

Herefordshire Council
Temporary Accommodation
Procurement and Placement Policy

2022-2026
(with an annual review)

Draft Version 16.09.22

1. Introduction

This policy applies to accommodation offered under the prevention and relief duties incorporated in Part VII of the Homelessness Reduction Act 2017. If a household is eligible for assistance, homeless, with no other options, and there is a priority need that may require an offer of temporary accommodation (TA), Herefordshire Council will make an offer of Temporary Accommodation. A household is one person living alone, or a group of people who are living together.

This policy sets out how Herefordshire Council assesses the need for temporary accommodation to ensure that there is a sufficient supply, how we procure temporary accommodation and how and when people are offered it.

2. Legislative Framework relating to homelessness and the use of Temporary Accommodation

The following legislation covers the use of temporary accommodation;

- Homelessness Reduction Act 2017 – Relief duty
- Housing Act 1996 Part VII (as amended) – generally and s208 (1) specifically.
- Children Act 2004 – generally and S11(2) specifically.
- Localism Act 2011
- Homelessness Code of Guidance for local authorities, issued by the Secretary of State under s182 (1) in March 2018, specifically chapter 17 which provides guidance on the factors taken into account and suitability issues including affordability.
- The Homelessness (Suitability of Accommodation (England) Order 2012 (SI 2012/2601) generally and article 2 specifically.
- Equalities Act 2010
- Care Act 2014
- Human Rights Act 1998

Herefordshire Council's [Homelessness Prevention and Rough Sleeping Strategy 2020 -2025](#) details the context of homelessness and homelessness services in Herefordshire.

3. Equality statement

Herefordshire Council (the Council) is committed to equality and dignity for all members of the community, and all decisions must have regard to the principles of the Council's Equality Policy 2020-23, including promoting acceptable behaviour, making fair and equitable decisions and providing accessible services.

This policy is compatible with the Council's equality duties including the duty to eliminate unlawful discrimination and to promote good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristics are age, race, disability, sex, marriage and civil partnership, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.

This policy ensures that each applicant is assessed on the basis of individual need. In addition, the assessment will seek to identify, and meet, any special requirements and to provide support to vulnerable applicants.

The Council expects all providers of temporary accommodation to comply with the Equality Act 2010 and that Registered Providers will have their own equality policies in place.

4. Understanding the need for temporary accommodation in Herefordshire

Use of temporary accommodation has changed significantly over the last two years, primarily due to national and local response to the Covid 19 pandemic.

During 2020, the Council provided 335 placements into temporary accommodation. In 2021, this number grew to 394 placements. Please note that some households were housed multiple times across a range of temporary accommodation and each one of these placements is recorded separately, so these figures do not necessarily reflect the number of households accommodated, but do reflect demand upon temporary accommodation.

The attached appendix sets out background information and statistics relating to Temporary Accommodation provision.

The council uses a range of temporary accommodation solutions in order to meet need:

- Private rented accommodation rented and managed by the Council.
- Accommodation provided and managed by Registered Providers.
- Accommodation leased and managed by the council from local landlord's, this is called Herefordshire Council Private Landlords Scheme (HCPLS).
- Bed and Breakfast/ Hotel – secured on a case-by-case basis as required.

The average length of stay in temporary accommodation during 2020 was 74.10 nights / 10.6 weeks. In 2021, the average stay was significantly shorter at 39.70 nights / 5.7 weeks. This change is likely to be related to Covid 19 placements.

Data for 2022 suggests that demand on temporary accommodation continues to grow. The Council will continue to review needs data and work to ensure a sufficient supply of temporary accommodation.

During 2022, the Council have continued to grow the transitional / move on accommodation offer to support households out of temporary accommodation into tenancies with support. This model should ensure that households with complex needs get the support that they need to enable them to live independently in the community over a two-year period.

However, the demand for B&B / hotel style accommodation across Herefordshire is still high and anticipated to grow for the remainder of 2022 and into 2023. Costs associated with the provision of B&B / Hotel style accommodation also is increasing with many establishments increasing charges.

B&B and Hotel gross accommodation costs to Herefordshire Council in 2020-21 were £157,299 and for 2021-22 were £311,889. It is projected to exceed £450,000 for 2022-23, based on actual spend in Q2.

5. Temporary accommodation procurement policy

5.1 How is temporary accommodation procured?

The Council has very little self-owned housing stock and so is reliant on others for the provision of temporary accommodation.

We currently work with Registered Providers of social housing, private landlords and low cost bed and breakfast / hotel accommodation suppliers to ensure that there is sufficient supply of temporary accommodation. Bed and Breakfast / Hotel accommodation will be formally procured through a light touch framework agreement that will be implemented in 2022/2023. Additional temporary accommodation, should it be needed, will be spot purchased as required in line with the Council's

procurement rules. The Council will also be working with Registered Providers to invite them to provide more homes for temporary accommodation during 2022.

5.2 Rent Setting and Associated Costs

The rental rate for temporary accommodation is pre-set, and based on the Local Housing Allowance (LHA) rates 2021, which are set by the Government, less 10%:

- 1 bed £86.19
- 2 bed £109.04
- 3 bed £129.81
- 4 bed £155.77

If a client, living in self-contained accommodation, is working, resulting in a reduced benefit level, the difference has to be paid by the client.

Clients in private sector properties are responsible for all utilities including council tax. Clients in some Council managed properties will be required to pay a service charge to cover these costs. Connexus also levy a service charge to the occupants of their temporary accommodation properties.

6. Temporary accommodation placement policy

The Council will work with individuals and landlords to prevent homelessness wherever possible. Where this is not possible, it will relieve homelessness by working to find alternative housing options. Applicants who present as homeless will be assessed according to their eligibility, circumstances and household situation and supported accordingly. Temporary accommodation will only be used where necessary and for the shortest time possible. There are some circumstances in which it is extremely hard to secure suitable move on accommodation for people in temporary accommodation; this can be due to outstanding rent arrears, antisocial behaviour, or where a larger than average family home is needed. This can mean that some households remain in temporary accommodation for long periods whilst suitable housing solutions are found.

All applicants are assessed to establish the type and location of temporary accommodation, which should be offered. Affordability will be considered as part of this assessment process in line with the latest version of the Homelessness Code of Guidance for Local Authorities (June 2020). Staff will review the options available at the time and offer the most suitable accommodation. Exceptional circumstances such as severe medical or mental health needs will always be considered by the Housing Solutions

The Council will:

- Place clients within the county if reasonably possible.
- Consider the location and affordability of the temporary accommodation when assessing its suitability for the client.
- Place clients as near to their existing support network (family, work, schools) as possible.
- Try to minimise disruption to children's schooling, particularly at critical points of a child's education.
- Use temporary accommodation which is close to amenities and facilities wherever possible.

The council reserves the right to move clients between different units of temporary accommodation if necessary. We will try to avoid moving clients but it may be necessary in order to move a household into more suitable temporary accommodation or to make the best use of the limited temporary accommodation the Council have available.

Wherever possible, the Council will avoid placing families with dependent children in bed and breakfast accommodation. Where no other suitable accommodation exists and such placements are necessary, the Council will move these households to self-contained accommodation as soon as possible and always within six weeks.

For safeguarding purposes, the Council will divulge any potential risk or safeguarding issues to any third party provider prior to placement. If the provider refuses the placement based on this information, the Council will continue to seek suitable temporary accommodation.

One offer of temporary accommodation will be made to applicants.

The Council will keep detailed records of where households have been placed and the reasons for placing them in that particular temporary accommodation.

7. Allocation of temporary accommodation outside the county

The council usually has sufficient temporary accommodation within the county, but sometimes it has to place households outside the immediate area in response to safety issues or when in-county temporary accommodation may not be available, particularly where individuals or households have more complex requirements, or in times of crisis.

The Council will take into account the significance of any disruption with specific regard to employment, caring responsibilities, education, current care package and current medical treatment of the applicant or members of their household. Where possible it will seek to retain established links with schools, doctors, social workers and other key services and support.

The council will accommodate people within county so far as this is reasonably practicable. If it is not reasonably practicable to accommodate people within county it will, where possible, try to place the household close to where they were previously living. Should suitable and affordable accommodation in county become available the Council will work with households to bring them back into county, unless the applicant has expressed a preference otherwise.

There will be some situations where this does not apply e.g., where someone needs to leave the area because of domestic abuse or in order to break links with negative influences, in situations where the applicant does not mind where they go, or the applicant actively wants to move out of the area.

8. Type of agreement

The type of tenancy agreement or licence used will depend on the type of temporary accommodation available, e.g.

- Council owned or directly managed stock – Licence.
- Registered Providers – Licence.
- Bed and breakfast/hotel accommodation - no licence or tenancy agreement is required, but applicants are required to sign and adhere to the Council's terms and conditions of use.

9. Pets

Pets may be allowed in some temporary accommodation at the discretion of the landlord.

Where clients have pets but cannot take them to the temporary accommodation the Council will assist with finding alternative accommodation for the pet(s).

If there is an assistance dog (such as guide dog for the blind) then this animal will be counted as an essential part of the household and suitable temporary accommodation found.

10. Review / Appeals Process

In making an offer of temporary accommodation, the Council will have taken full consideration of the requirements of the applicant and their family. The Council will therefore have met their duty to the applicant and if their offer is refused, the Council is not required to make a further offer.

There is no statutory right of review to the Council's decision 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 the Council requests that these are raised with the Council directly.

The Council's Housing Solutions Team will deal with any complaints in accordance with the Council's complaints process. Details of this process can be found [here](#).

11. Moving on from Temporary Accommodation

The Council's Housing Solutions team has a dedicated officer who is responsible for supporting people to settle into their new temporary accommodation and specifically support them to maintain their tenancy agreements. The Council's Housing Solutions Team offers support to those in temporary accommodation in order to prepare them for 'move on' accommodation. Options include:

- [Home Point Herefordshire](#) – Home Point provides a one-stop solution for people seeking housing and manages The Council's Housing Register, also known as the housing waiting list. The scheme advertises the majority of social/affordable housing for rent that is managed by the main Registered Providers operating across the county.
- Where households have become settled in HCPLS temporary accommodation, it is sometimes possible for the Council's Housing Solutions team to negotiate with the landlord and move the tenant onto a direct tenancy.
- The Council has started to develop a transitional / move on accommodation offer to mitigate this, offering accommodation with support enabling households to develop the skills needed to live independently in the community.

12. Monitoring and Review of this policy

This policy, and specifically the assessment of supply and demand, will be reviewed on an **annual basis** in line with the Supreme Court's judgement in the case of [\(TN\) Nzolameso v Westminster City Council \(2nd April 2015\)](#).