

Medway Council Strategic Housing Services

Temporary Accommodation Placement and Suitability Policy

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1: Policy Summary

1.1: Purpose of the Policy

This policy sets out how Medway Council will allocate, manage and review Temporary Accommodation (TA) for households owed homelessness duties under Part VII of the Housing Act 1996. It explains how accommodation will be allocated, how suitability will be assessed, and the standards applicants can expect from accommodation secured by the Council.

1.2: Key Principles

The Council will:

- Seek to prevent and relieve homelessness wherever possible.
- Provide accommodation that is suitable, safe, affordable and meets statutory requirements.
- Secure accommodation within Medway wherever reasonably practicable.
- Minimise the use of emergency accommodation, including Bed and Breakfast and hotel accommodation.
- Reduce the length of time households spend in TA by promoting prevention, move-on and settled housing solutions.
- Make fair, transparent and evidence-based placement decisions.
- Use TA resources effectively to meet demand and achieve value for money.

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- Have regard to safeguarding responsibilities, equality duties and the welfare of children and vulnerable adults.

1.3: Suitability of Temporary Accommodation

When determining suitability, the Council will consider:

- Household size and composition.
- Medical, disability and welfare needs.
- Safeguarding concerns and risks.
- Access to employment, education and healthcare.
- Caring responsibilities and support networks.
- Affordability and travel costs.
- Availability of suitable accommodation at the time accommodation is required.

Suitability is an ongoing duty, and placements may be reviewed if circumstances change.

1.4: Local and Out-of-Area Placements

The Council's preference is to accommodate households within Medway. However, where suitable accommodation is unavailable, households may be accommodated elsewhere in Kent or further afield. Out-of-area placements will be made only after considering individual circumstances and the impact on employment, education, healthcare, support networks and safeguarding arrangements.

1.5: Prioritisation

Where demand exceeds supply, priority may be given to households with:

- Severe safeguarding concerns.
- High-risk domestic abuse cases.
- Child protection involvement.
- Serious medical needs.
- Dependent children.
- Significant support or care requirements.

1.6: Accommodation Standards

All TA used by the Council must be legally compliant, safe, fit for occupation and free from serious health and safety hazards. The Council will monitor accommodation quality through inspections, provider monitoring, audits and resident feedback.

1.7: Making Best Use of Temporary Accommodation

The Council will actively manage its TA stock, prioritise move-on opportunities, minimise void periods and seek to ensure accommodation is available for households

in greatest need. Households may be required to move between TA placements where operational, suitability or stock management reasons make this necessary.

1.8: Safeguarding and Support

The Council will work with relevant agencies to support households with identified safeguarding, health, education, care or support needs. Particular consideration will be given to children, care leavers, vulnerable adults, victims of domestic abuse, and applicants leaving institutions such as hospitals or prisons.

1.9: Offers, Refusals and Reviews

Applicants will normally receive one offer of suitable TA. Unreasonable refusal of suitable accommodation may result in the Council ending or discharging its housing duty where legislation permits. Applicants will be advised of any review rights and avenues of challenge available to them.

1.10: Monitoring and Governance

The Council will regularly monitor accommodation standards, occupancy, provider performance, costs, move-on outcomes and customer feedback. This policy will be reviewed periodically to ensure compliance with legislation, case law and good practice.

1.11: Policy Commitment

Medway Council is committed to ensuring that households who become homeless are provided with accommodation that is suitable, safe and appropriate to their needs, while working proactively to help households move into settled and sustainable housing as quickly as possible.

2: Legal overview

Medway Council may provide temporary accommodation (TA) where it has a statutory duty or discretionary power to do so under Part VII of the Housing Act 1996 and related legislation.

The Council must secure interim accommodation under Section 188(1) where it has reason to believe an applicant may be homeless, eligible for assistance, and in priority need, pending enquiries into their homelessness application.

Under Section 190(2), the Council may provide accommodation to applicants who are homeless, eligible and in priority need but found to be intentionally homeless, for a period sufficient to allow them to secure alternative accommodation.

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The main housing duty arises under Section 193(2) for applicants who are homeless, eligible, in priority need and not intentionally homeless. In these cases, the Council must secure suitable accommodation until the duty ends in accordance with the legislation.

The Council also has a duty under Section 193C (4) to secure accommodation for certain applicants who are homeless, eligible, in priority need and owed the relief duty under Section 189B.

In addition, the Council has discretionary powers to provide accommodation pending a homelessness review under Section 202 or a County Court appeal. These decisions are made on a case-by-case basis, taking account of individual circumstances, the merits of the case, and demands on TA resources.

TA placements may change as a homelessness case progresses. Accommodation provided under one statutory provision may continue under another following completion of enquiries and a homelessness decision.

The Council will consider relevant case law relating to TA placements and keep its approach under review. This policy complies with *Nzolameso v Westminster* [2015] UKSC 22.

Eligibility for accommodation may be restricted by the Nationality, Immigration and Asylum Act 2002, the Allocation of Housing and Homelessness (Eligibility) Regulations 2006, and other relevant legislation. Applicants must meet the applicable eligibility requirements before accommodation can be secured.

When making TA decisions, the Council will have due regard to its duties under the Equality Act 2010, including the needs of applicants with protected characteristics, and will also consider the Human Rights Act 1998, particularly Article 8 (the right to respect for private and family life).

In conducting all TA functions, the Council will have regard to the Housing Act 1996, the Homelessness Code of Guidance for Local Authorities, relevant case law, and any subsequent legislative or regulatory changes.

This assessment has been informed by evidence from the Medway Supported Housing Strategy and associated commissioning data, including demand from residents requiring supported accommodation pathways.

3: Temporary Accommodation Offers and Refusals

Temporary Accommodation is a short-term solution and effective move-on is essential to ensure accommodation remains available for other homeless households. Hotel and Bed & Breakfast (B&B) accommodation will only be used in emergencies, and families

placed in such accommodation will normally be moved to alternative accommodation within six weeks.

As demand exceeds the Council's own TA stock, accommodation will also be secured through private sector providers, including nightly paid accommodation.

The Council will normally make one offer of suitable accommodation, taking account of the applicant's circumstances and suitability requirements. Applicants are expected to accept the offer when made, and there is no requirement for the Council to arrange a viewing before acceptance.

If an offer is refused, the reasons will be considered, and the applicant will be advised of the consequences. Where the refusal is accepted as reasonable, a further offer may be made. If the Council considers the accommodation suitable and does not accept the reasons for refusal, no further accommodation offer will normally be made, and the applicant will be required to make their own arrangements.

In emergencies, the Council may secure the most suitable accommodation immediately available pending further assessment. If the placement is later found to be unsuitable, it will be reviewed and prioritised for transfer as soon as suitable alternative accommodation becomes available.

Priority for transfers may be given to:

- **Priority 1:** Severe safeguarding concerns, high-risk domestic abuse, child protection arrangements, or serious medical needs.
- **Priority 2:** Households with dependent children, applicants requiring access to local services, or those with significant support arrangements.
- **Priority 3:** All other households.

Where a homelessness duty is discharged and no review right exists, the applicant will be notified in writing and required to leave the accommodation. Households will normally be given 7 days' notice, or 28 days' notice for households with children placed within Medway, although the Council may extend these timescales where exceptional circumstances apply.

4: Suitability of accommodation

4.1: Affordability

In determining affordability, the Council will have due regard to the relevant sections of the Homelessness code of guidance for local authorities. The Council will consider whether the applicant can afford the housing costs without being deprived of basic essentials such as food, clothing, heating, transport, and other essentials specific to their circumstances. As such affordability assessments will consider rent, service charges, utilities, transport costs, childcare costs and other unavoidable expenditure.

The wider context of the applicant's particular circumstances will be considered when considering their household expenditure especially when these are higher than might be expected.

4.2: Location

The Council will seek to accommodate applicants within Medway where suitable and affordable accommodation is available, enabling households to maintain links with services, family, and support networks. Where this is not possible, accommodation may be secured elsewhere in Kent or, if necessary, further afield to meet the Council's housing duties.

Some households may need to be accommodated outside the local area, including those at risk of violence, abuse, human trafficking, or modern slavery, where relocation is necessary to reduce risk.

Before making an out-of-area placement, the Council will consider whether suitable accommodation is reasonably available in Medway, taking account of location, affordability, household needs, and available stock. Where accommodation is secured outside Medway, the receiving authority will be notified in accordance with Section 208 of the Housing Act 1996.

4.3: Size condition and facilities

Accommodation must provide adequate space and room standards for the household and be fit to inhabit. Households in TA will often be placed into units with one bedroom less than they would be entitled to on a permanent basis, with the expectation that the living room provides dual purpose as a living and sleeping area. In deciding on the fitness of the property, consideration should 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 extremely unlikely to be acceptable reasons for a refusal.

4.4: Health factors

When considering the suitability of accommodation, the Council will take into account all physical and mental health factors. Amongst others, such factors would include wheelchair users, households with sensory impairment, requirements for adapted properties and other assistance equipment requirements, households lacking ability to get up the stairs, households with care and support provided by other statutory agencies, and households with a need to access any specialist medical services that are only available in Medway. It should be noted, however, that this list is not exhaustive and that all physical and mental health factors will be given consideration.

If the applicant or a member of the resident household is citing medical grounds that were not identified during the initial assessment applicants will be requested to provide

supporting evidence as soon as reasonably practicable. The key test in determining the impact of medical issues is whether the condition itself makes the housing offered unsuitable. The Council will assess the impact of any medical condition on the suitability of accommodation.

4.5: Education

Attendance at a local school will not automatically make accommodation unsuitable. However, the Council will consider the impact of any placement on educational attendance, attainment, SEND provision, examination arrangements and educational welfare.

4.7: 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. This will include having a regard to both travelling time and the costs associated with this travel, and all modes of travel available to them.

4.8: The need to safeguard and promote the welfare of any children in the in the household

The council will seek to identify any needs of the 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 (although it must be borne in mind that almost all families seeking TA are families with children).

4.9: Any special circumstance

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

4.10: Personal Housing Plan and Suitability

All placements into TA will be based on a full assessment of the applicant's circumstances under Part VII of the Housing Act 1996 and, where applicable, their Personal Housing Plan.

The Council will ensure that:

- a) Information gathered during homelessness enquiries and any subsequent updates is used to inform suitability decisions.
- b) Medical, welfare, safeguarding, and risk information is considered prior to every offer.
- c) Suitability is a continuous duty, and suitability will be kept under review throughout the placement, more specifically where new information is received or circumstances change.

4.11: Temporary Accommodation Stock Management and Move-On

To ensure the effective use of TA and to reduce the length of time households spend in TA, the Council has assessed its forecast TA Needs over the next 5 years and will actively manage its TA portfolio through performance monitoring, stock management, procurement and move-on activity. The Council's TA Needs Assessment and Delivery Plan will be reviewed annually and will inform procurement, stock acquisition, leasing activity, suitability decisions and move-on priorities.

This approach reflects the requirements as set out in the Local Plan to End Homelessness, Local Performance and Accountability: A Toolkit for Developing Homelessness Strategies and Action Plans and supports the Council's duty to secure sufficient suitable accommodation and reduces reliance on emergency and nightly paid accommodation.

In some cases, a household living in TA may have to move to a different unit of TA. Depending on the type of the accommodation, changes in the housing market and/or availability of the Council's own TA stock, we may expect the households to move with short notice. In that case, the Council will normally make one offer of suitable accommodation. Where suitable accommodation is refused and there is no reasonable justification for the refusal, the Council may discharge or end any relevant housing duty in accordance with the Housing Act 1996.

The Council will:

- a) Prioritise the re-letting of vacant TA units to minimise void periods and maximise availability.
- b) Monitor void turnaround times and seek to return properties to use as quickly as possible following inspection, repairs and safety checks.
- c) Use demand and performance data to identify pressure points within the TA portfolio and inform procurement decisions.
- d) Maintain a planned programme of repairs and asset management to ensure properties remain suitable and available for occupation.
- e) Actively manage household move-on from TA through:
 - I. prevention and relief activity.
 - II. private rented sector offers.
 - III. allocations through the housing register where eligible.
 - IV. supported housing pathways where appropriate.
 - V. social housing nominations and other settled accommodation opportunities.
- f) Prioritise move-on for households occupying accommodation that is:
 - I. expensive to procure.
 - II. unsuitable for long-term occupation.

III. required for another household with a greater level of need.

4.12: Safeguarding, Support Needs and Multi-Agency Liaison

The Council recognises that households placed in TA may have safeguarding concerns, care and support needs, health requirements, educational needs, or other vulnerabilities that require ongoing involvement from statutory services or specialist support agencies. When assessing suitability and making placement decisions, the Council will have regard to the need to safeguard and promote the welfare of children, protect vulnerable adults, and minimise disruption to essential services and support networks.

Where the above needs have been identified, the Council will take reasonable steps to ensure appropriate liaison takes place with relevant agencies before a placement is made, or as soon as reasonably practicable afterwards. This is particularly important where accommodation is secured outside Medway and there is a need to ensure continuity of support and effective risk management.

4.13: Children, Young People and Families

The Council recognises the adverse impact that multiple placements and prolonged stays in TA can have on children's educational attainment, health and wellbeing and will seek to minimise these impacts wherever reasonably practicable.

Where a household includes a child or young person who is:

- a) subject to a Child Protection Plan.
- b) subject to a Child in Need Plan.
- c) looked after by a local authority.
- d) a care leaver.
- e) known to Children's Social Care services.
- f) receiving SEND support or has an Education, Health and Care Plan (EHCP); or
- g) otherwise assessed as vulnerable,

the Council will consider the impact of the placement on the child's welfare, education, health needs and existing support arrangements. The Council will seek to minimise unnecessary disruption and ensure that appropriate services can continue following the placement.

Where appropriate and subject to information-sharing requirements, the Council may consult with all professional services involved with a family.

Where a household with dependent children is placed into temporary accommodation, the Council will, subject to applicable consent and data sharing requirements, notify relevant education and health bodies to support continuity of education and healthcare

provision. Records of notifications and any consent obtained will be maintained on the case file.

4.14: Households Leaving Institutions

Where an applicant or member of their household is due to be discharged from, or has recently left, an institution such as a hospital, prison, residential care setting, supported accommodation, rehabilitation service or other institutional environment, the Council will consider the impact of the placement on their ability to sustain accommodation and access necessary support.

In assessing suitability, the Council may have regard to:

- a) ongoing healthcare, treatment or rehabilitation requirements.
- b) probation, prison resettlement or offender management arrangements.
- c) care and support needs.
- d) safeguarding considerations.
- e) access to specialist services and support networks; and
- f) any recommendations made by relevant professionals or agencies.

Where appropriate, the Council may consult with hospitals, probation services, social care services, support providers and other relevant agencies to assist in determining whether accommodation is suitable and to promote successful tenancy sustainment.

4.15: Adult Safeguarding, Care and Support

Where an applicant or household member:

- a) receives adult social care support.
- b) is subject to safeguarding procedures.
- c) receives mental health services.
- d) has a learning disability.
- e) has a physical disability; or
- f) has care and support needs under the Care Act 2014,

the Council will consider the impact of relocation on existing care arrangements and access to services. Where necessary, the Council may consult with Adult Social Care services, healthcare providers, mental health services and other relevant support agencies to help ensure continuity of care and minimise disruption.

Where supported housing or specialist accommodation is identified as the most appropriate housing pathway, the Council will seek to work with commissioned providers and partner agencies to facilitate access to suitable provision.

4.16: Health Needs

Where a household member is receiving ongoing healthcare treatment, specialist services or mental health support, the Council will consider the potential impact of a placement on access to those services. Where appropriate and subject to information-sharing requirements, the Council may consult with all professional services involved with an individual.

Consideration will be given to households containing a child with complex medical needs, significant healthcare requirements or ongoing treatment programmes.

4.17: Pets and Assistance Animals

Temporary accommodation is a provision provided to Homeless applicants on the day of their homelessness and often cannot be planned or booked in advance. Due to limited providers of temporary accommodation that will accept pets within their properties and placements needing to be made on the day Medway Council cannot provide any guarantee that a property that accommodates pets can be sourced.

However, if a household arrives on the initial date of approach of a homelessness application with a pet, Medway Council will, where possible, accommodate the household with their pet. If this is not possible, an offer of interim or temporary accommodation may be made where a pet is not permitted, and this offer of accommodation will be deemed suitable.

The Council will take account of its duties under the Equality Act 2010 when considering households that rely on assistance animals, including guide dogs, hearing dogs and other animals supporting a person with a disability. Assistance animals will not be treated as pets for the purposes of this policy, and reasonable steps will be taken to secure suitable accommodation that can accommodate the assistance animal.

4.18: Domestic Abuse, Violence and Exploitation

Where an applicant is fleeing domestic abuse or is at risk of violence, exploitation, modern slavery or human trafficking, the Council will take account of safety, confidentiality and risk management considerations when assessing suitability and identifying accommodation. In some cases, location safety will initially need to be prioritised over school/job/support location. In such cases the Council accepts that risk can change, as such these cases will be kept under daily review.

The Council will consider risks associated with location, re-trafficking, continued abuse or exploitation, violence, threats, hate crime, racial harassment, antisocial behaviour, gang-related activity and other forms of intimidation, and any recommendations provided by specialist agencies when determining whether accommodation is suitable.

Where appropriate, the Council may consult with:

- a) domestic abuse services.
- b) Independent Domestic Violence Advisers (IDVAs).
- c) Multi-Agency Risk Assessment Conference (MARAC) representatives.
- d) police services.
- e) specialist trafficking or modern slavery support providers; and
- f) safeguarding agencies.

4.19: Out-of-Area Placements and Inter-Authority Liaison

Where a household with identified safeguarding concerns, care and support needs, educational requirements or health needs is placed outside Medway, the Council will notify and consult with the receiving authority where appropriate and in accordance with statutory requirements and information-sharing obligations.

This may include sharing relevant information regarding:

- a) safeguarding concerns.
- b) care and support needs.
- c) educational arrangements.
- d) health requirements.
- e) risks to the applicant or others; and
- f) ongoing service involvement.

The purpose of this liaison is to support continuity of services, ensure appropriate arrangements are in place and assist relevant agencies in managing identified risks.

4.20: Information Sharing

Information will be shared in accordance with:

- a) UK General Data Protection Regulation (UK GDPR).
- b) the Data Protection Act 2018.
- c) safeguarding legislation and statutory guidance; and
- d) local information-sharing agreements.

The Council will obtain consent where required and will only share information that is necessary, relevant and proportionate for safeguarding purposes, continuity of care or the maintenance of support arrangements. Where safeguarding concerns justify information sharing without consent, the Council will act in accordance with relevant legislation and safeguarding procedures.

4.21: Recording Requirements

The Council will maintain an appropriate record of:

- a) safeguarding concerns and vulnerabilities identified.

- b) agencies consulted or notified.
- c) information shared.
- d) consent obtained where applicable.
- e) actions taken to support continuity of services and support arrangements; and
- f) the reasons for decisions made.

This information will form part of the household's suitability assessment, placement decision and ongoing case record.

5. Accommodation Demand, Standards and Quality Requirements

The Council will ensure that all TA procured, leased, managed or used to discharge homelessness duties is safe, suitable, of an appropriate standard and compliant with all relevant statutory requirements.

In planning future provision, the Council has assessed both overall demand and the types of accommodation likely to be required over the life of this plan. Local data indicates increasing demand from families with dependent children and pregnant women, survivors of domestic abuse, households with physical or mental health needs, people leaving hospital, prison or other institutions, and those with multiple or complex support needs.

This assessment has identified particular pressures on larger family accommodation, accessible and adapted accommodation, self-contained accommodation, and supported or step-down accommodation for households with complex needs.

The Council will use annual reviews of demand, placement trends and supported housing data to inform procurement, acquisition and leasing activity, ensuring sufficient suitable accommodation is available to meet identified need. Particular focus will be given to increasing access to accessible and adapted temporary accommodation where demand has been identified.

Accommodation standards will be assessed before occupation and monitored throughout a household's placement. Suitability is a continuing duty, and accommodation arrangements may be reviewed where circumstances change or concerns are identified.

5.1: General Standards

All TA used by the Council must:

- a) be free from Category 1 hazards as defined by the Housing Health and Safety Rating System (HHSRS).
- b) comply with all applicable housing, health and safety and fire safety legislation.
- c) be structurally stable and fit for human habitation.
- d) provide adequate space for the household being accommodated.
- e) have safe and reliable heating, hot water, electrical and sanitation facilities.

- f) be free from unacceptable damp, mould and condensation hazards; and
- g) meet all statutory requirements relating to gas, electrical and fire safety.

The Council will take a rigorous and responsive approach to ensuring temporary accommodation is free from damp and mould. Reports of damp, mould or condensation will be investigated promptly and appropriate remedial action taken where necessary. Regard will be given to households containing children, pregnant women, older persons or individuals with respiratory or other relevant health conditions.

Where emergency accommodation is secured at short notice and does not immediately meet all preferred standards, the placement will be kept under review, and the Council will seek to secure more suitable accommodation as soon as reasonably practicable.

5.2: Family Accommodation Standards

The Council recognises that households with dependent children have accommodation needs and that TA should support the health, welfare and development of children. When securing family accommodation, the Council will work towards achieving the following standards where reasonably practicable and subject to availability.

- a) Family accommodation should provide access to facilities for the safe storage, preparation and cooking of food
- b) Families should have reasonable access to facilities for washing and drying clothing and bedding
- c) Family accommodation should provide access to secure storage for personal possessions, essential documents, medicines and children's equipment, where reasonably practicable.
- d) family accommodation should provide access to Wi-Fi or other suitable internet connectivity arrangements. Consideration will be given to households with school-aged children.
- e) The Council's aim is to eliminate the use of Bed and Breakfast and Hotel accommodation for families and pregnant women except where required in a genuine emergency and then only for the shortest possible period.

5.2a: Babies and Young Children

Where a household includes a baby or child under two years of age, accommodation should provide adequate space for a cot or other age-appropriate sleeping arrangements.

The Council will provide advice and support in securing a cot in instances where one is not available. Support may include signposting to charities, providing advice on where to obtain a cot or providing a cot directly to the household.

The Council will consider room size, health and safety requirements, overcrowding considerations and the needs of the child when assessing suitability.

5.3: Safety Requirements

The Council will ensure that all TA meets appropriate safety standards and that accommodation providers comply with relevant legislative requirements.

5.3a: Fire Safety

Accommodation providers must ensure that:

- a) smoke alarms are fitted and operational.
- b) carbon monoxide alarms are provided where legally required.
- c) communal areas are subject to appropriate fire risk assessment.
- d) emergency escape routes are maintained and kept free from obstruction; and
- e) all applicable fire safety legislation is complied with.

5.3b: Gas and Electrical Safety

The Council will require:

- a) valid annual Gas Safety Certificates where gas installations are present.
- b) Electrical Installation Condition Reports (EICRs) completed within statutory timescales.
- c) prompt remediation of identified hazards or defects; and
- d) confirmation that electrical appliances supplied by the provider are safe for use.

5.3c: Health, Safety and Welfare

Accommodation must:

- a) be safe and suitable for occupation.
- b) provide adequate sanitation and bathing facilities.
- c) provide sufficient heating and hot water.
- d) be free from serious hazards likely to affect the health, safety or welfare of occupants; and
- e) support the Council's duties to safeguard and promote the welfare of children and vulnerable adults.

6: Criteria for Prioritising Placements into Accommodation Types

Placement in accommodation types is subject to availability. Applicants will be placed in accommodation that is available and suitable for their household in the first instance.

These criteria are designed to make the most effective use of available accommodation. There will be instances where a departure from these criteria becomes necessary due to operational necessity or exceptional circumstances.

Households already placed by the Council in TA outside Medway, but who wish to return to the Medway area will be assessed in accordance with these criteria, but weight will be given to those who have been living outside Medway area for the longest period.

6.1: Group 1 - Temporary Accommodation owned by the Council

- a) Applicants for whom the Council has accepted a s193 duty.
- b) Households with a particular need which can only be met in this type of accommodation due to the availability of specific facilities in the property (e.g. ground floor level access fully adapted property need) will also be prioritised for this accommodation type.
- c) Any other special circumstance will also be considered (including any needs of the children in the household not already identified).

6.2: Group 2 - Temporary Accommodation not owned by the Council but in the general Medway area

- a) Members of an applicant's household with a severe and enduring health condition requiring intensive and specialist medical treatment where a move from Medway would disrupt that treatment and continuity of care.
- b) Members of an applicant's household who are in receipt of a significant
- c) package and range of health care options that cannot be easily transferred.
- d) Households containing a child or children with special educational needs who are receiving education or educational support at a local school in Medway, and where a change to another school or learning establishment would be detrimental to their continuing development.
- e) Households with a child(ren) registered on the Child Protection Register in Medway or families who have high social needs who are linked into local support services and where it is verified that a transfer to another area could be detrimental to their welfare.
- f) Households containing a child with special educational needs who is receiving education or educational support in Medway, where change would be detrimental to their well-being.
- g) Households where one or more members are in employment in Medway and could not reasonably commute to their place of work from outside of Medway.
- h) Any other special circumstance will also be considered (including any needs of the children in the household not already identified).

6.3: Group 3 - Temporary Accommodation outside the Medway area

- a) The applicant or a member of their household is at risk in the Medway area.

- b) All other homeless households will be offered accommodation wherever the Council is able to procure it including outside Medway and Kent area.

7: Moves between Temporary Accommodation, Managing Disruption and Maintaining Support Networks

When securing Temporary Accommodation, the Council will seek, wherever reasonably practicable, to minimise disruption to education, employment, healthcare, caring responsibilities, safeguarding arrangements and established support networks.

The Council recognises that TA can affect a household's ability to access essential services and maintain support arrangements. Suitability assessments will therefore consider both the availability of accommodation and the impact that a proposed placement may have on the household's wellbeing and support needs.

Where a transfer between TA is required, these will be prioritised in the following order:

- a) Transfer from TA found to be in serious disrepair that poses threat to life.
- b) Transfer from TA because of evidenced critical medical need e.g. TA accessed by stairs and tenant unable to negotiate.
- c) Transfer from non-council shared accommodation including hotels/B&B for families who have been in occupation for at least 5 weeks (to avoid penalties of sharing accommodation beyond 6 weeks)
- d) Transfer from TA found to be unsuitable following a review.
- e) Transfer from private sector TA nearing lease expiry date.
- f) Transfer because of evidenced serious medical need.
- g) Transfer from TA found to be in serious disrepair that cannot be rectified while the tenant is in situ.
- h) Transfer from expensive TA to cheaper units (including nightly paid to Council owned)
- i) Transfer for overcrowding/under occupation.

7.1: Assessment Criteria

When considering the impact of a proposed placement, the Council will have regard to:

- a) the location of the household's GP, hospital, specialist medical services or ongoing treatment.
- b) schools, colleges or other educational provision attended by household members.
- c) social care involvement, safeguarding arrangements and family support services.
- d) caring responsibilities undertaken by or provided to household members.
- e) support provided by family members, friends, community organisations or specialist agencies.

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- f) employment, training or apprenticeship commitments.
- g) public transport links and travel costs.
- h) any risk factors including domestic abuse, exploitation, gang-related violence, trafficking or harassment.

Each case will be considered individually, and no single factor will automatically determine suitability.

7.2: Evidence Requirements

Households who state that accommodation may significantly disrupt essential support arrangements may be asked to provide reasonable supporting evidence.

This may include:

- a) medical letters from healthcare professionals.
- b) Education, Health and Care Plans (EHCPs).
- c) confirmation from schools, colleges or educational support services.
- d) evidence of social care involvement.
- e) evidence of caring responsibilities.
- f) letters from support agencies or specialist services.
- g) proof of employment, training or apprenticeship commitments.

The Council will consider all available evidence and will not unreasonably delay placement decisions while awaiting further information where there is an immediate need to secure accommodation.

7.3: Balancing Exercise

The Council must balance the needs of the household against the availability of suitable accommodation at the time the housing duty arises.

In determining whether accommodation is suitable, the Council will consider:

- a) the significance of any disruption likely to be caused.
- b) whether support or services can reasonably continue following the placement.
- c) the distance between the accommodation and relevant services.
- d) the travel time and associated costs.
- e) whether alternative suitable accommodation is available.
- f) the urgency of the placement.
- g) the Council's wider duty to secure accommodation for all households owed a housing duty.

The Council's starting position will be to secure accommodation within Medway wherever reasonably practicable. However, where no suitable accommodation is

available locally, accommodation may be secured outside the district if this remains suitable when all relevant circumstances are considered.

When accommodation is secured outside Medway, the Council will record the reasons why accommodation within Medway was not reasonably practicable to secure and retain evidence of the accommodation search undertaken.

7.4: Children and Vulnerable Persons

Consideration will be given to:

- a) households with children.
- b) households subject to Child Protection Plans or Child in Need Plans.
- c) people receiving specialist medical treatment.
- d) people with disabilities.
- e) care leavers.
- f) victims of domestic abuse.
- g) victims of trafficking or modern slavery.
- h) adults with care and support needs.

The Council will have regard to its duties under the Children Act 2004, Care Act 2014 and Equality Act 2010 when assessing suitability.

The Council recognises the adverse impact that multiple placements and prolonged stays in TA can have on children's educational attainment, health and wellbeing and will seek to minimise these impacts wherever reasonably practicable.

7.5: Recording of Decisions

Officers will maintain a written record of suitability assessments and the factors considered when determining the location of temporary accommodation.

Where accommodation is secured outside Medway, records will demonstrate:

- a) why local accommodation was not reasonably available.
- b) what impact on support networks and essential services was considered.
- c) any evidence provided by the household.
- d) the reasons why the accommodation was considered suitable.

This record will form part of the Council's suitability assessment and may be relied upon in the event of a review or legal challenge.

8. Monitoring and Quality Assurance

The Council is committed to ensuring that Temporary Accommodation (TA) remains safe, suitable and of an appropriate standard throughout a household's stay. To

support this, it will maintain a programme of monitoring, auditing and performance management, including accommodation audits, property inspections, quality monitoring, occupancy verification and welfare checks.

These activities may assess occupancy, property condition, health and safety compliance, repairs and maintenance, household composition, safeguarding concerns and the ongoing suitability of accommodation. Where issues are identified, the Council will investigate and take appropriate action, including requiring improvements from accommodation providers or removing unsuitable accommodation from use where standards are not met.

9: Reviews, Complaints and Legal Challenge

The Council is committed to making fair, lawful and transparent decisions when conducting its homelessness and TA functions. Applicants who disagree with a decision, are dissatisfied with the service they have received, or wish to challenge the lawfulness of a decision have several routes available to them.

9.1: Statutory Reviews under Section 202 Housing Act 1996

Applicants may have a legal right to request a review of certain decisions made under Part VII of the Housing Act 1996. This includes, but is not limited to:

- a) decisions as to the suitability of accommodation offered under a section 193 main housing duty.
- b) decisions that the homelessness duty has been brought to an end.
- c) decisions regarding the discharge of a homelessness duty through a private rented sector offer or Pt 6 accommodation; and
- d) other decisions prescribed by section 202 of the Housing Act 1996.

Where a right to review exists, applicants will be notified in writing of:

- a) the decision made.
- b) the reasons for the decision.
- c) their right to request a review.
- d) the timescale for requesting a review; and
- e) how the review request should be submitted.

Reviews will be conducted by an officer who was not involved in the original decision and who is suitably senior and independent of the original decision-making process. The reviewing officer will consider all relevant facts, evidence, representations and legal requirements before issuing a written review decision.

The Council will determine requests for accommodation pending review on a case-by-case basis, taking account of the applicant's personal circumstances, the merits of the

review request, potential risks to members of the household and the availability of TA resources.

9.2: Complaints Procedure

Where an applicant is dissatisfied with the standard of service received, they may make a complaint through the Council's Corporate Complaints Procedure.

The complaints procedure is separate from the statutory review process and cannot be used to overturn decisions where a legal right to a section 202 review exists. Matters concerning the merits of a homelessness decision will normally be dealt with through the statutory review process where applicable.

9.3: Local Government and Social Care Ombudsman

If an applicant remains dissatisfied after exhausting the Council's Corporate Complaints Procedure, they may have the right to refer their complaint to the Local Government and Social Care Ombudsman (LGSCO).

Information about the Ombudsman and how to make a complaint can be obtained from the Council or directly from the Local Government and Social Care Ombudsman.

9.4: Judicial Review

Certain homelessness and TA decisions may be challenged through an application for Judicial Review in the High Court. Judicial Review is a legal process through which the Court considers whether a public body's decision was made lawfully, fairly and in accordance with its statutory duties.

Judicial Review may be available in circumstances where:

- a) there is no statutory right of review.
- b) it is alleged that a decision was unlawful, irrational or procedurally unfair; or
- c) urgent intervention is sought in relation to accommodation or homelessness duties.

Applicants seeking independent legal advice regarding Judicial Review should obtain advice from a solicitor, legal adviser or organisation specialising in housing law as soon as possible, as strict time limits apply.

10: Policy Governance and Review

Responsibility for implementation of this policy rests with Medway Council's Housing Needs Statutory Homeless Service departments.

Temporary Accommodation Placement and Suitability Policy

The policy will be reviewed every two years or sooner where legislative or operational changes require amendment.