



Temporary Accommodation Placements Policy

September 2024

1. Introduction

- 1.1.** This document sets out Mid Sussex District Council's policy for the placement of households in temporary accommodation, both inside and outside the local authority area. It covers both interim placements made under s.188 of the Housing Act 1996, while homelessness enquiries are undertaken, and longer-term temporary accommodation placements for households accepted as homeless under s.193 of the act.
- 1.2.** The policy considers the statutory requirements on local authorities in respect of suitability of accommodation, including the Homelessness (Suitability of Accommodation Order 2012), and the Homelessness Code of Guidance 2018 (as amended from time to time).
- 1.3.** As required by s.208 of the Housing Act 1996 and paragraph 17.50 of the Homelessness Code of Guidance 2018, so far as reasonably practical, the Council seeks to accommodate homeless households in Mid Sussex and always considers the suitability of the accommodation offered, taking into account the circumstances of the individual household. However, there is increasing demands on housing provision locally and with rising rental costs, and additional demands placed upon the current accommodation provisions from the growth of the district there may be occasions where households are to be placed outside the district, as it will not be reasonably practicable to provide accommodation within Mid Sussex.
- 1.4.** When determining whether it is reasonably practicable to secure accommodation in Mid Sussex, as opposed to simply what is reasonable, the cost of the accommodation is a relevant and proper consideration.
- 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.** Where the Council has no alternative but to provide temporary accommodation outside of the local authority area, it will seek to place most affected applicants in the neighbouring local authority areas, with access to services and reasonable travelling distance of no more than 90 minutes by public transport to Mid Sussex. However, there may be cases where applicants may have to be placed further away due to lack of suitable properties. This policy therefore details how applicants will be prioritised for housing in and outside of Mid Sussex.

2. Temporary Accommodation Offers and Refusals

- 2.1.** Due to the shortage of suitable accommodation in Mid Sussex and ever-increasing demands on homelessness services, homeless applicants who are housed under the Council's interim duty to accommodate pursuant to

s.188 of the Housing Act 1996 are likely to be placed in emergency short-term accommodation, such as a bed and breakfast or hotel, while the Council owes a relief duty and it is considered that the applicant may be in priority need for assistance as defined by s.189 of the Housing Act 1996 (as amended).

- 2.2. Hotel accommodation would only be in an emergency and the client would be moved to alternative self-contained accommodation as soon as a suitable vacancy becomes available.
- 2.3. Wherever possible, the Council will avoid placing families with dependent children; pregnant women; and young people aged 16/17 in a hotel. However, where no other suitable accommodation exists and such placements are necessary, the Council will endeavour to move these households to more suitable self-contained accommodation within six weeks.
- 2.4. If, at any stage during the relief duty or at the end of the relief period, the Council decides that applicants housed under s.188 of the Housing Act 1996 are not owed the main homelessness duty, they will be asked to leave. The homelessness decision letter will usually require them to leave within 14 days for single households and 28 days for families of receiving a homelessness decision letter. In cases where the applicant is found to be not homeless as they have accommodation available to them for their occupation this time will be shorter, but time will be given to allow the applicant to regain access to their accommodation.
- 2.5. Where, at the end of the relief period, the Council decides that applicants housed under s.188 of the Housing Act 1996 are owed the main homelessness duty they will be made one offer of suitable longer-term temporary accommodation, and they will be asked to accept it. 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 sections 3 & 4 of this policy.
- 2.6. If the current interim accommodation is considered to be suitable long-term temporary accommodation, an offer of alternative accommodation for the purpose of temporary accommodation will not be made. Applicants will be notified by letter of the change in duty and that the current accommodation is considered suitable.
- 2.7. Where applicants refuse suitable interim accommodation (which may include out of area placements) and the Council does not accept their reasons for refusal and still considers that the offer is suitable, applicants will not be offered further accommodation and will be required to make their own arrangements. Applicants will be notified in writing that the offer is

considered to be suitable and that their refusal will result in the s.188 or s.193 being discharged.

2.8. There is no right of appeal against the suitability of accommodation offered to applicants under s.188 of the Housing Act 1996 (although they can apply for judicial review through the courts).

2.9. For applicants where the Council has accepted a main duty under s.193 of the Housing Act 1996, there is a right to request a review of the suitability decision in s.202 of the Act.

2.10. In cases where the applicant is entitled to, and exercises their right to, a review of the Council's decision, they will only continue to be accommodated during the review period in exceptional circumstances. Each case will be considered on an individual basis, taking into account the overall merits of the review request, any new information or evidence that may affect the original decision, the personal circumstances of the applicant and the potential impact on the applicant and their household of the loss of accommodation.

2.11. Should the outcome of the review determine that the original offer was suitable and the applicant still refuses that suitable offer of accommodation, the homelessness duty will be discharged. In that instance, and where the applicant is resident in emergency accommodation, they will usually be asked to vacate the property. This will be within 14 days for single households, and 28 days for families, of receiving the decision letter and being advised that no further assistance will be provided.

2.12. In cases where the applicant has no right to a review, the homelessness duty will be discharged and the applicant notified by letter. If the applicant is resident in emergency accommodation, they will usually be asked to vacate the property. This will be within 14 days for single households, and 28 days for families, of receiving the decision letter and advised that no further assistance will be provided.

3. Suitability of accommodation – factors which will be considered

3.1. In offering temporary accommodation, the Council will consider the suitability of the offer, taking into account the following factors:

- **The temporary accommodation available in the local authority area**
 - If suitable accommodation is available in the Mid Sussex local authority area, applicants will be housed in Mid Sussex, 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 awaiting accommodation in the area, out of area placements will be used to meet the Council's housing duty. Given the shortage of accommodation locally, bed and breakfast/hotel

in/outside of the area may be considered suitable for short-term interim placements. If the applicant does not have a local connection with Mid Sussex District Council and is being referred to a Council with whom they have a connection, temporary accommodation may be sourced in the district of the receiving Councils district.

- **Size and location of the property and the availability of support networks in the area** – accommodation must provide adequate space and room standards for the household and be fit to inhabit. 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. The quality of the decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden are not in themselves acceptable reasons for a refusal.
- **Health factors** – the Council will consider health factors, such as ability to get up the stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Mid Sussex. If the applicant or a member of the applicant's household is citing medical grounds that were not identified during the initial assessment, the applicant must submit a medical form within 24 hours of a request to do so. 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** - attendance at local schools will not be considered a suitable reason to refuse accommodation, though consideration will be given to special educational needs and students who are close to taking public examinations in determining priority for in-area placements.
- **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.
- **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.
- **Any special circumstance** - The Council will consider any other reasons for refusal put forward by the applicant and come to an overall view about whether the offer is suitable.

4. Criteria for prioritising placements inside/outside of Mid Sussex

4.1 In placing households in temporary accommodation, there may be occasions where placements outside of Mid Sussex will be used to discharge housing duties where suitable, affordable accommodation is not available locally. However, priority for in-area accommodation will be given to certain households whose circumstances indicate that they would best be housed locally. These include:

- Applicants with a severe and enduring health condition requiring intensive and specialist medical treatment that is only available in Mid Sussex.
- Applicants who are in receipt of a significant package and range of health care options that cannot be easily transferred.
- Applicants 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.
- Households with children registered on the Child Protection register in Mid Sussex, or families who are under the care of local health services and where it is confirmed that a transfer to another area would have an adverse impact on their welfare.
- Households containing a child with special educational needs who is receiving education or educational support in Mid Sussex, where change would be detrimental to their well-being.
- Applicants who have a longstanding arrangement to provide care and support to another family member in Mid Sussex who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.
- Applicants who have presented fleeing domestic abuse, violence or threats of violence that are likely to be carried out placements will not be made in areas where the applicant or a member of their household may be at risk.
- Any other special circumstances relating to the application.

4.2 Save for the above groups, priority will also be given to:

- Applicants who have as part of their household, a child or children over the age of 14 who are enrolled in public examination courses in Mid Sussex, with exams to be taken within a year. Wherever practicable we will seek to place such households within reasonable travelling distance of their school or college.
- Applicants who work in paid and settled employment for a minimum of 16 hrs per week for a single person or lone parent and 20 hrs per week for a couple. Wherever practicable we will seek to place such households within reasonable travelling distance of their workplace. Maternity leave will be taken into account, where the requisite hours were routinely worked prior to maternity leave and there is an intention to return to work.

4.3 Applicants who do not meet any of the above prioritisation criteria will be offered properties out of Mid Sussex when no suitable property in Mid Sussex is available.

5.0 Reviewing the Policy

5.1 The Policy will remain under constant review and monitored to ensure effectiveness. If changes are required, these will be made as and when necessary. The Policy may also be reviewed annually and at any time, in line with any relevant changes in legislation or Guidance issued by relevant Government Departments.

6.0 Publishing of the policy

6.1 This policy will be made available for viewing and download on the Mid Sussex District Council website. Printed copies will be made available on request by emailing housing.advice@midsussex.gov.uk