followed by termination. Termination will impact on the Council's homelessness duties depending upon the stage of an application and can mean the main homelessness duty is ceased.

Breach of rules, tenancy conditions, conditions of licence and other conditions in relation to temporary accommodation will lead to termination of the accommodation. Minor breaches will usually warrant at least a final warning, serious breaches around violence, drugs and other criminal behaviours will likely lead to immediate termination. Termination will impact on the Council's homelessness duties depending upon the stage of an application and can mean the main homelessness duty is ceased.

## **7. Movement between accommodations**

Council staff will apply common sense in making decisions about transferring households. For instance someone with unpaid charges and who is under notice to terminate their accommodation will not be moved (until or unless those matters are resolved). Likewise

those a few days away from moving into a permanent home (including 6 month Assured Shorthold Tenancy's) will also not be moved unless there is no other alternative.

Moving households must be both necessary and cost effective. In addition single person or childless households will not be moved into accommodation designated for families (with the exception of later stage pregnancy).

Subject to sections 2 and 3 above households without current warnings in relation to behaviour and who are up-to-date with their charges (including rent) may be moved between different temporary accommodations. In general vacancies in the Borough will go to households for which section 2 applies.

Where an 'in borough' vacancy arises and there is no one under section 2 who is eligible then those for whom section 3 applies will be considered.

## **8. Hierarchy for moving**

The Council has to make difficult decisions in deciding which competing households should be offered available accommodation units, particularly where these arise in the Borough. The following guidance is used by Officers.

- 8.1. Preference is always for 'in borough' placements where available (unless a s198(1A) referral is likely or on safety grounds)
- 8.2. Section 2 (6 out of 12 month residence cases) households take precedence over section 3 (solely 3 out of 5 year, employment, exceptional and close family cases) households for moving to vacancies in the Borough (see sections 2 and 3 above).
- 8.3. The length of time outside the borough in temporary accommodation is used to determine the order for returning to the Borough subject to section 8.2 above.
- 8.4. Self-contained accommodation will not generally be provided to households lacking the necessary skills for independent living – hence cases in the hostel might not be moved to self-contained accommodation even if a vacancy became available.

The Senior Housing Options Officer will decide on the proposed household movements.

## **9. Moving costs**

- 9.1. Households offered temporary accommodation within the Borough are expected to make their own arrangements to travel and move into the accommodation.
- 9.2. Where a move is initiated by the Council between different hostel or self-contained accommodations (apart from moves within the same hostel) a grant of up to £100 will be available to reimburse reasonable moving costs including 'man and van', 'large taxi hire' and 'van hire'. The grant will be paid to the lead homelessness applicant only upon presentation of a written receipt outlining the service(s) provided – the receipt must include the name and business address of the company or sole trader involved.
- 9.3. Households offered accommodation outside of the Borough can request assistance in travelling to their accommodation. Staff will provide either a one way single taxi or a single train ticket from the South Wigston Train Station. Households being moved

between hotels can also ask for assistance, Housing Options staff will provide a one way single taxi trip. Bookings are made by staff and paid on account. Taxi fares cannot be reimbursed.

- 9.4. Households fleeing the area to a refuge may ask for assistance in other ways including help with petrol/ diesel if they own a car, coach travel (particularly useful in moves to Scotland), train travel and pre-booked taxi travel. Each case will be considered by the Senior Housing Options Officer.