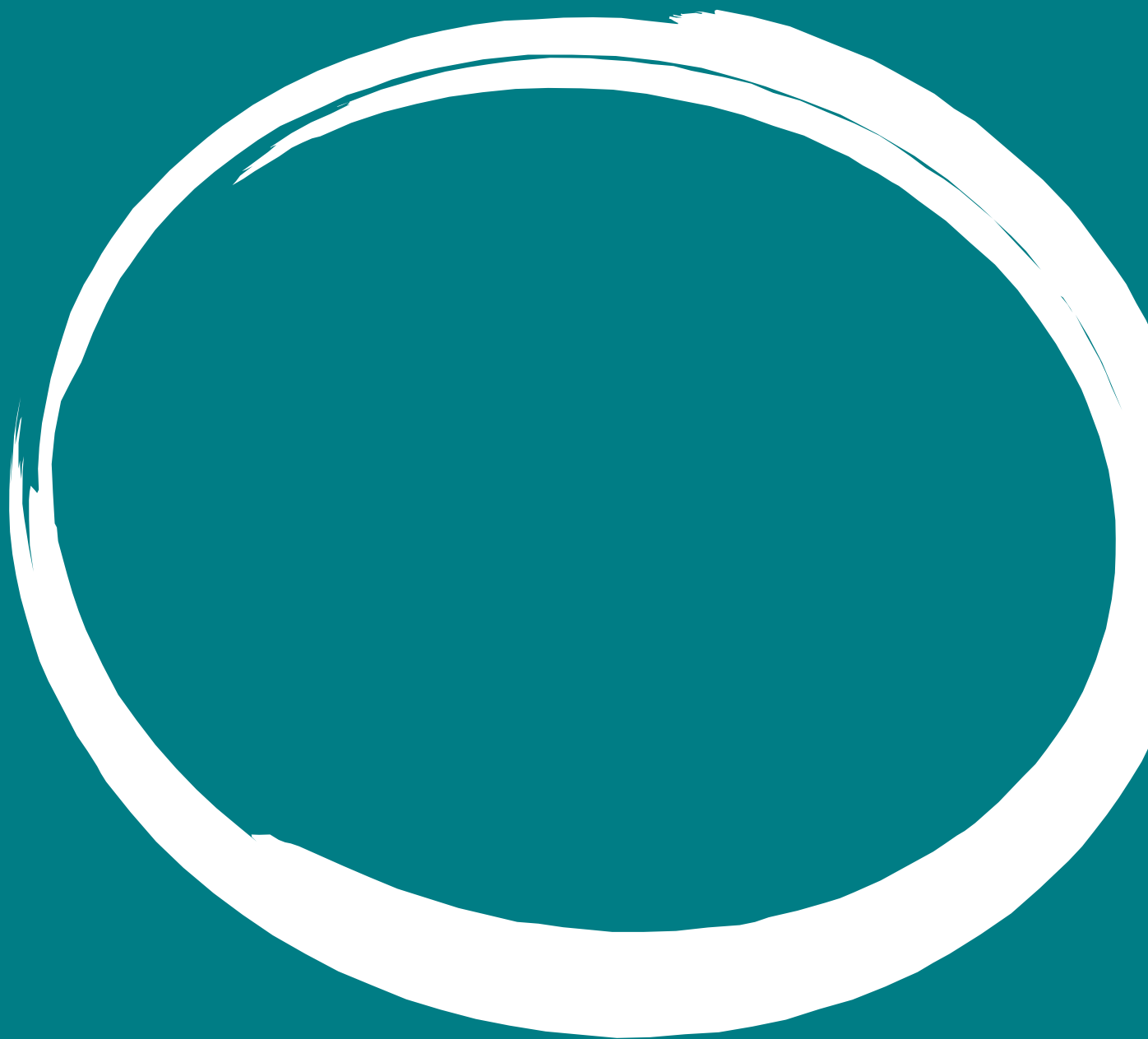


Draft Temporary Accommodation Placement Policy

2019



milton keynes council



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1. Introduction

- 1.1 This document sets out our approach to the placement of households in temporary accommodation both in and outside of Milton Keynes. It covers interim placements made under Section 188 (1) Housing Act 1996 (“HA96”) while homelessness enquiries are undertaken, and longer-term temporary accommodation placements for households accepted as homeless under Section 193 HA96.
- 1.2 The policy takes into account the statutory requirements on local authorities in respect of the suitability of accommodation, including the Suitability of Accommodation Orders, Chapter 17 of the Homelessness Code of Guidance 2018, It has also been formulated having regard to the need to safeguard and promote the welfare of children, as required by section 11 of the Children Act 2004.
- 1.3 As per section 208 of the Housing Act 1996, and paragraph 17 of the Homelessness Code of Guidance, so far as reasonably practicable, the Council seeks to accommodate homeless households in Milton Keynes and always considers the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to an acute shortage of affordable housing locally and rising rental costs, an increasing number of households are likely to be placed outside Milton Keynes as it will not be reasonably practicable to provide accommodation within Milton Keynes.
- 1.4 When determining whether it is reasonably practicable to secure accommodation in Milton Keynes, as opposed to simply what is reasonable, the cost of the accommodation is a relevant consideration given the intensive pressures on housing stock in Milton Keynes and a high demand for a range of suitable accommodation with a limited budget.
- 1.5 The Local Housing Allowance (LHA) is used to work out how much housing benefit a tenant will receive to pay their rent. LHA rates depend on who lives in the household, and the area they are making their claim in.
- 1.6 Due to the lack of supply of affordable, suitable temporary accommodation in Milton Keynes, it may be necessary to procure some units outside of Milton Keynes. Where possible, these units will be on the periphery of Milton Keynes, for example in neighbouring towns. However, at times of high demand and limited supply it may be necessary to secure units further away from Milton Keynes. Such units will only be procured when all other reasonable options have been exhausted. Prior to placing a household into such accommodation, an assessment will be undertaken to determine that the placement is affordable in cases where travel to employment is a factor.

1.8 This policy details how applicants will be prioritised for temporary accommodation in and outside of Milton Keynes.

2. Temporary Accommodation Offers and Refusals

- 2.1 Homeless applicants who are housed under the Council's interim duty to accommodate pursuant to Section 188 (1) HA96 may initially be placed into accommodation with shared facilities. Where this is non-Council owned accommodation, families will be moved to alternative accommodation within 6 weeks to comply with the legislation on B&B use.
- 2.3 There is no restriction on the length of time a household can spend in Council owned accommodation with shared facilities. It is also possible that families will be moved to nightly paid self-contained accommodation. This accommodation is increasingly likely to be outside of Milton Keynes. If the Council decides it has a duty to house the household, they may be moved to longer-term accommodation such as a Council owned hostel, Housing Association leased accommodation or other leased accommodation as soon as a suitable property becomes available.
- 2.4 Where the Council decides that applicants housed under Section 188 HA96 are not owed the main homelessness duty, they will be asked to leave following reasonable notice, after being notified of the decision, having regard to the need to safeguard and promote the welfare of any children in the family. The cessation of temporary accommodation will always be notified to Social Services in cases where there are dependent children.
- 2.5 Applicants will be given one offer of suitable interim or longer term temporary accommodation and they will be asked to accept it straight away. There is no obligation upon the Council to enable applicants to view the accommodation prior to acceptance. In making the offer, the household's individual circumstances will be considered, taking into account the factors set out in section 3 of this policy and the Council's criteria on outside of Milton Keynes placements.
- 2.6 If an applicant refuses an offer of temporary accommodation, they will be asked to provide their reasons for refusal and to sign confirming that they understand the consequences of the refusal. This applies to new applicants to whom the Council has an interim duty to accommodate under Section 188 HA96, as well as those being transferred to alternative temporary accommodation. The Council will consider the reasons given and undertake further enquires as necessary. If the Council accepts the reasons for refusal as valid, the offer will be withdrawn and a further offer will be made.

- 2.7 Where applicants refuse suitable emergency accommodation (which may include outside of Milton Keynes placements) and the Council does not accept their reasons for refusal, and considers that the offer is suitable, applicants will not be offered further accommodation and will be required to make their own arrangements.
- 2.8 There is no right of internal review against the suitability of accommodation offered to applicants under Section 188 HA96 (although applicants can apply for judicial review through the courts). For applicants where the Council has accepted a rehousing duty under Section 193 HA96, (s193 duty) there is a right to request an internal review of the suitability decision, pursuant to Section 202 HA96.
- 2.9 In cases where the applicant still refuses a suitable offer of accommodation, the homelessness duty will be discharged. If the applicant is resident in emergency accommodation, they will usually be asked to vacate the property and advised that no further assistance will be provided. If they are already in longer-term temporary accommodation not managed by the Council, the relevant housing provider will be advised that the duty has been discharged so that possession action can be taken.
- 2.10 Under section 188(2A), where an applicant refuses a final accommodation offer or a final Part 6 offer in the relief stage and requests a review under section 202(1)(h) of the housing authority's decision as to the suitability of the accommodation offered, the relief duty to the applicant continues to apply despite section 193A(2), and the housing authority must continue to provide interim accommodation for applicants in priority need until the decision on the review has been notified to the applicant.
- 2.11 Sections 188(3), 199A (6) and 200(5) give housing authorities powers to secure accommodation for certain applicants pending the decision on a review.
- 2.12 Where applicants, towards whom the Council has accepted a s193 duty, refuse a suitable offer and submit a review request, they will only continue to be accommodated during the review period in exceptional circumstances. Each case will be considered on an individual basis:
- 2.13 Housing authorities should consider the following, along with any other relevant factors:
- a. the merits of the applicant's case that the original decision was flawed and the extent to which it can properly be said that the decision was one which was either contrary to the apparent merits or was one which involved a very fine balance of judgment;
 - b. whether any new material, information or argument has been put to them which could alter the original decision; and,

- c. the personal circumstances of the applicant and the consequences to them of a decision not to exercise the discretion to accommodate.

3. Suitability of Accommodation

- 3.1 In offering temporary accommodation, the Council will consider the suitability of the offer, taking into account the following factors:
- 3.2 Location – if suitable affordable accommodation is available in its area, applicants will be housed in Milton Keynes, allowing them to maintain any established links with services and social/support networks. However, when there is a lack of suitable accommodation or there are higher priority households needing accommodation in Milton Keynes, outside of Milton Keynes placements will be used to meet the Council's housing duty (see Section 4). If no suitable accommodation is available in the Milton Keynes, attempts will be made to source accommodation local to Milton Keynes. If this is not available, the provision of accommodation further afield may have to be considered.
- 3.3 Size condition and facilities – accommodation must provide adequate space and room standards for the household and be fit to inhabit. Households in temporary accommodation will often be placed into units with 1 bedroom less than they would be entitled to on a permanent basis, with the expectation that the living room provides dual purpose as a living and sleeping area. In deciding on the fitness of the property, consideration should be given to the length of time needed to complete any necessary repairs and whether it is reasonable to complete these while the property is occupied. The quality of the decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden are extremely unlikely to be acceptable reasons for a refusal.
- 3.4 Health factors – the Council will consider health factors, such as ability to climb stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Milton Keynes. If the applicant or a member of the resident household is citing medical grounds that were not identified during the initial assessment, the applicant will be asked to submit medical information. The key test in determining the impact of medical issues is whether the condition itself makes the housing offered unsuitable. Problems such as depression, asthma, diabetes or back pain would not normally make a property unsuitable, as the problems would persist in any sort of accommodation. However, any medical problems will be reviewed in line with the Council's legislative duties.
- 3.5 Education - attendance at local schools will not be considered a reason to refuse accommodation, though some priority will be given to special educational needs and students who are close to taking public examinations in determining priority for placements in Milton Keynes (see Section 4).

- 3.6 Employment –the Council will consider the need of applicants, who are in paid employment, to reach their normal workplace from the accommodation that is secured. This will include having a regard to both travelling time and the costs associated with this travel (see Section 4).
- 3.7 Proximity to schools and Services - The Council will consider the proximity to schools, public transport, primary care services, and local services in the area in which the accommodation is located.
- 3.8 The need to safeguard and promote the welfare of any children in the household – insofar as not already identified, the Council will seek to identify any particular needs of the children in the household. It will have regard to the need to safeguard and promote their welfare in making decisions on whether the offer is suitable.
- 3.9 Any special circumstance - the Council will consider any other reasons put forward by the applicant and come to an overall view about whether the offer is suitable.

4. Prioritising placements inside/outside of Milton Keynes

- 4.1 As a number of applicants may be housed outside of Milton Keynes, it will be necessary to make decisions about the suitability of out of area placements and balance these against the type and location of temporary accommodation that can be offered.
- 4.2 Priority for accommodation within Milton Keynes will be given to households containing*-
- (a) a member that has a severe and enduring health condition requiring specialist medical treatment where a move from Milton Keynes would disrupt that treatment and continuity of care.
 - (b) a member that is in receipt of a significant range of health care options that cannot be easily transferred.
 - (c) a member that has a severe and enduring mental illness and are receiving psychiatric treatment/aftercare provided by community mental health services and have an established support network where a transfer of care would severely impact on their well-being.
 - (d) a child that has a Child Protection Plan in Milton Keynes and are linked to local services and where it is confirmed by social services that moving to another area would adversely impact on their welfare.
 - (e) a child with special educational needs who is receiving education or educational support in Milton Keynes, where change would be detrimental to their well-being.
 - (f) a member that has a longstanding arrangement to provide care and support to another family member in Milton Keynes who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.
 - (g) a member that has a formal arrangement to receive housing related or other support, including addiction help or recovery, and where a move from Milton Keynes would disrupt that support.
 - (h) a child that is enrolled in GCSE, AS or A level courses or post 16 vocational qualifications (for example, BTEC) in Milton Keynes with exams to be taken within the academic year.

* Whilst priority will be given to these placements, this is dependent on such accommodation being available.

- 4.3 Priority for placements within neighbouring boroughs will be given where -
- (a) an applicant or a member of their household works for more than 16 hours per week will not be placed more than one hour travelling distance by public transport from their place of employment. Consideration will also be given to the affordability of the travel arrangements needed to reach the place of employment. This will include women who are on maternity leave from employment.
 - (b) an applicant or a member of their household is in higher or adult education, vocational or professional training, a recognised apprenticeship, self-employed with a business predominantly in Milton Keynes.
 - (c) an applicant or a member of their household have a confirmed start date to commence employment in Milton Keynes or are enrolled in a Milton Keynes work readiness programme.
- 4.4 Applicants who meet none of the above criteria may be offered accommodation outside of Milton Keynes and the neighbouring areas.

5. Minimum Size Criteria

5.1 Accommodation must provide adequate space and room standards for the household and be fit for habitation. Households in temporary accommodation may be placed into accommodation with 1 bedroom less than they would be entitled to on a permanent basis, with the expectation that the living room provides dual purpose as a living and sleeping area. The following minimum size criteria will apply:

5.2 Studio accommodation –

- Single applicants
- Couples
- Lone parents with a child under the age of 12 months.

5.3 One bedroom accommodation –

- Lone parents or couples with 1 child over the age of 1 year (no upper age limit)
- Lone parents or couples with 2 children of the same sex (no upper age limit)
- Lone parents or couples with 2 children of opposite sexes where both children are under the age of 10 years.

5.4 Two bedroom accommodation –

- Lone parents or couples with 2 children of opposite sexes where one is over the age of 10 years.

5.5 Three bedroom accommodation –

- Lone parents or couples with between 3 and 6 children.

5.6 Four bedroom accommodation –

- Lone parents or couples with more than 6 children.

6. Prioritising moves between temporary accommodation.

6.1 Transfers between temporary accommodation will be prioritised in the following order -

1. Temporary accommodation found to be in serious disrepair that poses threat to life
2. Evidenced critical medical need e.g. temporary accommodation accessed by stairs and tenant unable to negotiate
3. From non-Council shared accommodation for families who have been in occupation for at least 5 weeks
4. Temporary accommodation found to be unsuitable following a review
5. From a PSL property at least 5 months beyond lease expiry date
6. Evidenced serious medical need
7. Temporary accommodation found to be in serious disrepair that cannot be rectified while the tenant is in situ
8. From expensive temporary accommodation to cheaper units
9. For overcrowding/under-occupation

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