

### 1.0 Introduction

- 1.1 This document sets out the Council's policy for how homeless households will be prioritised for temporary accommodation when there is no temporary accommodation available within Crawley.
- 1.2 The policy applies to all households placed in temporary accommodation by the Council under Section 188 *The Relief of Homelessness Duty* and Section 193 *The Main Homelessness Duty* arising out of the Housing Act 1996. It also applies to any accommodation:
- Secured under a power to provide temporary accommodation pending a review or appeal
  - Secured to meet any duty owed to an intentionally homeless household
  - Secured to meet any interim accommodation duty pending the outcome of a local connection referral to another local authority
- 1.3 This document should be read in conjunction with the Council's most recent Homelessness Strategy and action plan as this document sets out how the Council is seeking to develop more local temporary and permanent accommodation options to meet demand for households owed any duty under the Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017.
- 1.4 In drafting this out of area placement policy, the Council has taken into account the following:
- Relevant case law including the judgment in the Supreme Court case of *Nzolameso and Westminster Council*
  - Relevant provisions of the Housing Act 1996 (as amended) including Sections 206, 208, and 210
  - The Homelessness (Suitability of Accommodation) (England) Order 2012
  - The relevant sections of Governments Guidance on Allocations and Homelessness
  - The MHCLG Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012 (November 2012)
  - Relevant provisions of the Equalities Act 2010.
- 1.5 Our policy is to provide, wherever reasonably practicable, suitable accommodation within Crawley, except in cases where there is a specific reason why the household should not be accommodated within our borough (for example, applicants at risk of domestic violence or other violence). However, our ability to meet this policy objective is subject to the supply of suitable temporary accommodation being available.

## **2.0 The Temporary Accommodation Out of Area Placement Policy**

- 2.1 This policy is intended to set out the criteria by which we will seek to prioritise those who have the greatest need to be accommodated within Crawley.
- 2.2 When considering whether an out of Crawley placement is suitable, the Council will take into account any transport costs associated with the location of the accommodation as part of its affordability assessment.
- 2.3 The Council will also take account the distance of any offer of temporary accommodation from the last address they have presented as homeless. We will consider any possible disruption to employment, education or caring responsibilities, accessibility of essential medical facilities and support that are essential to the wellbeing of any household member, and accessibility of local amenities, services and transport.
- 2.4 An assessment of these matters will be completed when an applicant is being matched to any available temporary accommodation unit. A copy of the assessment procedure we use can be requested.
- 2.5 Any decision regarding an allocation of temporary accommodation will have regard to the Council's obligations under Section 11 of the Children Act 2004 including the need to both safeguard and promote the welfare of children.

## **3.0 Guidelines on the Location of Temporary Accommodation**

- 3.1 For the purposes of making an allocation, all units of temporary accommodation that may be offered to an applicant owed a temporary accommodation duty will be categorised simply as:
  - *'In area'* – meaning within the Crawley Borough Council area, *or*
  - *'Outside of the local authority area'* – meaning outside the Crawley Borough Council area.
- 3.2 Where there are insufficient units of temporary accommodation within Crawley, a suitable offer will be made outside of Crawley.
- 3.3 The Council may also keep aside vacant units within Crawley in anticipation of applicants presenting who meet the criteria in this policy for such a placement. This practice is consistent with case law including the decisions by the Court of Appeal in *Alibkhiat v London Borough of Brent* and *Adam v City of Westminster*.

#### 4.0 How we will prioritise households for an offer of temporary accommodation in Crawley where there are more applicants requiring a placement than properties available.

- 4.1 All households will be placed in accommodation in Crawley if a sufficient number of suitable units are available at the time of placement. Where there is a shortage of local units on any given day, the Council may decide to keep aside a number of local vacant units in anticipation of applicants presenting who meet the criteria for a placement within Crawley.
- 4.2 If there are insufficient temporary accommodation units available within Crawley, a household will be placed in a suitable unit outside of Crawley, but as close as possible based on the practicality of sourcing units on any given day.
- 4.3 Relevant facts regarding the household's circumstances will be gathered by officers in the course of their enquiries through completing their assessment of an applicant's circumstances under section 189A of the Housing Act 1996.
- 4.4 Households will be given priority for a placement within Crawley if they meet the following criteria. Please note this does not mean that they are guaranteed to receive an offer of temporary accommodation within Crawley when the temporary accommodation duty arises. It may be that at the time the temporary accommodation duty is owed there are no vacancies available in Crawley and, if this is the case, an offer of suitable temporary accommodation will be made as close as possible with priority given to any household that meets one or more of the criteria set out below, to be given a suitable offer of temporary accommodation within Crawley as soon as is reasonably practicable to do so.
- 4.5 Criteria for priority placement in Crawley:
- a) Households with one child (or more) in secondary school in their final year of Key Stage 4 (generally Year 11) with exams to be taken within the next six months.
  - b) Households with one child (or more) who has a Statement of Special Educational Needs who is receiving education or educational support in our area and where a change of schools would be extremely detrimental to their well-being because either the impact of moving on that child or that a similar package of support is unlikely to be available.
  - c) Households with significant medical or severe learning disability where a child attends a specialist school.
  - d) Households where one person (or more) has a severe and enduring mental health problem and receiving psychiatric treatment and aftercare provided by community mental health services **and** have an established support network in Crawley so that a placement outside of Crawley may severely impact on their wellbeing.
  - e) Households where one person (or more) is in permanent and settled employment. Where this is not possible we will endeavour to place a household no more than 60 minutes by public transport away from their place of employment and will continue to seek suitable accommodation closer to their place of work.
  - f) Households who have a longstanding arrangement to provide care and support to another family member in the local area, and that person would be likely to require statutory health and social care support if that care and support ceased and there are no other relatives willing and able to provide that care and no other suitable alternative arrangements available.

#### **4.6 Please note the following:**

- a) The above categories are not exhaustive and other special circumstances will be taken into account. Whenever an applicant is owed an interim or full temporary accommodation duty an assessment of the household's housing needs and circumstances will be carried out. Following the assessment it may be decided that an applicant should qualify for a placement in Crawley for a special reason despite not meeting the criteria as set out above.
- b) Where there are no temporary accommodation units immediately available in Crawley to meet the household's identified needs, they may be placed on an emergency basis into accommodation in any location where there is availability on that day as long as it has been assessed as being suitable.
- c) A decision on how to prioritise the allocation of a particular property on a particular day where more than one household requires temporary accommodation and more than one household meets the criteria for a placement in Crawley set out above may be necessary. The following circumstances will be taken into account when prioritising between households. Please note the circumstances listed are not in order of importance and do not form an exclusive set of criteria as other factors may also be relevant:
  - Level of need relating to the welfare and safeguarding of any children in the household
  - Level of educational need
  - Identified risks posed by living in particular areas
  - Permanency/flexibility of employment
  - Access to transport
  - Level of need to be close to services and amenities
  - Level of need to be close to health services
  - Level of need to be close to support networks
  - Level of need to be close to cultural or religious amenities
  - Impact on caring responsibilities
  - Affordability of the accommodation
  - Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of household members
  - Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of any children in the household, having regard to the Council's duty under the Children Act 2004 to safeguard and promote their well-being

The impact of the above and any other relevant circumstances will be considered both individually and cumulatively.

**This Temporary Accommodation Out of Area Placement Policy was adopted by Cabinet on 25<sup>th</sup> September 2019**