



# **Placement Policy**

**Temporary Accommodation and Private  
Rented Accommodation (PRSO)**

**2020**

**Housing Services**

--- [www.brentwood.gov.uk](http://www.brentwood.gov.uk) ---

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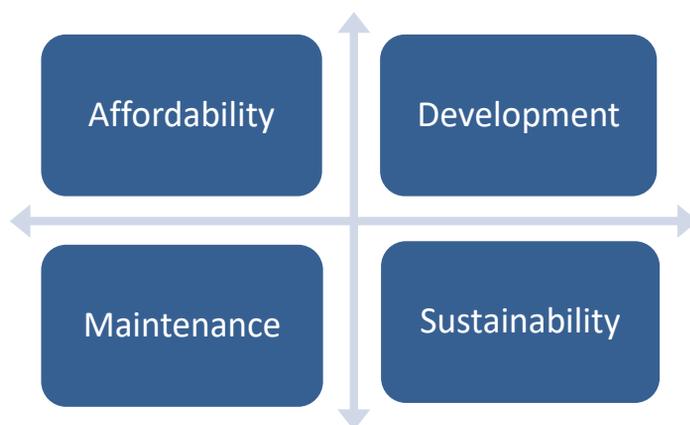
# INTRODUCTION

Homelessness is a growing issue throughout England at this time. It is important as a Local Authority to work towards achieving the best possible outcomes for customers at a time of limited resources and increasing challenges.

Our aim is to provide our customers with a flexible and innovative service which meets the backdrop of a challenging housing environment. We recognise that there are a wide range of housing needs and expectations and we are constantly seeking to overcome together the challenges which we face.

Housing is a critical element of all our lives and this is being increasingly recognised at all levels of government. Brentwood Borough Council is committed to providing the best service possible and is determined to provide effective and innovate solutions for the benefit of all our customers and residents.

**Ms Tracey Lilley**  
**Director of Enforcement & Housing**



# Scope and Purpose

## Why have a Placement Policy?



All residents of Council accommodation should have information about how their housing is sourced and managed, including confidence in the process should they need to move to an alternative.

The Placement Policy is relevant particularly to homeless applicants and provides information as to how any individual or family will be dealt with. It also provides direction on how Private Rented Sector Offers (PRSO) will be made.

The Policy does not alter the law but provides guidance on how it will be applied.



All Councils and social landlords must operate viable businesses with adequate recourse to financial resources to meet current and future business and financial commitments.



The Council seeks to continue to provide good-quality housing services for residents and prospective residents. We must aim to deliver continuous improvements and value for money in our services. Service provision is subject to challenge and change. The wishes of residents and others must be balanced against available resources within a clear framework.

## What is Temporary Accommodation?

Brentwood Borough Council ('the Council') has statutory and non-statutory duties to assist homeless households. The Council works hard to prevent homelessness, however not every prevention case is successful and some households will require temporary accommodation ('TA').

TA is provided whilst a Part VII Housing Act 1996 ('the Act') homeless application is being assessed. The legal term for this is 'interim accommodation pending enquiries' (as per s.188 of the Act).

TA is also provided where a legal duty to provide permanent accommodation has been accepted by the Council and permanent accommodation is being sourced (as per s.193 of the Act). TA will also be provided in other circumstances where applicable (for example under the Severe Weather Emergency Protocol).

The Council's primary aim is to provide accommodation within the Borough of Brentwood whenever possible, but unfortunately this is not always achievable. The Council is dependent on actual accommodations being available, often at very short or no notice.

## What does this Policy cover

This policy covers both the provision of TA under the Housing Act 1996 and any offers of Private Rented Sector Offer (PRSO) accommodation.

The policy is compliant with the Housing Act 1996, the Homelessness Reduction Act 2017, the Homelessness (Suitability of Accommodation Order 2012) and has regard to the Homelessness Code of Guidance, as well as relevant case law.

The policy will include affordability and location of accommodation as applicable to individual homeless households. In an emergency, a homeless household can be placed in temporary accommodation in ANY location available on that day and for a reasonable period thereafter. The policy is written in line with a draft working protocol being developed by the Local Government Association, and will seek to work in synthesis with this.

## Definition of Placements

For the purpose of this policy the three geographical areas are:

- ❑ In-Borough: Within the Borough of Brentwood
- ❑ Essex-Wide: Within the County of Essex
- ❑ Any Area: Defined as outside Essex. In these instances the Council will consider the availability of services such as schools and health services to ensure the welfare of any child is fully considered in line with section 11 (2) of the Children’s Act 2004.

Placements in Borough may be in bed & breakfast style accommodation, Private Sector Leasehold properties or the Council’s own stock. The Council predominantly houses applicants in Borough, with use of B&B accommodation for short periods only.

Housing Authorities are required to use B&B accommodation only as a last resort. For applicants with ‘family commitments’ B&B accommodations is only for a maximum of 6 weeks (‘the six-week rule’).

Applicants with family commitments include an applicant who:

- ✓ Is pregnant;
- ✓ With whom a pregnant woman resides or might reasonably be expected to reside; or,
- ✓ With whom dependent children reside or might reasonably be expected to reside

## In-Borough Placements

Priority for available in-Borough placements will be given to certain households listed below who have a compelling need to be housed within the Borough.

Such priority does not guarantee a placement but should suitable and affordable accommodation become available it will give priority over others without that assessed priority.

Priority will ordinarily be given to those households:

- ❖ Already in B&B accommodation whom would otherwise break the six-week rule
  - ❖ Receiving treatment for a physical or mental health condition from a specialist hospital unit which cannot be transferred to another NHS service, or they are at a critical point in their treatment.
  - ❖ Long-standing agreement to provide care and support to another family member living in the Borough who is not part of the household. Carers need to be in receipt of Carer's Allowance and/or the person they care for must be in receipt of middle or higher rate DLA care component or the daily living component of PIP.
  - ❖ Children subject to a Child Protection Plan in the Borough of Brentwood area which cannot be transferred to another Local Authority without causing detriment to the child.
  - ❖ Children subject to an Educational Health and Care Plan in the Borough of Brentwood which cannot be transferred to another LA without causing detriment to the child.
  - ❖ Households with children who are enrolled in GCSE, AS or A Level courses within the Borough of Brentwood with such exams to be taken within the next 12 academic months. Wherever possible the Council will seek to place households within 45 minutes travelling distance of their school, or college, by public transport.
  - ❖ Other circumstances which demonstrate a compelling and exceptional need that cannot be met outside the Borough.
- ❖ The Council will also consider the needs of applicants, where one or more is in permanent settled employment (for at least 6 months prior to the date of their homeless application) to reach their normal workplace from where the accommodation is secured.

## Essex-Wide Placements

Priority for Essex-wide placements will be given to certain households that have a compelling need to be housed within the County.

Such priority does not guarantee a placement but should suitable and affordable accommodation become available it will give priority over others without that assessed priority. Priority will be considered where a household satisfied one or more of the criteria below:

- ❖ Educational needs (as outlined above)
- ❖ Employment needs (as outlined above but within Essex rather than the Borough)
- ❖ Where exempt from the Benefits Cap (which currently includes receipt of a number of Benefits)

## Any Area Placements

All other homeless households will be offered accommodation wherever the Council is able to procure it, including outside of the Borough and County. This applicant group includes:

- ❖ Households who would otherwise be an in-Borough priority but who are unable to afford accommodation in the Borough or County area, for instance due to benefit restrictions.

## Moving within TA

It may be necessary to move individuals or households to another TA property for example when,

- ❖ The Council needs to use emergency accommodation initially, such as bed and breakfast, and subsequently can move the household to more self-contained or more affordable temporary accommodation.
- ❖ The Council must hand a property back to a landlord (for example if it is part of the Private Sector Leaseholds ('PSL') scheme.
- ❖ For unseen reasons, such as when a property requires major repairs.

When the above occurs the Council will use the above criteria when considering allocation of alternate accommodation.

## Refusal of TA

Should an applicant refuse an offer of accommodation made under section 188 of the Act or fail to take up occupation of the accommodation and the offer is deemed suitable, the Council will not provide any further TA until enquiries are completed.

- ❖ If an offer is made under section 193 and is refused then the Council will consider it has met its statutory obligations to the applicants and had discharged its duty to provide any accommodation. In accordance with s.202 of the Act the applicant will have the right to request a review of suitability of offers made under s.193 and the applicant will be informed of how to request such a review.
- ❖ If the outcome of the review of the suitability is that the offer was not suitable the Council will be under a duty to make an alternate offer. Applicants are reminded of their right to accept the offer of accommodation and pursue a review of the suitability of the accommodation whilst in occupation.

# Notification Requirements

As per section 208 of the Housing Act 1996 there is a legal requirement for Local Authorities to notify alternate Councils when making out-of-Borough TA placements.

The Council will notify the receiving authority of any placement (as far as this is possible). The notification will be within 14 days and will provide information as required by law. Such information includes:

- ✓ Name of applicant
- ✓ Number and description of other persons who reside or might reasonably reside with the applicant.
- ✓ The address of the accommodation.
- ✓ The date on which the accommodation was made available.
- ✓ Which function the Authority is discharging in securing the accommodation.

The Council will also make any other such referrals, including safeguarding referrals, as per applicable law.

The Council is committed to working with its partners to ensure that placements by other Local Authorities (including London Boroughs) within Brentwood are notified and monitored where appropriate.

## Domestic Abuse - Refuges

In line with professional advice the Council considers all housing options relating to domestic abuse. If an individual or family needs to flee due to violence or fear of violence in a domestic context the Council would ordinarily first seek to support and refer the household into Refuge accommodation.

Refuge services provide safe accommodation to adults and their children who are experiencing abuse and are unable to stay in their own homes or access alternate safe accommodation.

Different refuges offer different facilities, however all victims of Domestic Abuse will be supported and protected to a much higher level than would be possible through placing in bed & breakfast or even in-Borough temporary accommodations.

Both adults and young people living in refuges can access specialist support and activities which may not otherwise be available to them. It is intended to be a temporary solution whilst provision can be made for alternate long-term solutions.

The Council works alongside its partners, including the South-Essex Domestic Abuse Hub (SEDAH) and Changing Pathways; as well as being able to access a national support network of refuge placements.

The Council will always operate a safety-first approach to domestic abuse.



ARE YOU IN FEAR OF OR EXPERIENCING DOMESTIC ABUSE?

The South Essex Domestic Abuse Hub is a place where you can come for help, advice and assistance. The hub includes a range of support services that you can access.

SOUTH ESSEX DOMESTIC ABUSE HUB

HUBS LOCATED IN LOCATIONS ACROSS BASILDON, BRENTWOOD, CASTLE POINT, ROCHFORD & THURROCK

FOR MORE INFORMATION ABOUT THE HUB AND DETAILS OF WHERE TO DROP-IN PLEASE CONTACT

01268 729707

# Private Rented Sector Offer (PRSO)

## A PRSO may be made to alleviate homelessness as per the Localism Act 2011.

PRSOs may be made as per section 193 (7AC) of the Housing Act 1996 to bring to an end the duty to provide permanent accommodation.

Refusals of a PRSO accommodation are dealt with in the same way as refusal of temporary accommodation once a s.193 duty has been accepted.

Applicants will be given one offer of a PRSO which, if suitable, should be accepted by the applicant. In the alternative the applicant would be responsible for providing their own accommodation forthwith.

Suitability of accommodation will take into account all statutory requirements, including but not limited to those set out in the suitability section below.

All offers will be made in line with statutory requirements, the Allocations Policy 2014 and any related policies.



# SUITABILITY

## Factors to Consider:

In offering temporary or PRSO accommodation the Council will consider the suitability of the offer, taking into account, but not limited to, the following factors:

### Accommodation available in the Borough

If suitable accommodation is available in the local area applicants will be housed in the Borough of Brentwood. The purpose is to allow them to maintain any established links with services and social/support networks if applicable. However, where there is a lack of suitable accommodation or there are higher priority households awaiting accommodation in the Borough then out-of-Borough placements will be used to meet the Council's housing duty. Given the shortage of accommodation locally, B&B in/outside of the Borough may be considered suitable for short-term interim placements.

### Affordability

Affordability will be considered with every placement, and support given to access necessary benefits, including Discretionary Housing Payments ('DHP'). Due regard will be paid to paragraph 17.37 of the Code of Guidance 2019 when assessing affordability:

*When determining whether accommodation other than B&B accommodation is available for use, housing authorities will need to take into account, among other things, the cost to the authority of securing the accommodation, the affordability of the accommodation for the applicant and the location of the accommodation. A housing authority is under no obligation to include in its considerations accommodation which is to be allocated in accordance with its allocation scheme, published under section 167 of the 1996 Act.*

### Size and Availability

Whilst principally considered above the accommodation must provide adequate space and room standards for the household and be fit to inhabit. In deciding on this consideration would be given to the length of time needed to complete any repairs and whether it is reasonable to occupy whilst these repairs are being completed. The quality of decoration, the layout/type of accommodation, provision of parking and lack of access to a garden are unlikely to be acceptable reasons for refusal.

- ❖ **Health**
- ❖ **Education**
- ❖ **Employment**
- ❖ **Proximity to Schools and Services**

The Council will also consider the above four factors, as further detailed in the policy above, when organising placements. The Council is unable to guarantee satisfaction of all criteria, particularly relating to provision of emergency accommodation, but will endeavour to do so where possible.

## **Any Other Special Circumstances**

The Council will consider any other reasons for refusal put forward by an applicant and come to an overall view about whether the offer is suitable. Any action taken will be as per the law, with policy as a guide to it.

## Equality, Diversity and Well-Being

❖ Brentwood Borough Council actively works to ensure that its tenants, leaseholders and customers receive the services that are appropriate to them. The Council also strives to ensure that additional services can be provided to enable customers to access services which may be beneficial to their wellbeing and quality of life.

## Confidentiality

❖ Under the Data Protection Act 2018 and the EU General Data Protection Regulation 2016 the Council complies with the six data protection principles. Further information is available online at [www.brentwood.gov.uk](http://www.brentwood.gov.uk) (*Information About You*)

## Publicising the Policy

❖ The policy will be available at the Town Hall in hard copy. The policy will also be made available online at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

## Address for Service:

❖ For the sake of certainty this is:

**Brentwood Borough Council**  
**Town Hall, Ingrave Road, Brentwood, Essex, CM15 8AY**

# Glossary

<b>[the] Council</b>	Brentwood Borough Council.
<b>Housing Benefit</b>	A government benefit, currently administered by Local Authorities, which pays all or part of the rent and service charge for a property.
<b>Interim Accommodation</b>	Accommodation which is temporary where a duty exists under s.188 (1) of the Housing Act 1996.
<b>Local Authority</b>	A county, county borough, district or London borough council <i>et al</i> established by Part IV of the Local Government Act 1985.
<b>PRSO</b>	Private Rental Sector Offer. Accommodation which is owned by a private landlord and where private rent is payable.
<b>Severe Weather Emergency Protocol</b>	Provision of emergency nightly accommodation in extremes of temperature, as detailed within the Housing Strategy (as amended 2020).
<b>Temporary Accommodation</b>	Accommodation provided once a duty to provide permanent accommodation has been accepted, whilst it is being sourced.
<b>Universal Credit</b>	A Government benefit, administered by the Department of Work & Pensions, which replaces Child Tax Credits, Housing Benefit, Income Support, Jobseeker’s Allowance, Employment Support Allowance and Working Tax Credits.

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# Version Control

Item	Reason for Change	Version	Author	Date

Last Review Date: 2<sup>nd</sup> May 2020

Next Review Date: 2<sup>nd</sup> May 2023

Scope	Homeless Households
Effective date	14 <sup>th</sup> January 2020
Review date	2 <sup>nd</sup> May 2023
Signed Off	Housing Services Manager – Angela Abbott
Author	Housing Options Manager – Stuart Morris
Strategy Owner	Housing Services
Legislation	<p>Housing Act 1996, as amended by the Homelessness Act 2002</p> <p>Housing Act 2004</p> <p>Localism Act 2011</p> <p>Homelessness Reduction Act 2017</p> <p>Data Protection Act 2018</p> <p>EU General Data Protection Regulation 2016</p> <p>Local Government Act 1985</p> <p>Homelessness (Suitability of Accommodation) (England) Orders 1996, 2003 and 2012</p> <p>Supplementary Guidance on the Homelessness changes in the Localism Act 2011 and the Homelessness (Suitability of Accommodation)(England) Order 2012</p> <p>The Homelessness Code of Guidance</p> <p>The Council’s Housing Strategy 2017-2020</p> <p>The Council’s Allocation Policy 2014</p> <p>Children Act 1989 (in particular s.17)</p> <p>Children Act 2004 (in particular s.11)</p>
Consultation	General - Tenant Talkback.

# Contact

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