

Bracknell Forest Council Temporary Accommodation Placement Policy

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1. Executive Summary

- 1.1 Bracknell Forest Council, as the local housing authority, is committed to providing good quality, affordable interim and temporary accommodation to homeless persons and households in accordance with its duties under homelessness legislation.
- 1.2 Such interim and temporary accommodation will be provided within the Bracknell area where possible. However, on occasion placements outside of the Borough will be made with the aim of returning the applicant(s) to the Bracknell area as soon as suitable interim or temporary accommodation becomes available.

- 1.3 Any interim or temporary accommodation provided will be subject to statutory guidance and case law regarding the suitability for the person or household accommodated.
- 1.4 Officers will continue to access affordable, suitable accommodation in the private rented sector to discharge statutory homelessness duties owed where suitable to do so, which will ensure accommodation continues to be available to meet on-going demand.

2. Introduction

2.1 The purpose of this document is to set out Bracknell Forest Council's approach to accommodating homeless households in temporary and private rented accommodation, both inside and outside the area. This policy covers the following:

- Interim placements/emergency placements of homeless households
- Temporary accommodation placements for those accepted for the full homelessness duty
- Private rented sector offers to end any homelessness duty owed.

3.0 Key Principles

- 3.1 The council faces an increasingly high demand for temporary accommodation; therefore, it is necessary to prioritise the resources available by allocating temporary accommodation proportionately. This policy aims to simplify the factors to be considered to ensure any accommodation offered is suitable and is allocated equitably.
- 3.2 Homeless applicants who are accommodated under the council's interim duty to accommodate, may be placed in short-term accommodation such as annexes, shared accommodation, hostels, nightly paid self-contained accommodation, hotel or bed and breakfast rooms whilst enquiries are carried out.
- 3.3 Wherever possible, the council will avoid placing families with dependent children into bed and breakfast, hotels or accommodation with shared facilities.
- 3.4 In the event of any families with children having to be placed into B&B, hotels or accommodation with shared facilities, the council will move the family to self-contained accommodation as soon as possible and always within six weeks.
- 3.5 If the council determines that a full homelessness duty is owed to the household, they will be moved to longer-term accommodation as soon as a suitable property becomes available.
- 3.6 A suitable property may be within Bracknell Forest council's stock, Downshire Homes Limited's stock¹, Housing Association leased accommodation or other private sector leased accommodation.
- 3.7 Where temporary accommodation is provided, the council aims to reduce any stay to a minimum by supporting customers to move on to longer term housing through a range of housing options.

¹ Downshire Homes Ltd (DHL) is the Council's wholly owned housing company

- 3.8 Where appropriate, the council may discharge any duty owed by arranging for a private landlord to make an offer of an affordable and suitable assured short-hold tenancy (AST) in the private rented sector for a period of at least 6 months.
- 3.9 In accordance with legislation and guidance, the council will seek to accommodate homeless households within Bracknell as far as reasonably practicable and will always consider the suitability of any temporary accommodation offered. However, due to the limited availability of temporary accommodation and a shortage of affordable housing, it is sometimes necessary to place people outside of Bracknell.
- 3.10 This policy establishes a clear commitment to placing in-area where possible.
- 3.11 Any placement outside of the Borough will only be considered if all other reasonable options have been explored. Any households placed outside of the borough will have their cases monitored with the aim of relocating them within the Bracknell area at the earliest opportunity.
- 3.12 The council will assess the suitability of any offer of temporary accommodation as per the statutory guidance and caselaw². If there is a particular reason why a household should not be housed in a certain area, this will be considered prior to an offer being made.
- 3.13 For safeguarding purposes, the council will divulge any relevant potential risk or safeguarding issues to the provider prior to placement. The provider is at liberty to refuse any placement.
- 3.14 The council will do all that is reasonably possible to provide suitable temporary accommodation where a duty is owed. If suitable accommodation is not available when required, the Council will ensure that suitable accommodation is obtained as soon as practically possible.
- 3.15 Whilst the Council will have regard to this policy when allocating temporary accommodation to applicants, it will retain the discretion to consider any personal circumstances of an applicant or the household when allocating accommodation.

4.0 Offers of Temporary Accommodation, Refusals and the Ending of Temporary Accommodation

- 4.1 Applicants will be provided with one offer of suitable accommodation. There is no obligation to provide an applicant with a viewing of any offer of interim or temporary accommodation prior to acceptance.
- 4.2 If a household is placed in interim or temporary accommodation and more suitable accommodation subsequently becomes available for use, they may be moved.
- 4.3 In making an offer of alternate temporary or interim accommodation, the household's circumstances will be considered, taking into account the factors set out below regarding suitability and the council's criteria for out of area placements.

² [Microsoft Word - uksi_20122601_en.doc \(legislation.gov.uk\)](#)

- 4.4 If an applicant refuses an offer of suitable accommodation, they must provide reasons for doing so.
- 4.5 A senior officer within the council will then consider reasons put forward, making any further enquiries as necessary. If it is concluded that the offer is unsuitable, the offer will be withdrawn, and another suitable offer made.

5.0 Emergency Accommodation (Section 188(1) Housing Act 1996 (“Interim Duty”))

- 5.1 If the Council has reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, it must secure that accommodation is available for the applicant’s occupation until such time as notification is given to the applicant that the “interim duty” is at an end or the applicant is notified of what other homelessness duty is owed to them (s.188(1) HA 96).
- 5.2 If an offer of “interim” accommodation is refused where the council has considered the accommodation to be suitable, no further accommodation will be offered. This applies to both new applicants and those being transferred to alternative temporary accommodation.
- 5.3 In the situation set out in 5.2 above, an applicant who refuses a Council deemed suitable offer of “interim” accommodation will be required to make their own accommodation arrangement and the (emergency) statutory “interim duty” to accommodate will end.
- 5.4 There is no right of appeal against the Council’s decision on the suitability of “interim” accommodation offered to applicants nor right to request review of that decision. However, an applicant may seek a Judicial Review through the Courts of the Council’s decision to end the “interim” accommodation duty due to an applicant’s refusal to accept a deemed suitable “interim” accommodation offer.
- 5.5 The applicant will be made aware of the consequences of refusal whilst their caseworker will continue to provide advice and assistance whilst enquiries are made into the homelessness application until any duties owed are determined.
- 5.6 If it has been determined that an applicant or household placed into emergency (interim accommodation) are not owed the full homelessness duty, the duty to accommodate will be ended. They will be provided with a reasonable period of notice³ in order that they may secure alternative accommodation.
- 5.7 If an applicant shows a persistent and unequivocal refusal to observe the reasonable requirements of the council in relation to the occupation of the accommodation, they will be asked to leave. This will end any duty to provide interim accommodation. The Housing Options Team will continue to work with the applicant to provide advice and assistance to prevent homelessness.
- 5.8 In such cases where the Council is satisfied that an applicant is homeless, eligible for assistance, has a priority need but became homeless “intentionally” (as defined by s. 191 HA 96), the duty on the Council to secure accommodation under the “interim

³ The notice period in each case is generally 7 days after the homeless decision has been received or 28 days for families, having regard to wellbeing and the need to safeguard.

duty” is only for such period as it considers will give the applicant reasonable opportunity of securing their own accommodation (s. 190 (2) HA 96).

6.0 Applicants owed the ‘full duty’ (Section 193 (2) Housing Act 1996)

6.1 If an application is owed the ‘full duty’, this duty will remain until one of the following occurs:

- The applicant **accepts a suitable offer of accommodation under Part 6** (an allocation of social housing).
- the applicant **refuses a final offer of accommodation under Part 6** (an allocation of social housing),
- the applicant **refuses an offer of suitable temporary accommodation** offered which the council is satisfied is suitable for their needs.
- the applicant **accepts or refuses a Private Rented Sector Offer (PRSO)**- an offer of an assured shorthold tenancy of at least 12 months made by a private landlord.
- Where an offer of accommodation is made which is neither a Part 6 offer nor a PRSO i.e., a transfer between temporary accommodation that would not otherwise bring the duty to an end, the section 193(2) duty may end if the applicant refuses the offer⁴
- the applicant becomes intentionally homeless from the suitable accommodation made available for his/her occupation.
- the applicant ceases to be eligible for assistance due to their immigration status.
- the applicant otherwise voluntarily ceases to occupy, as their only or principal home, the accommodation made available to them to meet the full housing duty.

6.2 Applicants have the right under s. 202 HA 96 to request a review of the Council’s decision as to the suitability of (non-interim) “full duty” temporary accommodation offered. The review is via means of an internal review process. As per the statutory guidance, this will be undertaken by a senior officer who was not involved in the original decision. Requests for review must be made before the end of the period of 21 days beginning with the day on which the applicant is notified of the Council’s accommodation offer decision or such longer period as the Council may in writing allow. Following review, the applicant has further right of Appeal to the County Court under s. 204 HA 96 on any point of law arising from the review decision or the original decision.

6.3 The right of an applicant under s. 202 HA 96 to request a review of the suitability of the accommodation offered under either s. 193 (2) HA 96 (“full duty” offer), s. 193 (5) HA 96 “final offer” of temporary accommodation or s. 193 (7) “final offer” under Part 6 HA 96 arises whether or not the applicant has accepted the offer.

6.4 If a Council deemed suitable “full duty” accommodation offer made under s.193(2) HA 96 is refused by an applicant without request to review the suitability decision, despite having been warned of the consequences of refusal or acceptance and of the right to request a review, any homelessness duty in respect of the application will be

⁴ subject to the applicant being formally notified of the consequences of refusal

discharged. The household will then be asked to vacate any Council secured temporary accommodation they are in and be advised that no further assistance will be provided in respect of the original application.

- 6.5 Where an applicant eligible for “full duty” assistance under s.193(2) HA 96, having been warned of the possible consequences of refusal or acceptance of a “final offer” of accommodation and having been informed of the right to request a review of the Council’s decision as to the suitability of such accommodation offered, either refuses a “final accommodation offer” made under s.193(5) HA 96 to discharge the s.193(2) HA 96 full housing duty, or else refuses a “final Part 6 HA 96 accommodation offer” made under s.193(7) HA 96 to bring that full housing duty to an end, seeks a review of the decision of the Council as to the suitability of either such “final” accommodation offer made, the Council must continue to provide accommodation for such applicant in priority need only until such time as the review is completed and the applicant has been notified of the outcome of the review.
- 6.6 In all other cases where applicants owed the “full duty” under 193(2) HA 96 refuse a suitable accommodation offer and submit a suitability review request, there is no duty on the Council to provide temporary accommodation to them pending the outcome of the review and such applicants will only be accommodated during the review period in exceptional circumstances and at the Council’s discretion.

7.0 Private Rented Sector Accommodation

- 7.1 Where possible and appropriate, the authority may discharge the full duty by arranging for a private landlord to make an offer of an assured short-hold tenancy (AST) in the private rented sector for a period of at least 12 months.
- 7.2 The council will use the powers set out in the Homelessness Reduction Act to make Private Rented Sector Offers to homeless households and households threatened with homelessness as per the Homelessness Reduction Act 2017.
- 7.3 Where PRSOs are used to discharge a prevention or relief duty, the council encourages the use of tenancies for longer than 6 months wherever possible.
- 7.4 A decision will be taken on whether to make a PRSO after taking into consideration a household’s individual circumstances and the facts that apply to their case.
- 7.5 Where a PRSO is made to discharge any duty owed, the accommodation must also comply with Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012). Each private rented sector offer will be assessed for suitability and matched to the individual household.
- 7.6 Exceptions may be made for households if there is a compelling reason why a PRSO would not be appropriate. A decision will be taken after a consideration of each household’s individual circumstances.
- 7.7 When making a PRSO the council will notify the applicant in writing of the consequences of refusal.

8.0 Suitability of Accommodation

- 8.1 This Suitability of Accommodation (England) Order 2012, requires Local Authorities to take into account several aspects when determining the suitability of accommodation offered, including proximity to employment, education, support or caring responsibilities.
- 8.2 In addition, it lays out guidelines for the standard of the property, including physical condition, compliance with health and safety regulation and landlord behaviour, supporting council drivers to strengthen the overall quality of accommodation within the private rented sector in Bracknell.
- 8.3 The accommodation must consider the needs, requirements, and circumstances of the applicant together with any other person who normally resides with them as a member of the family or a person who might reasonably be expected to reside with them.
- 8.4 Assessments regarding suitability of temporary accommodation will be completed on a case-by-case basis and made within the context of the accommodation and resources available to the council. This assessment will also consider not only if it is suitable now but also in the future, if it is known that the household's needs or composition are likely to change.
- 8.5 Decisions on placements will also take into account information relating to the risk or vulnerability of other residents residing in shared accommodation.
- 8.6 When offering accommodation, the significance of any disruption caused along with the following factors will be considered when assessing the suitability of a placement:

Location

- 8.7 If suitable affordable accommodation is available in the area, applicants will be housed in Bracknell, allowing them to maintain any established links with services and social/support networks.
- 8.8 Unless the applicant is in fear of violence in a particular part of Bracknell or there is a social, medical or welfare reason for specifying a particular area, any location within Bracknell will be deemed to be suitable.
- 8.9 However, if no suitable accommodation is available in the Bracknell borough boundaries, attempts will be made to source accommodation in neighboring boroughs. If this is not available, the provision of accommodation further afield would have to be considered.

Affordability

- 8.10 An individual affordability assessment will be undertaken for every applicant to be certain that they can afford the housing offered without being deprived of basic essentials such as food, clothing, heating, transport and other essentials; and in so doing will take account of costs resulting from the location of the accommodation.

Size and condition of facilities

- 8.11 Accommodation must be adequately sized and be fit to inhabit. This will take into account any health or mobility issues. Households may be placed into temporary

accommodation that has fewer bedrooms than a household would be entitled to on a permanent basis (see Minimum Size Criteria below), with the expectation that the living room provides dual purpose as a living and sleeping area.

- 8.12 We will only offer property of a reasonable physical condition and will physically inspect all accommodation before it is offered. Inspections are documented to record the condition of the property and video inventories are taken to ensure consistent quality. These inspections will be undertaken by a Private Sector Procurement Officer. There is no requirement in the suitability order for a technical inspection to be undertaken by a qualified Housing Health and Safety Rating System (HHSRS) officer but where there is any concern that a Category 1 hazard may be present, Housing will refer the property on for a technical assessment by an Environmental Health Officer under Section 4 of the 2004 Housing Act. Households will not be placed if there are Category 1 hazards in evidence unless these are remediated in advance of occupation.
- 8.13 The local authority must be of the view that the accommodation is in reasonable physical condition. The authority must also satisfy itself that the property is suitable in relation to:
- Certain electrical regulations
 - Fire safety
 - CO poisoning – there must be adequate carbon monoxide alarm/s
 - HMO licensing
 - The property has a valid energy performance certificate (EPC)
 - Gas safety record
 - That a written tenancy agreement will be provided
 - And that the landlord is a fit and proper person to act in the capacity of landlord.
- 8.14 The condition of the decoration, furniture in the property (where applicable), the layout, type of accommodation, lack of parking or access to a garden are extremely unlikely to be classed as acceptable reasons for a refusal.

Health Factors

- 8.15 Health and mobility issues will be taken into consideration when they will have an impact on the suitability of a temporary accommodation placement. This would include factors such as the ability to climb stairs, care and support provided and the need to access specialist medical services. If the medical grounds were not revealed in the initial assessment, a medical form must be submitted by the applicant. Medical grounds for the unsuitability of the property must be specific. The key test in determining the impact of medical issues is whether the condition itself makes the property offered unsuitable. Problems such as depression, asthma or diabetes for instance would not normally make a property unsuitable as they would persist in any sort of accommodation.

Children

- 8.16 In accordance with section 11 of the Children Act 2004, the council will consider the needs of any 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.

Proximity to schools and services

- 8.17 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.

- 8.18 Attendance at local schools will not automatically be considered a reason to refuse accommodation, though some priority will be given in determining priority for in-area placements to children with special educational needs and to students who are taking public GCSE or A level examinations in the academic year. The age and stage of education of children will be considered when deciding on suitability. The council will consider the proximity to schools and public transport in the area in which the accommodation is located and, where possible, seek to minimise disruption.
- 8.19 The cost and ease of travel of any potential commute to existing schools will be considered along with the possibility of relocating to schools closer to the property offered. Children of primary school age may need to move to schools closer to their new home.

Employment

- 8.20 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.

Any special circumstance

- 8.21 The council will consider any other reasons put forward by the applicant and come to an overall view about whether the offer is suitable.

9.0 Placements inside/outside of Bracknell

- 9.1 In accordance with legislation and statutory guidance, the council will seek to accommodate homeless households in Bracknell as far as reasonably practicable and where safe to do so.
- 9.2 Where an applicant is to be housed outside of Bracknell, the council will follow statutory guidance and case law in terms of the suitability of any offer made.⁵ Individual household circumstances will be balanced against the type and location of accommodation that can be offered.

Appendix One

12.0 Key Definitions, References and Abbreviations

1. **Bracknell Forest Council's stock**- Temporary Accommodation owned and managed by the Council
2. **Downshire Homes Limited's stock** – Downshire Homes Ltd (DHL) is the Council's wholly owned housing company
3. **Full Homelessness Duty**- full homelessness duty is owed to the household under Section 193 HA96
4. **Housing Act 1996 Sections 188(3), 199A (6) and 200(5)** give housing authorities' powers to secure accommodation for certain applicants pending the decision on a review.
5. **Housing Association leased accommodation or other private sector leased accommodation**- define

⁵ statutory guidance <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-17-suitability-of-accommodation>

6. **Interim Duty**- Interim placements under Section 188 of the Housing Act 1996 while the client's homelessness is investigated.
7. **Nightly paid self-contained accommodation**- usually self-contained accommodation in the private rented sector paid on a daily (nightly) rate.
8. **Private rented sector offers (PRSO)** -Private rented sector offers defined by Section 193(7AC) with a view of bringing section 193(2) duty to an end.
9. **Suitability Review** -Applicants under the Section 193 duty have a right to request an internal review of the suitability decision, pursuant of Section 202 Housing Act 1996.
10. **Temporary accommodation**- Temporary accommodation placements for those accepted as homeless under Section 193 of the Housing Act and waiting for rehousing.

This policy considers the following legislation and case law:

- The Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017
- The Localism Act 2011
- Equality Act 2010
- Homelessness (Suitability of Accommodation) (England) orders 1996; 2003 and 2012
- Section 17 Children Act 1989
- Section 11 Children Act 2004
- Homelessness Code of Guidance 2018 Ch 17
- Samuels V Birmingham CC(2019)UKSC 28
- R v London Borough of Brent ex p Omar (1991)
- Nzolameso v City of Westminster (2015) UKSC 22
- Chapter 17: Suitability of accommodation - Homelessness code of guidance for local authorities - Guidance - GOV.UK (www.gov.uk)