



3/1/2019

# Dartford Borough Council Policy for Offering Accommodation in Discharge of the Council's Homelessness Functions

## **1. Introduction**

- 1.1 Where an individual applies to Dartford Borough Council seeking assistance with their housing situation and, following an initial assessment of their case, it is established that they are eligible for assistance and are either homeless or threatened with homelessness within 56 days, the Council must carry out a full assessment of that individual's circumstances and housing needs.
- 1.2 If, at the time of approach, an applicant is not yet homeless but is threatened with homelessness within 56 days, the Council must work alongside them, in accordance with its homelessness prevention duties. The Council will identify practical and reasonable steps for both parties to take to assist in the prevention of homelessness. The steps which both the Council and the applicant must take are contained within the applicant's personalised housing plan.
- 1.3 In instances where it is not possible to prevent an applicant's homelessness the Council has a duty to provide accommodation to that person and their household if there is reason to believe that the applicant may be eligible for assistance, are homeless and in priority need for housing. If these criteria are met, accommodation will be arranged and provided during the period that the applicant and the Council work collaboratively to relieve the applicant's homelessness. This is done by helping them secure suitable accommodation, normally within the private rented sector, which has a reasonable prospect of remaining available for their occupation for a period of at least six months.
- 1.4 The Council also has a duty to relieve the homelessness of those it has no reason to believe have a priority need for housing. However, for those applicants, no accommodation will be provided by the Council during the period the parties work collaboratively to relieve the applicant's homelessness. The Council will work with the applicant to try and secure alternative temporary accommodation for example with a family member or a hostel.
- 1.5 The Council is subject to an ongoing duty (the "main housing "duty) to secure that accommodation is available to an applicant who is:
  - eligible for assistance,
  - in priority need, and
  - unintentionally homeless.

This duty is owed by the Council unless there is a local connection referral from another local authority.

If it is not possible to relieve an applicant's homelessness and, if the Council decides that it owes the "main housing" duty to an applicant, they will be offered temporary

accommodation in accordance with s193(2) Housing Act 1996, until they find their own accommodation, or are made a final offer of accommodation, or the "main housing" duty ends for another reason. It should be noted that even after the Council accepts that it owes an applicant the "main housing" duty, efforts will be made to help an applicant secure suitable, privately rented accommodation in an area in which they have a preference to live.

- 1.6 This document sets out the Council's policy for the prioritisation of homeless households for accommodation according to its location. This policy applies to all households offered accommodation by the Council under s188 and s193 Housing Act 1996. This policy also applies to accommodation offered to applicants in fulfilment of the Council's prevention and relief duties as well as private rented sector offers in discharge of the "main housing" duty. This policy does not apply to offers of permanent housing made in accordance with the Housing Act 1996 Part VI.
- 1.7 The Council is committed to securing suitable accommodation for homeless households under all relevant sections of the Housing Act 1996.
- 1.8 The Council's duty is to provide and offer accommodation within its geographical administrative boundaries, wherever reasonably practicable, except in cases where there is a specific reason why the household should not be in accommodation within the Borough, for example, because they face a risk of violence or threats of violence likely to be carried out or because they wish to relocate to a different area or where it is simply more convenient and pragmatic for the household to be offered accommodation within the administrative boundaries of another local authority area, because of work commitments or the location of children's schools.
- 1.9 Where it is not reasonably practicable to offer an applicant in-borough accommodation on a specific day and, it has been necessary to offer an applicant out-of-Borough accommodation, there is no legal requirement on the Council to continue to search for in-Borough accommodation, only that it has done all that is reasonably practicable to offer a particular applicant accommodation within its own Borough.
- 1.10 The Council's ability to meet its policy objective of securing suitable accommodation within the Borough, is subject to the availability of such accommodation. The severe pressure on the social housing stock within the Borough means that the Council must also rely on a supply of privately owned properties to help meet its statutory obligations. The Council currently operates a private sector leasing scheme, where it liaises directly with private landlords to negotiate tenancy agreements for households, including using the services of a number of private property managing agents.
- 1.11 Changes to the Local Housing Allowance, the introduction of a number of Welfare Reform measures, the demand generally on the private rented sector, and the fact that London councils' offer of higher rents and generous incentives to landlords to provide households both temporarily and permanently in the Borough of Dartford,

have all reduced the quantity of properties in the Borough which the Council can obtain for this purpose. As a result there is sometimes a need for the Council to offer accommodation that is at a distance from the Dartford area. As an illustration, in the first three quarters of 2018/2019 approximately one quarter of placements were made outside of the borough. The indications are that this trend will continue and may increase.

- 1.12 Finding permanent privately rented accommodation to prevent and relieve the homelessness of households is an extremely resource intensive exercise for the Council. Private companies operating in other parts of the country, where some accommodation is comparatively cheap and in good supply, are offering household relocation services to local authorities; in particular in London and the South East. The Council has, and will, continue to use the services of such companies, for those households who have no identified need to live within the Borough, subject to all necessary property and landlord checks.

## **2. Key principles**

- 2.1 On account of the difficulties associated with securing good quality, affordable accommodation within its administrative boundaries, the purpose of this policy is to ensure that when faced with insufficient units of in-Borough accommodation the Council prioritises those who have the greatest need to be accommodated within the Borough.
- 2.2 In assessing the suitability of any accommodation for a homeless household or one threatened with homelessness, in accordance with the duty owed, the Council will consider whether the household can afford their housing without impacting their ability to provide basic essentials such as food, clothing, heating, transport costs and all other reasonable expenditure.
- 2.3 The Council will also take account of the distance of any accommodation offered from the Borough, the potential disruption to employment, education or caring responsibilities, as well as the accessibility of essential medical facilities, support, local amenities, services and transport links.
- 2.4 Any decision regarding an offer of accommodation will have regard to the Council's obligations under the Children Act 2004 including the need to safeguard and promote the welfare of children.
- 2.5 Any decision regarding an offer of accommodation will have regard to the Council's Public Sector Equality Duties in accordance with the Equality Act 2010.
- 2.6 All decisions regarding offers of accommodation will have regard to:
- S202, s206, s208 and s210 Housing Act 1996 as amended;
  - The Homelessness Suitability of Accommodation Orders 1996, 2003 and 2012;

- Homelessness Code of Guidance For Local Authorities June 2018 in particular chapter 17;
- The MHCLG Supplementary Guidance on the homelessness changes in the Localism Act and on the Homelessness (Suitability of Accommodation) (England) Order 2012;
- Guidance issued by the Courts to local authorities regarding the suitability of accommodation and out-of-Borough placements.

### **3. Guidelines on the location of accommodation**

- 3.1 For the purposes of making an offer of accommodation in accordance with this policy, all units of accommodation will be categorised as being in either Zones A, B, or C:
- Zone A comprises the geographical area which makes up the administrative boundaries of Dartford Borough Council;
  - Zone B comprises an area made up of neighbouring authorities inclusive of Bexley, Gravesham, Sevenoaks, Maidstone, Medway and Tonbridge & Malling;
  - Zone C is located outside of Zones A and B.

### **4. Prioritising households for accommodation**

- 4.1 Subject to para. 4.2, as a general approach, where there are sufficient units of accommodation in the Borough, available properties will be offered on the day they become available.
- 4.2 The Council retains the right, where appropriate, to hold back accommodation within Zone A in anticipation of particular needs.
- 4.3 Some households applying to the Council for homelessness assistance already endure long commutes to places of work and education from their existing accommodation because these are located outside of the Borough. In such cases, an offer of accommodation in either Zones B or C may better suit a household, when compared with an offer of accommodation within Zone A. Where this occurs, the Council will take a pragmatic approach, by offering accommodation as close as possible to where the household needs to be in order to minimise any disruption to their lives caused by the requirement to move home.
- 4.4 Except for those households who have expressed a preference to live outside of the Borough and/or whose particular circumstances are better suited to an offer of accommodation in either Zones B or C, all households will be offered accommodation in Zone A if sufficient, suitable units are available. If no suitable units are available in Zone A, then households will be offered units in Zone B. If there are no suitable units in Zone B, then households will be offered suitable units in Zone C.

- 4.5 Relevant facts about a particular household's circumstances are gathered during the course of the Council's homelessness prevention and relief duties as well as the enquiry assessment process into any homelessness application.
- 4.6 Prior to any offer of accommodation being made, a composite matching exercise will be carried out, taking into account the specific requirements and circumstances of the household and the type and location of the property or properties available. The results of this matching exercise will be recorded and retained by the local authority.
- 4.7 Where it is not reasonably practicable to offer accommodation within the Borough, (Zone A), for all households requiring it, a series of decisions will be made as to which households should be prioritised for the limited number of properties available.

## **5. Priority groups**

- 5.1 For those households who want and/or need to reside within Zone A, priority will be given to the groups listed "a - g" below. This does not mean that they are guaranteed to receive an offer of accommodation within Zone A. It may be that on the day accommodation is offered, there are no vacancies within Zone A and when this is the case, an offer of suitable accommodation will be made as close as possible to the Dartford Borough (See paragraph 4.4.)
  - a. Households with one child (or more) who has a Statement of Special Educational Needs and/or has an Education, Health and Care Plan and where a change of schools would be detrimental to their well-being, either because of the impact of the change on the child or because a similar package of support is unlikely to be available elsewhere;
  - b. Households with one child (or more) who is the subject of a Child Protection Plan, where it is confirmed and accepted by the Council's Housing Solutions Service that a transfer to another area would significantly impact on their welfare;
  - c. Households where one person (or more) has a severe and enduring physical and/or mental health condition requiring intensive and specialist medical treatment, other than from their GP, and this treatment is only available in Dartford;
  - d. Households where one person (or more) has a severe and enduring mental health problem and is receiving psychiatric treatment and aftercare provided by mental health services and has an established support network and where the Council accept that transferring the care package would severely impact on their well-being;
  - e. Households where a member of the household is caring for another person living in the Borough of Dartford and that individual cannot continue to live independently without the household member's care;
  - f. Households with one child (or more) in secondary school within the Borough and who is in their final year of Key Stage 4 (generally Year 11);
  - g. Households where one person (or more) is in permanent and established employment within the Borough and has been for at least six months prior to the date of the homelessness application.

- 5.2 Where there is no availability of accommodation in Zone A, the priority households (as outlined in paragraph 4.4.) listed “a – g” above will be prioritised for an allocation of accommodation in Zone B. However, this does not mean that they are guaranteed to receive an offer of accommodation within Zone B when there is no accommodation available in Zone A. It may be that, on the day the accommodation is offered, there are no vacancies within Zone B either and where this is the case, an offer of suitable accommodation will be made as close to Zone B as possible.
- 5.3 Where it is not possible to offer accommodation within Zone A to a household with one child (or more) in secondary school within the Borough and who is in their final year of Key Stage 4 (generally Year 11), this group will be prioritised for accommodation as close as possible to the relevant school and certainly within 75 minutes’ travelling distance of the same by public transport. Such travelling time is in accordance with timescales recommended by the Department for Education for children of secondary school age. In all cases where there is an expectation for a child(ren) to travel by public transport the cost of the same will be taken into account in the Council’s assessment of the suitability of the offer of accommodation.
- 5.4 Where it is not possible to offer accommodation within Zone A to a household where one person (or more) is in permanent and established employment within the Borough and has been for at least six months prior to the date of the homelessness application, this group will be prioritised for housing as close as possible to their employment and certainly within 90 minutes travelling distance of the same, by public transport. In all cases where there is an expectation for a member of the household to travel by public transport to work the cost of the same will be taken into account in the Council’s assessment of the suitability of the offer of accommodation.
- 5.5 Those households whose circumstances lend themselves more sensibly to an offer of accommodation within Zones B and C because inter alia the location of their work, caring responsibilities or the location of children’s schools, the Council will prioritise them for accommodation as close as possible to where they need to be and certainly within 75 minutes’ travelling distance of schools and 90 minutes of places of employment by public transport. Again, in all cases where there is an expectation for a member of the household to travel by public transport to work or school the cost of the same will be taken into account in the Council’s assessment of the suitability of the offer of accommodation.
- 5.6 The above categories and priority groups are for guidance only. The individual circumstances of each household, including the time likely to be spent in the accommodation and the household’s financial means, will always be taken into account when determining the suitability of an offer of accommodation.
- 5.7 The above categories are not listed in priority order, nor is the list exhaustive. It may, following a detailed assessment of a particular household’s circumstances, be decided that they should qualify for an offer of accommodation in Dartford or in any other specific location, for a special reason, not listed above.

5.8 Given the shortage of the availability of suitable, in-Borough accommodation, it is inevitable that the Council will need to make decisions to prioritise the offer of particular properties within the Borough, not just between those who fall within one or more of the priority groups set out above and those who do not, but between those households who fall within the priority groups.

5.9 The following circumstances will be taken into account by the Council when reaching decisions on prioritisation between households:

- The level of need relating to the welfare and safeguarding of any children in the household. This includes the impact of any relocation and continuing occupation of any accommodation on the household members including children having regard to the Council's duty to safeguard and promote the well-being of children in accordance with s11 Children Act 2004;
- The level of educational need;
- The identified risks posed by living in particular areas;
- The permanency/flexibility of employment;
- Access to transport;
- The level of need to be close to services and amenities;
- The level of need to be close to medical facilities;
- The level of need to be close to support networks;
- The level of need to be close to cultural or religious amenities;
- The impact on caring responsibilities;
- The affordability of the accommodation.

5.10 The impact of these and other relevant circumstances will be considered both individually and collectively. Households that have a relatively low level of need when considering the above priority groups and circumstances are more likely to be offered accommodation in Zones B and C. However, even if a household is considered to have a lower level of need to be housed in the Borough, when compared with other households, they will be offered an available unit in Zone A if this unit is not required by higher priority households.

5.11 Where there is no accommodation immediately available which meets a particular household's identified needs where the Council has a duty to secure accommodation (in accordance with s188 or s193 Housing Act 1996), they may be placed on an emergency basis in accommodation in any location where there is availability on that day. This accommodation may be suitable in the short-term but not the long-term. If the accommodation provided is deemed unsuitable in the longer term a household will be given priority to be transferred to alternative accommodation as soon as a more suitable unit becomes available. Owing to the pressure on the Council's resources it is not always possible to give households an indication as to how long they are likely to wait for a transfer.

5.12 Where, in accordance with s188 and s193, it is necessary, on a short-term basis, to place a household with a dependent child(ren), who are in education, in



accommodation at a distance from Dartford, the location of which causes difficulties for the household in getting the child(ren) to school, the Council will work closely with the relevant Early Help and Educational Welfare Teams to put in place temporary arrangements to bridge the period until it is possible to move the household back into the Borough. This can include agreeing that children are home schooled or attend school for only part of the week or only part of the day. In these instances the Council has a target of moving such households back into the Borough within an eight week period.

- 5.13 Where the Housing Solutions Team is notified of changes to the circumstances of household members after they have been placed into accommodation, provided in accordance with s188 and s193 Housing Act 1996, these circumstances will be considered and a decision taken as to whether or not the household needs to be offered more suitable accommodation.
- 5.14 Households in receipt of welfare benefits may be subject to restrictions on the amount of benefit they can receive. This in turn may affect their ability to pay rent as well as meet their other essential expenditure. Offers of accommodation within Dartford or nearby boroughs are subject to the households' ability to afford accommodation in these areas. Those households affected by the Total Benefit Cap are more likely to be offered accommodation in Zone C in areas of the country where rents are considerably cheaper when compared with Dartford and its neighbouring boroughs.

## **6. Support and resettlement**

- 6.1 All households who seek assistance with housing from the Council will be assessed in order to identify any support or resettlement needs. Where appropriate, referrals will be made to the appropriate support and resettlement services and a support plan prepared to address identified needs.
- 6.2 For any household offered long-term temporary or permanent privately rented accommodation outside of the Borough, an information sheet will be provided on how to access local services, amenities and facilities in the local area. In particular they will be given general guidance on registering for Local Council Tax Support, applying for benefits, registering with a local GP, what to do if they need emergency funds and how to apply for a school place in the local authority area in which they are to reside.
- 6.3 Prior to offering long-term temporary or permanent privately rented accommodation outside of Dartford to households with children in education, enquiries with school admissions for that area will be conducted.
- 6.4 The Council complies in full with s208 Housing Act 1996. This means that within two weeks of a household taking up an offer of accommodation in another local authority area, notification of this fact is provided to the relevant local authority.

## **7. Conclusion**

- 7.1 This policy for offering accommodation in discharge of the Council's homelessness functions seeks to ensure that all offers of accommodation are made on the basis of:
- a) A comprehensive and detailed assessment of all households' circumstances and needs, and
  - b) A balanced assessment of the competing needs of all households requiring accommodation against the characteristics of the properties which are available to be offered at any given point in time.
- 7.2 This policy will be reviewed on a regular basis to ensure its effectiveness and compliance with relevant legislation.