



Temporary Accommodation Allocations Policy

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1. Introduction

- 1.1 Under the homelessness legislation housing authorities have various powers and duties to secure 'suitable' accommodation for homeless applicants, either on an interim basis to prevent or relieve homelessness, to meet the main housing duty or as a settled home. Chapter 17 of the Homelessness Code of Guidance¹ relates to how the suitability of interim of main housing duty accommodation is considered.
- 1.2 It is good practice to have a written policy on the procurement and allocation of temporary accommodation, as highlighted in case law – *Nzolameso v City of Westminster* April 2015
- 1.3 This document sets out Exeter City Council's approach to the placement of households it has identified as being owed a statutory duty of interim accommodation or accommodation provided to meet the main housing duty ("temporary accommodation") pursuant to part 7 of the Housing Act 1996 (as amended).
- 1.4 The Policy incorporates the statutory requirements on local authorities in respect of the suitability of accommodation and considers the current legislation and guidance. This policy will be amended to include future changes to legislation/guidance when necessary. It gives due regard to the safeguarding and promotion of the welfare of children in accordance with the Children Act 2004 and details how applicants will be prioritised for temporary accommodation in Exeter and out of the area.

2. Allocation of temporary accommodation

- 2.1 We will work to prevent homelessness and keep people in their homes wherever possible or assist them to find alternative accommodation prior to them becoming homeless. Where this is not possible and people become homeless, or are already homeless when they contact us, we will work together to relieve homelessness as soon as possible.
- 2.2 We will only use temporary accommodation where necessary and only for as short a period as possible.
- 2.3 The council seeks to accommodate homeless households within the district of Exeter and is committed to consider the suitability of this temporary accommodation in relation to the circumstances of the individual household.
- 2.4 All applicants will be assessed to establish the type and location of temporary accommodation which should be offered. The relevant officer will review the options available at the time and offer the most suitable accommodation.
- 2.5 Staff will complete a housing Needs Assessments, Temporary Accommodation Placement and Risk Assessment tab on the IT system to ensure placements are suitable and for effective record keeping.

¹ [Homelessness code of guidance for local authorities - Chapter 17: Suitability of accommodation - Guidance - GOV.UK](#)

3. Suitability of temporary accommodation

3.1 When offering temporary accommodation, the council will consider the suitability of the offer, considering the following factors:

- Location – if suitable accommodation is available within the Council's area, applicants will be placed in Exeter, allowing them to maximise established connections and support networks.
- Size condition and facilities (appendix A) – accommodation must be habitable and provide adequate space for the household.
- Households in temporary accommodation may 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 will 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.
- Health factors – the council will consider health factors, such as an ability to get upstairs, care and support provided by other statutory agencies or the need to access any specialist clinical services that are only available in Exeter.
- 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 within 24 hours.
- 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.
- Education - The Council seeks to ensure there is minimal disruption to the education of children and young people. Priority for placements in Exeter will be given to those with special educational needs and students who are close to taking public exams. Where a child or young person needs to be placed outside of Exeter every effort reasonable effort will be made to ensure arrangements are, or will be, put in place to meet the child's educational needs
- 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.
- Proximity to services - The council will consider the proximity to public transport, primary health care services, and local services in the area in which the accommodation is located.
- The council will have regard to the need to safeguard and promote the welfare of any child or vulnerable adult in the household when making decisions on whether the offer is suitable.
- As a corporate parent to Care Experienced Young People, the council will have regard to their needs and circumstances in determining the suitability of accommodation and consider, where possible and practical, the need to maintain relationships with significant adults (such as ex-foster carer); or the need to avoid certain locations due to childhood experiences.
- 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.

Appendix B gives more detail

4. Allocation of temporary accommodation outside of the district

- 4.1 The Council will usually have sufficient temporary accommodation within the district. However, it may be necessary to place outside the district when our owned/ contracted units' temporary accommodation may not be available. For example:

- During the holiday seasons;
- Where individuals have more complex needs;
- Where the household is large or;
- Where there is risk to an individual/ household within the locality

This is not an exhaustive list, and other issues may need to be considered.

- 4.2 When securing accommodation outside of the district we will try to secure accommodation that is as close as possible to the district and area they were previously living in and minimise, where possible disruption with specific regard to employment, caring responsibilities or education of the applicant or members of their household and, where possible, we will seek to retain established links with schools, doctors, social workers and other key services and support.
- 4.3 We will accommodate within our area so far as this is reasonably practicable. "Reasonable practicability" imports a stronger duty than simply being reasonable. But if it is not reasonably practicable to accommodate within our area we will, where possible, try to place the household as close as possible to where they were previously living. There will be some cases where this does not apply. For example, where there are clear benefits in placing the applicant outside of the district, because of domestic violence; or to break links with negative influences within the district; and/or where the applicant does not mind where he/she goes or actively wants to move out of the area.

Appendix C gives more detail on those placed outside of district

5. Temporary Accommodation Offers & Types of agreement

- 5.1 Homeless applicants who are housed under section 188 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 ensure legislative compliance.
- 5.2 There is no restriction on the length of time a household can spend in council owned accommodation with shared facilities.
- 5.3 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.
- 5.4 If an applicant refuses any offer of temporary, they will be asked to provide their reasons for refusal, and these will be recorded on the client record on the Council's IT system.
- 5.5 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.

- 5.6 Where applicants refuse suitable temporary accommodation (which may include out of area 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.
- 5.7 Each case will be considered on an individual basis, considering the overall merits of the review request, any new information or evidence that may affect the original decision, and the personal circumstances of the applicant and the potential impact of the loss of accommodation.

6. Moves

- 6.1 We will fully assess the needs of the applicant and the family. We will offer the nearest and most suitable accommodation which is available, and which meets these needs. In certain circumstances we may require another person in temporary accommodation with lesser needs to move to different accommodation to allow us to accommodate a more vulnerable client in a suitable environment.

Appendix D gives more details on the criteria for prioritising moves between temporary accommodation

7. Pets

- 7.1 Where clients have pets but cannot take them to the temporary accommodation the council will assist with finding and securing alternative accommodation for the pet(s). Any associated costs will be re-charged to the client.
- 7.2 The Equality Act 2010 defines the legal basis for assistance dogs which provide additional support or assistance to a disabled person². These dogs will be counted as an essential part of the household and suitable temporary accommodation found.
- 7.3 Emotional support animals are not defined in the Equality Act 2010. Dependent on the facts and circumstances of each case reasonable adjustments will be made to give access to a disabled person's emotional support animal. Where this is not possible the Council will assist with finding and securing alternative accommodation for the animal(s)

8. Ending of Temporary accommodation

- 8.1 As temporary accommodation is provided under a licence agreement there is no requirement for the Council to obtain a Court Order to remove the household from temporary accommodation³ (aside from the condition noted in 8.4)
- 8.2 There are circumstances in which an applicant may be asked to leave temporary accommodation such as:
- Unacceptable behaviour of applicant;
 - Moving to another unit of temporary accommodation;
 - No payment or rent or service charge;

² [Equality Act 2010](#)

³ [Housing Act 1985](#); [Housing Act 1985](#)

- End of homelessness duty;
- Applicant voluntarily ceases to occupy accommodation;
- Applicant is successful in finding alternative accommodation

- 8.3 The facts and circumstance of each case will determine what reasonable notice period is given where the provision of temporary accommodation is ending; 7-14 days for single applicants and up to 28 days for families. However, in some cases it will be necessary to temporary accommodation with immediate effect.
- 8.4 Where a household is provided temporary accommodation under the s193 'main' housing duty and it is necessary to serve a Notice to Quit to begin the process of ending the temporary accommodation. Upon expiry of the Notice to Quit a Court Order will be obtained to remove the household from temporary accommodation. In cases where temporary accommodation is ending due to household's behaviour it may be necessary to seek an injunction on the property to prevent access until due the Notice to Quit and Court Order process can be adhered to.
- 8.4 Under section 11 of the Children Act 2004⁴ the Council has a duty to safeguard and promote the welfare of children. Where the cessation of temporary accommodation involves a household with dependent children the Council will notify the Childrens Social Worker working with the household or make a referral to Childrens Social Services.

9. Appeals and complaints

- 9.1 A nominated senior officer is responsible for overseeing the placing of clients in temporary accommodation.
- 9.2 A senior officer has overall responsibility for ensuring that the right people are placed in the right property on the right type of tenancy.
- 9.3 In making an offer of temporary accommodation we will have taken full consideration for the requirements of the applicant and their family. We will therefore have met our duty to the applicant and if our offer is refused, we are not required to make a further offer.
- 9.4 There is no statutory right of review to our decision under s188 other than by a county court judicial review. However, if an applicant has concerns about any adverse effect the accommodation may have on them or their family, we ask that they discuss this with us.
- 9.5 There is a statutory right to request a review of interim accommodation under s193 and such a review will be considered in line with the review process.
- 9.6 The Housing Service will deal with any complaints in accordance with our complaints policy [Comments, compliments and complaints - Making a complaint - Exeter City Council](#)

⁴ [Children Act 2004](#)

Appendix A: Minimum Size Criteria

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.

The following minimum size criteria will apply:

Studio accommodation:

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

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.

Two-bedroom accommodation:

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

Three-bedroom accommodation:

- Lone parents or couples with between 3 and 6 children.
- Four-bedroom accommodation:
- Lone parents or couples with more than 6 children.

Appendix B: Priority for accommodation in Exeter will be given to:

- (a) The Council is satisfied that members of an applicant's household with a severe and enduring health condition requiring intensive and specialist medical treatment where a move from Exeter would disrupt that treatment and continuity of care.
- (b) The council has confirmed with Devon County Council that the Care Experienced Young Person is from Devon and a move from Exeter would disrupt services provided by the local authority and its relevant partners, education or work.
- (c) Members of an applicant's household who are in receipt of a significant package and range of health care options that cannot be easily transferred.
- (d) Members of an applicant's household with a severe and enduring mental health problem who are receiving psychiatric treatment and 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.
- (e) Households with children registered on the Child Protection Register in Exeter who are linked into local services and where it is confirmed that a transfer to another area would adversely impact on their welfare.
- (f) Households containing a child with special educational needs who is receiving education or educational support in Exeter, where change would be detrimental to their well-being.
- (g) An applicant or a member of their household who have a longstanding arrangement to provide care and support to another family member in Exeter who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.
- (h) An applicant or a member of their household who have a formal arrangement to receive housing related or other support, including addiction help or recovery, and where a move from Exeter would disrupt that support.
- (i) Any other special circumstance will also be considered (including any needs of the children in the household not already identified).
- (j) Whilst priority will be given for these placements, this is dependent on such accommodation being available.

Appendix C: Priority for placements outside of the district

- a) Applicants who have as part of their household, a child or children who are enrolled in GCSE, AS or A level courses or post 16 vocational qualifications in Exeter with exams to be taken within the academic year. Wherever practicable we will seek to place such households within 60 minutes' travelling distance of their school or college.
- b) Wherever practicable, an applicant or a member of their household who works for more than 16 hours per week will not be placed more than one hour travelling distance, each way, by public transport, from their place of employment. Consideration will also be given to the affordability of the travel arrangements needed to each of the places of employment. This will include women who are on maternity leave from employment.
- c) An applicant or a member of their household who is in higher or adult education, vocational or professional training.
- d) Any other special circumstance will be considered (including any needs of the children in the household not already identified). Applicants who meet none of the above criteria are likely to be offered properties outside of Exeter.

If placed outside Exeter the council may offer assistance and support for a reasonable period, on a case-by-case basis. Support may include help with or signposting to:

- Finding employment
- Identifying and arranging schools
- Childcare
- Health e.g. signing up with a local GP
- Council links e.g. Council Tax, electoral register
- Welfare benefits
- Utility connections (i.e. electricity/gas/phone/internet)
- Removals and assistance with identifying appropriate storage
- Identifying links to local support e.g. contact with community, voluntary, faith and other groups
- Financial assistance with immediate resettlement costs

The package will be kept under review and amended as required to ensure the provision of appropriate support.

Appendix D: Criteria for prioritising moves between temporary accommodation

Transfers between TA will be prioritised in the following order:

1. Transfer from TA found to be in serious disrepair that poses threat to life.
2. Transfer from TA because of evidenced critical medical need e.g. TA accessed by stairs and tenant unable to negotiate.
3. Transfer from non-council shared accommodation for families who have been in occupation for at least 5 weeks (to avoid penalties of sharing accommodation beyond 6 weeks).
4. Transfer from TA found to be unsuitable following a review.
5. Transfer from Private Sector Leased property is at least 5 months beyond lease expiry date.
6. Transfer because of evidenced serious medical need.
7. Transfer from TA found to be in serious disrepair that cannot be rectified while the tenant is in situ.
8. Transfer from expensive TA to cheaper units.
9. Transfer for overcrowding/under occupation.