

Temporary Accommodation Allocation Policy

Forms part of the Harrow Council Homelessness & Rough Sleeping Strategy 2019-2024

1. Introduction

The purpose of this Policy is to set out how the Council will fulfill its obligations under Part VII Housing Act 1996, as amended, to allocate accommodation and carry out its prevention and relief duties to eligible applicants. This accommodation will generally be procured under the Homelessness Accommodation Procurement Strategy, and excludes offers of accommodation under Part VI Housing Act 1996, as amended, which are allocated in accordance with the Council's Housing Allocation Scheme for Part VI Accommodation.

This Homelessness Accommodation Selection Policy supersedes the Temporary Accommodation Allocation Policy agreed at Cabinet in November 2015.

The Council is committed to securing and offering suitable accommodation locally as far as is practically reasonable but this may not always be possible due to availability, size, affordability and conflicting priorities.

The lack of affordable housing and impact of the on-going welfare reforms mean that it is challenging to procure sufficient affordable accommodation locally and some households will need to move out of Harrow or out of London.

2. Objectives

The objectives of the Homelessness Accommodation Selection Policy are to:

- a) Ensure that accommodation is allocated in a manner that takes into account the needs of each member of the household.
- b) Ensure that the allocation of accommodation promotes and safeguards the welfare of any children in the household.
- c) Ensure that the allocation of accommodation complies with the Housing Act 1996, as amended by HRA 2017 and any subsequent regulations made by the Secretary of State, and the Children Act 2004.
- d) Manage the expectations of applicants and the agencies supporting them and indicate to them in what areas the applicants are likely to be offered accommodation and what factors will be taken into account when decisions are made.

3. Responsibilities

The responsibility for the implementation of the Homelessness Accommodation Selection Policy is held by the Head of Housing Needs.

4. Regulatory/Legal framework

In its Judgment in *Nzolameso v City of Westminster* (2015) the Supreme Court stated that local authorities should ideally have, and keep up to date, policies for procuring sufficient temporary accommodation units to meet anticipated demand, and a policy for allocating these to individual homeless households. The Council's creation of a Homelessness Accommodation Selection Policy aims to meet this objective.

This Policy takes into account the Council's statutory obligations under the Housing Act 1996, as amended by the HRA 2017, the Children Act 2004 and the Homelessness Act 2002.

The Council aims to procure and allocate accommodation that meets the standards set out in the Homelessness (Suitability of Accommodation) (England) Order 2012 as amended by the HRA 2017 and meet the requirements of S149 of the Equalities Act 2010 which refers to the Public Sector Equality Duty placed on local authorities.

5. Policy

5.1 Allocation of accommodation

When allocating accommodation under this Policy:

- a) only available accommodation can be offered
- b) a bespoke procurement exercise will not normally be undertaken for each applicant
- c) offers will be made from the available accommodation supply that the Council is generally able to procure (this excludes social housing that is allocated in line with the Council's Housing Allocation Scheme for Part VI Accommodation)
- d) accommodation offered may be limited by the Council's resources provided for meeting homelessness and housing need and by the practical difficulties of procurement.

The Council aims to house all families locally. When this is not possible because of

insufficient supply of affordable accommodation locally, priority will be given as follows:

Priority for Local (Category A) Accommodation

- a) Families who have a child or children with particular educational needs that can only be met locally at their existing school or college, such as a child who is in key stages of education in years 11 or 13 (and in some cases years 10 and 12, depending on the curriculum) and due to take exams; or who have a Statement of Special Educational Needs (SEN) or Education Healthcare Plan (EHC Plan) that cannot be transferred or similar services obtained elsewhere; or who have other exceptional educational needs;
- b) Families where one or more family members are in employment and similar employment is not available in another area where they could be accommodated or who could not commute within a reasonable time and at an affordable cost to their existing employment from another area where they could be accommodated;
- c) Families where one or more family members have exceptional medical needs and are in receipt of a significant care package or specialist healthcare that cannot be obtained or transferred elsewhere;
- d) Families who have other special reasons to stay locally and are unable to travel back to the area as reasonably needed, such as significant care, welfare or social needs that require the family to remain in the area.

Local (category A) accommodation includes accommodation in Harrow and nearby in neighbouring boroughs of Watford, Barnet, Brent, Ealing, Hillingdon and Three Rivers.

Priority for Intermediate (category B) Accommodation

This includes accommodation located elsewhere in Greater London, and up to around 35 miles North West of Harrow or travelling time of up to about 1 hour 30minutes.

This accommodation will be prioritized for other households who can demonstrate a need for regular access to Harrow (or for Harrow residents to be able to regularly visit the applicants) but who do not have a priority for local category A accommodation.

Other (category C) accommodation outside London such as the Midlands

This is accommodation further away than that outlined above in categories A and B.

This accommodation will usually be provided to all other applicants without a priority for category A or B accommodation.

In line with the Children Act 2004 the needs of the children are considered. Generally, even if accommodation is located in a different area, if it is suitably sized self-contained affordable

accommodation it will promote the welfare of a child better than smaller accommodation that significantly reduces the family's resources.

Homeless Applicants will be notified in their Personalised Housing Plan which location (Category A, B or C) that they are likely to be offered if they are likely to be in priority need requiring accommodation. This is to ensure at the earliest opportunity an applicant understands what help may be available, so he/she can make appropriate decisions about their housing options. The category will be indicated in the Plan as part of the steps the Local authority will take and an applicant can therefore request a review of the category. The Plan itself is also periodically reviewed and may be updated, so the category included in the plan may change.

Offers of available self-contained accommodation (as identified in the Homelessness Accommodation Procurement Strategy) will be made to those homeless applicants with dependent children, and/or with a member of the household who is vulnerable, who are owed the prevention or relief duty; or are owed s.193 homelessness duty. Accommodation offered will often likely be of an assured shorthold tenancy in the private rented sector.

Unless there is a compelling reason to prioritise another applicant, this will usually be the order

of priority for those who are unlikely to be able to source their own accommodation:

1. Those who are in shared accommodation and are owed a duty under S193
2. Those who need to move because their current S193 accommodation is unsuitable
3. Those who have waited longest in shared B&B accommodation and would likely be assessed as unintentionally homeless
4. Those who will shortly become homeless, would need to be offered s188 accommodation, and would likely be assessed as unintentionally homeless
5. Those who have been accommodated under s193 duty and will shortly become unintentionally homeless from that accommodation
6. Other families in s193 accommodation in order to end their homelessness and the homelessness duty
7. Other families in s193 accommodation to make best use of the limited supply of accommodation that we have.

8. Other applicants to whom the council has a duty to offer accommodation; and if supply and

resources allow, accommodation may be offered to homeless applicants where an accommodation duty does not exist.

Offers of private rented accommodation will usually be made as a final offer during the relief duty and when we make such an offer to applicants in temporary accommodation under S193 duty it will be made as a private rented sector offer (PRSO).

Some assistance may also be given to families to secure accommodation they have found for

themselves and that they can afford (subject to it being suitable and at a reasonable cost that

the applicants can afford) in order to either prevent homelessness, or to move out of shared housing, or to end the homelessness duty.

Suitable Private Rented Sector Offers (PRSO pursuant to the Localism Act 2011) will be made to post 9th November 2012 homeless applicants accepted for s193 duty, depending upon what affordable accommodation is available. The making of such an offer ends the homelessness duty. Whilst there is such a low supply of social housing in Harrow it is likely that most post 9th November 2012 homeless applicants, to whom we owe the s193 statutory homeless duty, will eventually have that duty ended by a PRSO.

Even if local accommodation is available on a particular day, a family who does not have a high priority to remain locally may be offered accommodation out of the district, if it is likely that another family with a more urgent need to remain is likely to need that accommodation in

the near future.

5.2 Size of accommodation

The accommodation offered may be required to be occupied up to maximum capacity in line with Part X of the Housing Act 1985 and so may not have a separate living room.

5.3 Offer of accommodation

Accommodation will normally be offered for immediate occupation, and so there may not be an opportunity to view. Assistance may be provided with travel and resettlement, if needed.

5.4 Right to review

The suitability of accommodation offered can be reviewed if the applicant believes it is unsuitable. The request must be made within 21 days of being offered the accommodation. It is always recommended that the applicant moves into the accommodation and asks for a review once they are occupying it.

If an applicant refuses to accept a property that has been offered as a final offer under relief or s193 duty, once they have been warned of the consequence, this will usually result in homelessness duties ending and any current accommodation may be terminated. If the property offered is determined upon review, or by a decision of the court, not to be suitable then the homeless duty will be reinstated. The decision to end the homelessness duty can also be reviewed, if requested within 21 days of the decision.

5.5 Exceptions to this policy

In exceptional circumstances accommodation may be offered outside of the Homelessness Accommodation Selection Policy so that the Council does not fetter its discretion and to make best use of the affordable accommodation that is available.

Decisions on this will be made by one of following: Head of Housing Needs, Housing Needs Operations Manager, Senior Housing Needs Team Managers. The usual right to a review for decisions relating to homeless duties will apply.

6. Equality and diversity

An Equalities Impact Assessment has been completed on the Homelessness & Rough Sleeping Strategy (incorporating this Homelessness Accommodation Selection Policy), taking

into account the evidence base and the consultation outcomes.

7. Staff training

The responsibility for training staff on the Homelessness Accommodation Selection Policy is held by the Head of Housing Needs.

8. Publicity

The Homelessness Accommodation Selection Policy will be made available publicly.

9. Review

A review of this policy will take place within 5 years, or earlier should there be a significant change to the homelessness pressures in Harrow.