Temporary Accommodation Procurement and Placement Policy 2024

Hertsmere Borough Council

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INTRODUCTION

This is Hertsmere Borough Council's combined Temporary Accommodation (TA) Procurement and Placement Policy 2024. The policy sets out our approach to placements of households in temporary accommodation, both in and out of borough. It covers interim placements made under Section 188 Housing Act 1996 and interim placements of households accepted as homeless under Section 193 Housing Act 1996.

It will set out the ways in which the Council will procure sufficient suitable units of accommodation and how it will make decisions on who is placed into which units.

The demand for homelessness services has increased significantly and this policy reflects this demand and reviews data to determine how the council can respond to the changes in temporary accommodation need.

This policy complies with relevant legislation and case law, including:

- The Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017
- The Localism Act 2011
- Homelessness (Suitability of Accommodation) (England) orders 1996, 2003 and 2012
- Equality Act 2010
- Care Act 2014
- Section 11 of the Children's Act 2004 and Section 17 and Section 27 of the Children's Act 1989
- Homelessness Code of Guidance for Local Authorities (2018)
- The Homelessness (Review Procedures) Regulations 2018
- R (on the application of Carstens) v Basildon DC (2007)
- R v Kensington and Chelsea LBC, ex p Kujtim (1999)
- Nzolameso v City of Westminster (2015)

The policy works alongside the following Hertsmere Borough Council strategies and policies:

- Homelessness and Rough Sleeping Strategy
- Allocations Policy
- Health and Wellbeing Strategy
- Empty Homes Strategy
- Corporate Plan

This policy covers two main areas:

1. **Temporary Accommodation Procurement Policy**: This part of the policy uses supporting data to enable projections of demand to be made to help inform future procurement of temporary accommodation in the borough that is appropriate, realistic and affordable. Recommendations are included at the end of the document to ensure the policy is in line with the council's overall strategic and financial objectives

2. **Temporary Accommodation Placement Policy**: This part of the policy explains how the Council makes decisions about when and where to place people in temporary accommodation to ensure we meet our legal obligations and adopt best practice

TEMPORARY ACCOMMODATION PROCUREMENT

INTRODUCTION AND SCOPE

This part of the policy sets out:

- The challenges facing the council in procuring accommodation for homeless households needing temporary accommodation
- The general principles that will be followed when procuring private rented accommodation for homeless households
- Analysis of current need to allow us to review the number of properties that may be needed
- A series of recommendations to help the council meets procurement requirements

Temporary accommodation takes the form of accommodation:

- For use during the Relief stage of homelessness whilst a household's homelessness application is being assessed
- Temporary accommodation for households where the Council has accepted an ongoing accommodation duty under Section 193(2) and this accommodation is provided until a suitable offer of longer term housing to discharge that duty can be made

Temporary accommodation could be self-contained or shared accommodation, either through a private or social accommodation provider, or within the council's limited amount of housing stock used specifically for temporary accommodation. Hotels may be used when necessary.

PROCUREMENT PRINCIPLES

The council recognises that there will be a need to procure temporary accommodation in order to provide appropriate services to applicants. The council is committed to seeking an appropriate balance between the availability of accommodation and achieving value for money. This will mean utilising a variety of procurement techniques including longer term bookings and nightly paid accommodation.

The council will follow the key principles outlined below and seek to provide accommodation within Hertsmere wherever possible. If there is a need to procure accommodation out of the borough, the council will seek to achieve this by looking at neighbouring authorities in the first instance. Areas further afield will however be considered if it is necessary to meet a specific need or because there is nothing available closer to home on the day when it is required.

The following principles will apply when procuring properties for temporary accommodation:

1. The council will act to ensure the property complies with all relevant legal obligations including health and safety requirements and have regard to all relevant legal guidance
2. Properties should be affordable to the households that occupy them, including households dependent on welfare benefits
3. Each property offered will be suitable for that household for the purposes of providing accommodation that is designed to be temporary
4. The council will take into account value for money when securing temporary accommodation

PROCUREMENT CHALLENGES

The temporary accommodation the council has access to is regularly reviewed and appraised against the current and upcoming needs of households requiring temporary accommodation.

The council may pursue opportunities where they are available such as acquiring housing on the open market, developing new homes, and redeveloping existing stock to meet specific needs. However with house prices some of the highest in the UK[1] this must be carefully considered.

All local authorities are generally finding temporary accommodation increasingly difficult to procure to meet greater demand. Whilst fees from private landlords and competition from other councils has increased, the Housing Benefit subsidy that households in temporary accommodation are eligible for remains at the 2011 Local Housing Allowance rates. Therefore the subsidy the council must pay for each placement has increased.

Examples of challenges impacting temporary accommodation and overall homelessness demand

1. Increasing homelessness demand and related issues including:
    a. Contraction of the private rented sector: the number of properties listed to rent is lower compared to pre-Covid times. The asking rent has gone up by an average of 20% making them unaffordable to many households[2]. The rising mortgage rates means that more landlords are increasing their rental levels or reducing their buy-to-let portfolios. This in turn has resulted in more demand on the council's homelessness team from households who were privately renting but have been asked to leave or who can't afford to pay the increased rent. Preventing homelessness can often be difficult in these situations
    b. Increase in approaches from those with complex needs. This may include those with significant mental health or substance misuse challenges which can impact the type of temporary accommodation they need
    c. Uncertainty on future of funding from the Ministry of Housing, Communities and Local Government. At present the council's homelessness services are heavily reliant on the Homelessness Prevention Grant and the Rough Sleeping Initiative funding. Whilst funding has been agreed for 24/25, the funding long-term is not certain which will significantly impact the council's ability to respond to current demand and make longer term decisions and financial commitments to respond to future demand[3]
2. Lack of supported accommodation for applicants with complex needs. Accommodation tailored towards supporting those with complex needs such as significant mental health challenges or substance misuse addictions are in high demand and often do not have vacancies
3. Lack of accommodation for ex-offenders who are unable to be accommodated in general needs temporary accommodation. This may be because of restrictions on their probation conditions or due to the level of risk posed to themselves or others
4. Demand for social homes far outweighs the number of available properties meaning move on from temporary accommodation can often take a long period of time, especially when looking for larger properties
5. Limited move on accommodation into the private rented sector for applicants with complex needs from supported housing schemes, resulting in accommodation not being available and long waiting times
6. Limited private rented housing that is affordable and suitable for households to move out of temporary accommodation
7. Increase in the cost of temporary accommodation to the council who has to subsidise placements due to the cap on Housing Benefit levels
8. Challenges to find appropriate placements for domestic abuse survivors, both women and men, with dependents, especially when they are unable to stay in the borough. It can also be more challenging to provide support if the household are placed outside the borough
9. Lack of suitable temporary accommodation options for 16 and 17 year olds as many temporary accommodation providers will not accept bookings for 16/17 year olds
10. Insufficient availability of accommodation suitable for those with a family member with physical disabilities

ESTIMATING AND MEETING NEED

Figure 1: The council's homelessness demand since 2019

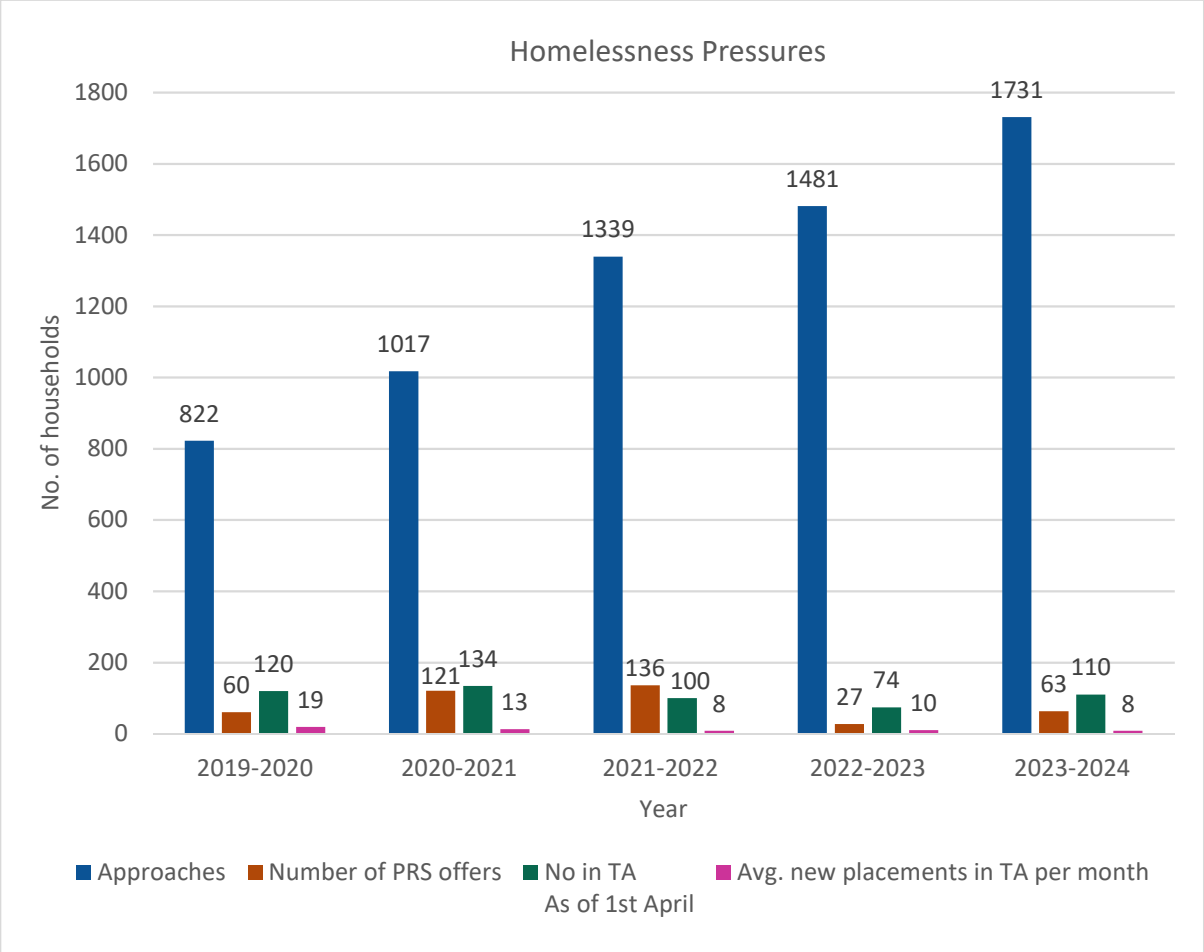
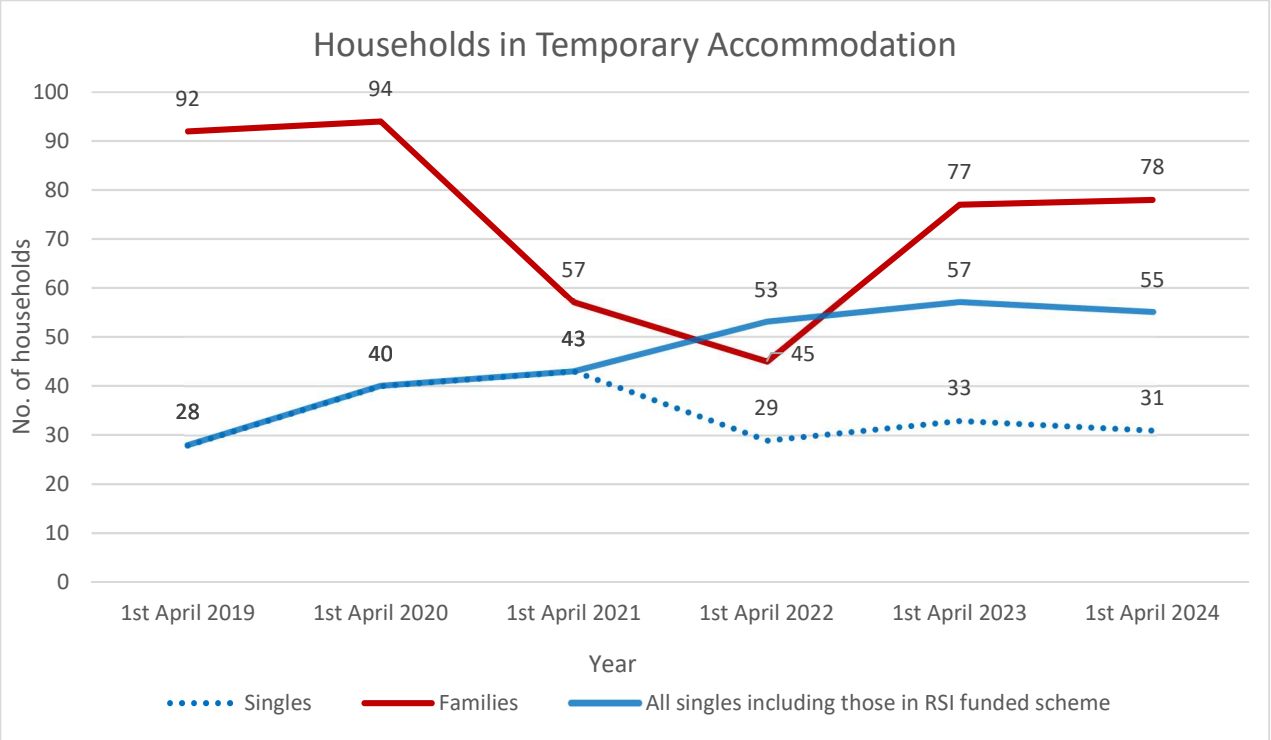


Figure 1. shows the level at which homelessness approaches have increased since 2019; there has been a 111% increase. Following two successful years procuring private rented sector properties to prevent and relieve homelessness, it has become more challenging to find suitable and affordable properties. Despite this, the focus on homelessness prevention has meant that temporary accommodation still remains lower than pre Covid-19. The lower than expected number in TA on 1st April 2022 can be explained by the impact of Covid-19, largely that more properties had been made available following development and letting delays in 2020/2021.

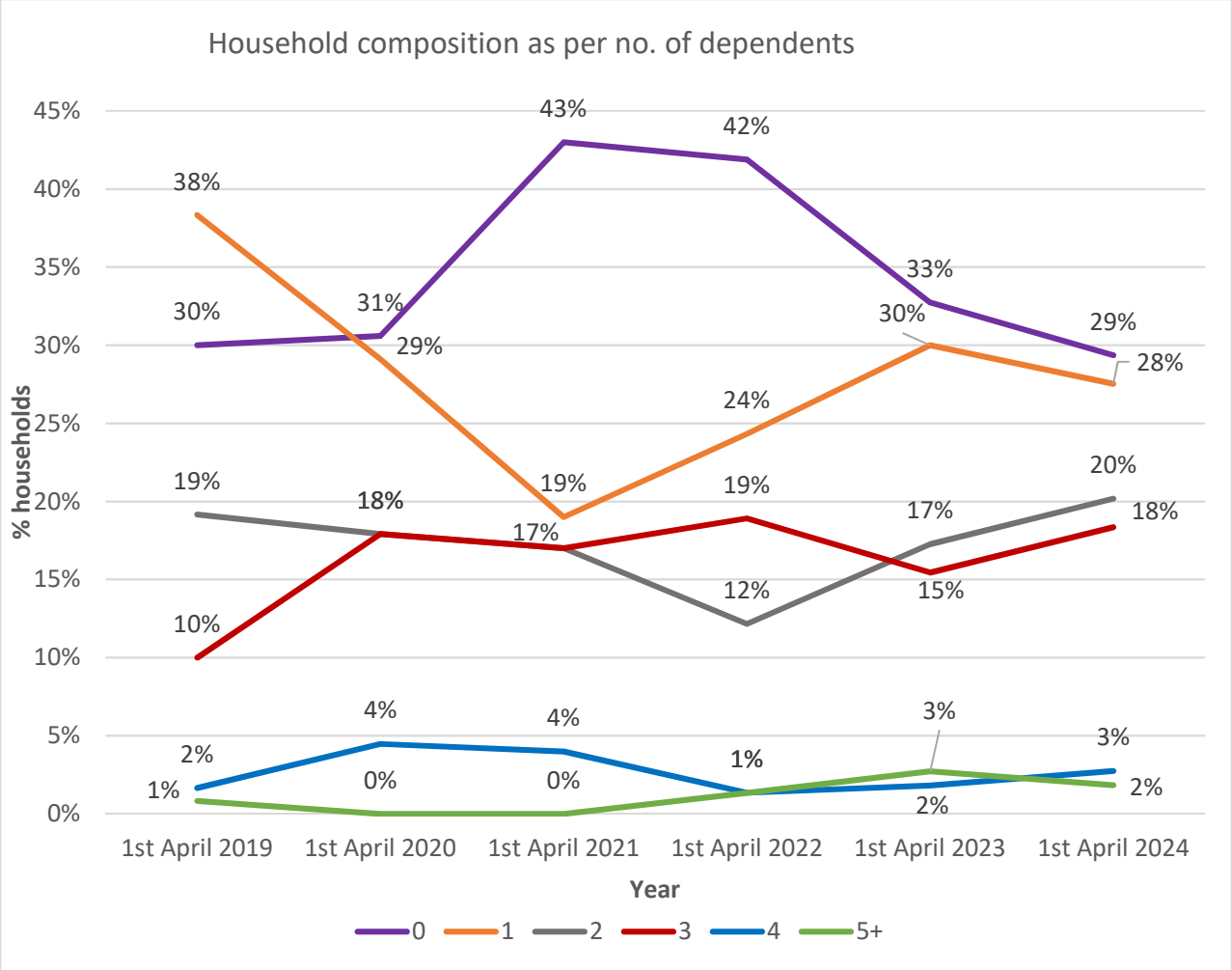
Temporary Accommodation Needs and Trends in Hertsmere

Figure 2: Temporary accommodation demand since 1st April 2019



- Whilst the total number of households in temporary accommodation has remained between 100 – 135 since 2019 (excluding 2022), the mix of households has changed in this period
- There is now a higher percentage of households consisting of one individual being placed in temporary accommodation. Temporary accommodation figures don't usually include those placed in our supported housing scheme which opened in September 2021, partly funded by the Rough Sleeping Initiative (RSI) fund as the council's homelessness duty is often discharged via this placement. However, these individuals are still homeless, often rough sleeping or at risk of doing so, and therefore it is important to include this data when reviewing accommodation need
- The drop in households in TA in 2022 can largely be explained by an increase in social housing lets following a period of delays in new lettings and new developments being completed due to Covid-19
- Temporary accommodation need has not yet reached pre Covid-19 levels but this can be attributed to upstream preventative work as homelessness demand overall has increased
- Temporary accommodation procurement must take into consideration the change of household composition and make sufficient provision for single person households

Figure 3: A percentage analysis of the household composition in temporary accommodation over the period of six years



- There continues to be a significant requirement for properties for households with 0-3 dependants. Need from households with 1-3 dependants have all increased since 2022. Whilst larger households with 4+ dependants remain low, this size temporary accommodation is difficult to procure therefore must be considered when reviewing procurement needs

- The council have utilised funding available from the Ministry of Housing, Communities and Local Government to expand the accommodation provision available for single households with complex needs who have approached as rough sleeping or at risk of rough sleeping. This provision is discretionary with limited availability and sits outside of our statutory responsibilities. Funding has currently only been guaranteed until March 2025. The need for this type of scheme must too be considered when procuring temporary accommodation units

Temporary accommodation availability

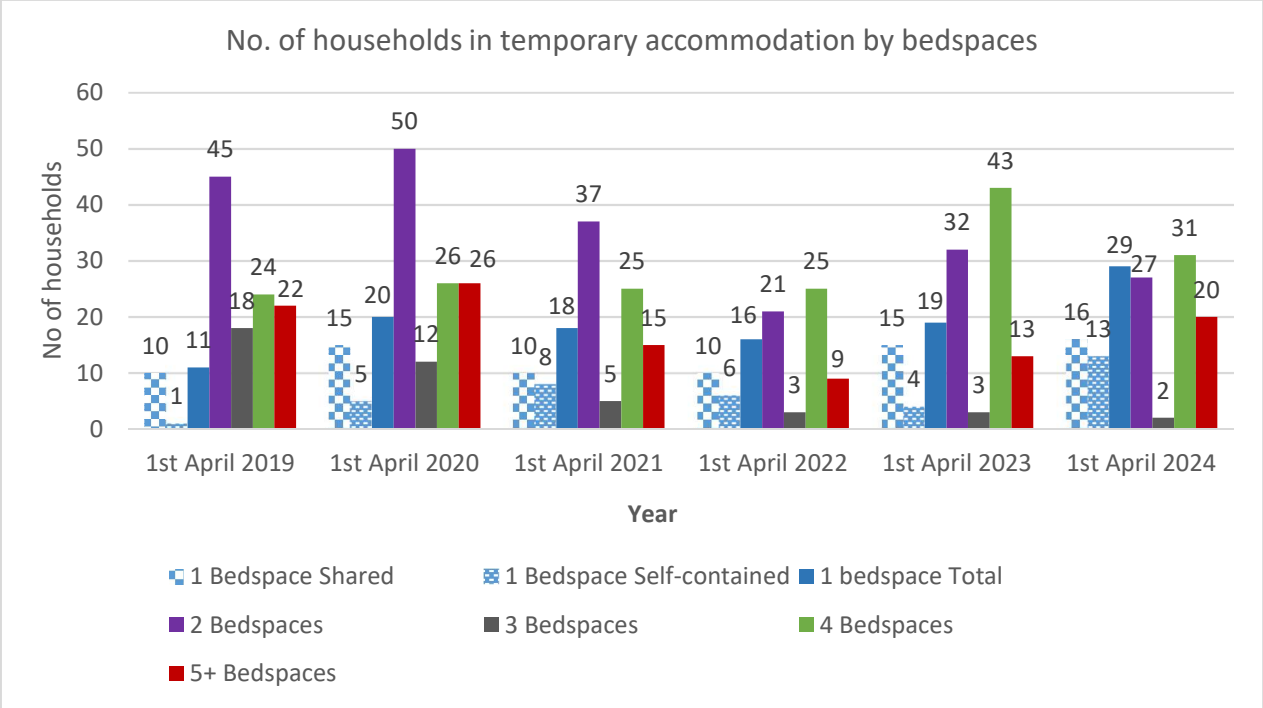
Local authorities have discretion to recover accommodation costs that it can reasonably be expected to from households placed in the accommodation. Many households placed in temporary accommodation are in receipt of Housing Benefit. Whilst fees from private landlords and competition from other councils has increased, the Housing Benefit subsidy that households in temporary accommodation are eligible for remains at the 2011 Local Housing Allowance rates. Therefore the subsidy the council must pay for each placement has increased. The council must therefore utilise existing and new temporary accommodation options in order to receive best value for money.

The council currently owns 70 properties which are used for temporary accommodation. There is therefore a need to rely on other forms of temporary accommodation from private providers.

Table 1: Percentage of households in temporary accommodation as of 1st April each year by type of provider:

	Households in temporary accommodation as of 1st April					
Type of accommodation	**2019**	**2020**	**2021**	**2022**	**2023**	**2024**
Council stock	28%	28%	39%	57%	55%	47%
Private provider	45%	46%	37%	26%	31%	42%
Hostels	27%	25%	20%	16%	13%	9%
Hotels and B&B	0%	1%	4%	1%	1%	2%

Figure: 4 No. of households in temporary accommodation by bedspaces:



The demand for 1 bed space temporary accommodation continues to increase with a combination of rooms with shared facilities (own room with shared bathroom/kitchen) and self-contained units. The demand for temporary accommodation with 2 bed spaces has reduced considerably since 1st April 2020 but has begun to increase again. There is a growing need for large properties with a rising trend for a need for 5+ bed spaces.

The number of bedspaces needed allows us to analyse the TA size and type needed. However, each household is different and therefore their needs will vary. For example, a 3 bedspaces need could be a couple with a child or a single parent household with two children. Therefore the number of bedrooms required will also vary.

CONCLUSION

Whilst it is recognised that future temporary accommodation need is difficult to predict, regular reviews of such data will allow the council to understand the current trends in temporary accommodation need and make rational predictions on the future level of need. This information, alongside the implementation of the recommendations set out towards the end of this policy, will be used to inform the procurement of temporary accommodation.

TEMPORARY ACCOMMODATION PLACEMENTS

INTRODUCTION

This section sets out Hertsmere Borough Council's policy towards the placement of homeless households in temporary accommodation. It covers all offers of temporary accommodation made under any of the provisions of the homelessness legislation, which are set out in Part VII of the Housing Act 1996 (as amended), the Homelessness Reduction Act 2017 and is guided by the Homelessness Code of Guidance 2018. This policy does not apply to final offers of accommodation to discharge the prevention, relief or main duties under the homelessness duty made under either Part VI or Part VII of the Housing Act 1996 (as amended) or the Homelessness Reduction Act 2017.

The council has a duty to provide temporary accommodation for households who approach as homeless and who meet the criteria as set out in Part VII of the Housing Act 1996 (as amended) and the Homelessness Reduction Act 2017. Councils have a duty to provide temporary accommodation placements whilst homelessness enquires are undertaken.

Within this policy, placements under all the above provisions will be referred to as temporary accommodation placements.

Local authorities have a statutory duty to provide temporary accommodation in their own area "so far as is reasonably practicable" (paragraph 17.47, Code of Guidance 2018), and statutory guidance requires councils "where possible" to try and secure accommodation as close as possible to where an applicant was previously living (paragraph 17.50 Code of Guidance 2018), although not being constrained by the preference of the applicant. The council is also required to take into account the suitability of any accommodation offered (Chapter 17 Code of Guidance).

The council currently have access to the following range of options for temporary accommodation:

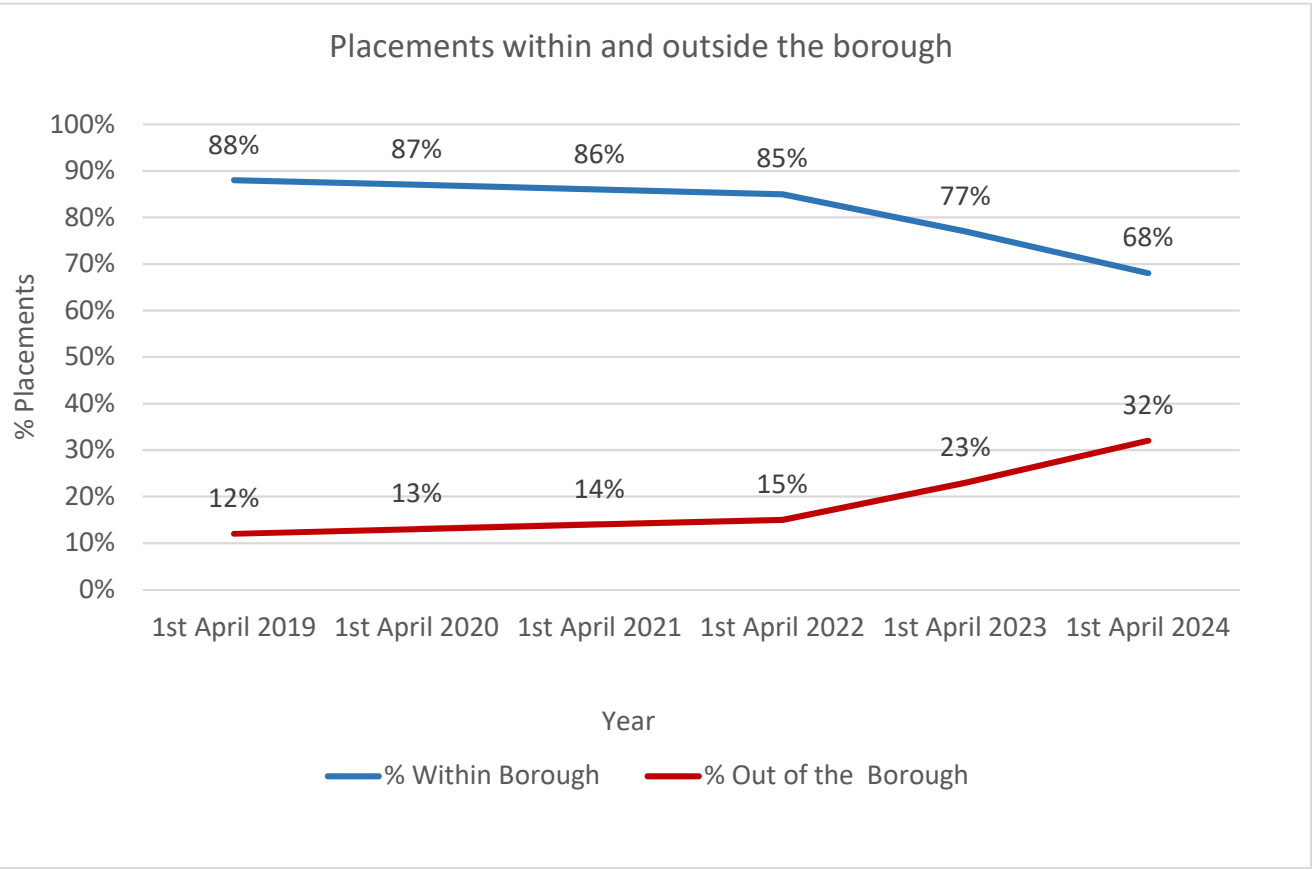
- Properties the council own and use for the purposes of temporary accommodation
- Privately owned and managed self-contained accommodation which is used on a longer term booking or nightly paid basis
- Privately owned and managed units with some shared facilities (i.e. kitchens and/or bathrooms)
- Supported and specialist housing for complex needs applicants
- Supported accommodation for families

This part of the policy sets out:

- An analysis of placements into different types of temporary accommodation
- Suitability of temporary accommodation
- Factors the council considers when placing a household into temporary accommodation
- Refusals

TEMPORARY ACCOMMODATION NEED ANALYSIS

Figure 5: Analysis of placements by the council between 1st April 2019 and 1st April 2024



The percentages reflect the proportion of temporary accommodation placements made within and outside the borough. There has been a gradual rise in the placements outside the borough. This is largely due to the challenges faced by the council in procuring suitable properties, especially 3 and 4 bed properties within the borough. Another reason for placement outside of the borough may be for the safety of the household or others who might be at risk if they were placed more closely.

Table 2: Total time spent in temporary accommodation outside of Hertsmere for households throughout 2023/24

Time spent in temporary accommodation out of Hertsmere	No. of households
Up to 2 weeks	16
2 - 6 weeks	10
6 weeks to 6 months	42
More than 6 months	33

Various factors are taken into account when placing household out of the borough:

- Lack of suitable accommodation within the borough
- A household member suffered domestic abuse in the borough and it may not be safe to remain in the area
- The household is at risk of violence in the area
- A household member is an ex-offender or drug/alcohol user who would benefit from breaking links with negative influences

There may be other reasons a household is placed out of borough and this is assessed on a case-by-case basis.

SUITABILITY OF TEMPORARY ACCOMMODATION

The temporary accommodation used by the council is a range of self-contained and shared facility accommodation. The composition of the household will determine the type of accommodation offered:

- Shared accommodation is not considered suitable accommodation for households with dependent children and/or pregnant women with exception of supported housing schemes which specialises in support for families
- If no self-contained accommodation is available and there is a duty to accommodate such household, the council will, as a last resort, place the household in accommodation with shared facilities such as hotel accommodation but will always strive to ensure this is in compliance with the Code of Guidance 2018 (17.36) which states this should be for a maximum period of 6 weeks

Children Services is a Hertfordshire County Council responsibility however there is a joint responsibility for 16/17 year olds presenting as homeless. Hertsmere Borough Council and Hertfordshire County Council work together in accordance with the locally developed Joint Housing Protocol to provide the most suitable accommodation for 16/17 year olds which often utilises highly sought after crashpad spaces. Accommodation available to Hertsmere Borough Council are extremely limited as many providers will not accept individuals under the age of 18 therefore joint working and joint funded services where necessary play an important role in accommodating 16/17 year olds.

The council recognises that B&B accommodation is not suitable for 16 and 17 year old applicants even on an emergency basis and will always strive to ensure it complies with the Code of Guidance 2018 on this.

The Temporary Accommodation team will assess the suitability of every offer of temporary accommodation made to homeless households, in line with legal requirements including legislation, associated case law and statutory guidance (such as the Suitability of Accommodation Order 2012). The council will take into account all relevant factors when assessing the suitability of temporary accommodation including size, location, accessibility and facilities.

Where the council decides that applicants placed in temporary accommodation whilst enquiries are being carried out are subsequently not owed an ongoing housing duty, they will be asked to leave their temporary accommodation and will be given reasonable notice to vacate the property to enable them to find alternative accommodation. The length of that reasonable notice period will be determined on a case-by-case basis, and will take account of the particular circumstances of the household.

Applicants will be made one offer of suitable temporary accommodation which will comply with all of the considerations set out within this policy. There is no obligation to enable applicants to view the accommodation prior to acceptance, and in most cases this will not be practically feasible, but the council will endeavour to facilitate this in exceptional circumstances where there is a special need to do so. In making the offer of accommodation, the household's individual circumstances will be considered, considering the factors set out in this policy and our criteria on out of borough placements if applicable.

The council will provide information to any household requiring assistance with storage. The council will charge the household for any storage provision it provides.

If it is not possible to provide temporary accommodation within the borough, or not appropriate to do so, accommodation will be offered in an area as close as possible to the borough. If this should prove necessary, the council will endeavour to provide accommodation with good transport links to the area where the applicant was previously living if essential for employment, education or support needs. Households placed outside the borough may be considered for temporary accommodation within the borough once a suitable unit becomes available, subject to their needs being assessed alongside the needs of other households who are owed a duty at the same time.

FACTORS CONSIDERED WHEN PLACING A HOUSEHOLD IN TEMPORARY ACCOMMODATION

Education

The ages and key educational stages of children will be taken into consideration, including any exams at Key Stage 4 (GCSE) or Key Stage 5 (A Levels or equivalent Stage 3 vocational courses such as BTECs). The practicalities of travel arrangements to existing schools or colleges will be considered including the cost and ease / length of time of travel. Support provided to any children with special educational needs will also be taken into consideration.

Employment

Wherever reasonably practicable, we will be take into account any disruption to employment that would be caused by the location of the temporary accommodation.

Cots in temporary accommodation

Accommodation will not be suitable for a household with children under the age of 2 if there is not adequate space for a cot for each child aged under 2

Where households with babies and young children under 2 do not have access to a cot when placed in temporary accommodation, the council will consider what support is needed to ensure there is a cot available. This may involve assisting the household to access a cot through local organisations where needed, especially in emergency situations where a household might be homeless as a result of domestic abuse.

Risk

Where a household is perceived to be at risk from others, or where there is a history of risk to others, the extent, nature, likelihood and gravity of the risk will be assessed and taken into account.

The following will be considered when determining the suitability of the accommodation:

- Any safety issues relating to possible harassment or domestic abuse that relate to the location of the accommodation offered
- Any physical, mental health, or addiction issues and the impact of the accommodation on any of these issues
- Any concerns that the area is deemed unsuitable due to fear of or threats of violence or harassment
- Perpetrators and offenders at serious risk to others due to their offending history

Health and support needs

Households with a person(s) suffering from a terminal illness or with a severe disability who are receiving regular treatment under the care of a hospital within the borough will be prioritised for an offer of temporary accommodation locally, and where possible close to where they previously lived or where they are receiving on-going care/treatment. Any other specialist medical or support needs will be taken into account, including any existing health or support services provided. The Council will consider whether moving the client's healthcare or support services would have a detrimental effect. Any need for accessible accommodation will be addressed including for any physical or mental medical issues which are specific to the property being offered e.g. physical mobility issues and the impact of the accommodation on any of these issues.

The Public Sector Equality Duty

The council will consider whether the applicant has any relevant protected characteristics as per the Equality Act 2010, the extent of them, and what their likely effect would be in relation to any proposed temporary accommodation.

Expected length of occupation

This accommodation use is designed to be temporary. Accommodation that might not be considered reasonable to occupy indefinitely or for a number of years may well be considered suitable for the purposes of temporary accommodation.

Overcrowding

The size of any accommodation offered, and the number of bedrooms present will be relevant considerations. High demand for temporary accommodation and a shortage of available accommodation means it would not be unusual for homeless households to be accommodated in accommodation with fewer bedrooms that might be required on a longer-term basis. An example of this is a living room can be used as a bedroom if the housing is temporary accommodation.

Any other special reasons

Other subjective matters found to be relevant or raised by the applicant after the offer is made will be considered on a case-by-case basis.

Pets in temporary accommodation

The Council will endeavour to make provisions for pets where providers allow. If the accommodation provider does agree, the owner will be expected to sign the pet agreement and comply with the conditions throughout their stay.

REFUSALS

If an applicant rejects any offer of temporary accommodation provided under any duty, they will be asked to provide their reasons for refusal. This applies to new applicants, as well as those currently in temporary accommodation who are required by the Council to move to alternative accommodation. The reasons given will be considered and any further enquiries undertaken as necessary.

If the reasons for refusal are accepted, the offer will be withdrawn and a further offer will be made if a suitable alternative unit of accommodation is available. In some circumstances there may be only one unit of accommodation available on a given day and so no alternative will be offered until something more suitable becomes available.

Any placement made whilst enquiries are being undertaken (under Section 188 of Part VII of the Housing Act 1996 (as amended)) provides no security of tenure to the applicant and the placement can be terminated with immediate effect. There is no right of an internal review of the suitability of accommodation offered to applicants under this section (although applicants can apply for a judicial review through the courts).

Where a household is owed the 'main' homelessness duty, which is an ongoing accommodation duty, and the household refuses a suitable offer of temporary accommodation, if the council does not accept their reasons for refusal applicants will not be offered further accommodation and will be required to make their own arrangements. However, applicants owed this duty may ask for a review of the decision that the accommodation offered to them is suitable.

An applicant may request a review as to suitability regardless of whether or not they accept the accommodation. This applies equally to offers of accommodation made to discharge the 'main' homelessness duty and to offers of an allocation of private or social rented accommodation that would bring that duty to an end. It is always recommended that the applicant accepts the offer and then requests a review because if their review is unsuccessful, no further offer may be made.

It is important to note that units of accommodation cannot be held empty for applicants pending review due to the overall demand for temporary accommodation compared to supply. As such, if an offer is refused, the unit will be offered to another household and not held.

RECOMMENDATIONS TO IMPLEMENT THE POLICY

Consideration will be given to the following areas to allow the council to effectively procure the right temporary accommodation properties to meet the needs of our service users:

1. There has been an increased demand from single person households with complex needs that are homeless or at imminent risk of homelessness. Whilst temporary accommodation with shared facilities should be suitable for most individuals, there has been a rise in the need for self-contained housing or accommodation with support on site

2. Data analysis from the past 5 years reflects an acute increase in demand for accommodation that is suitable for larger family sizes and with provisions for supported accommodation for those with complex needs

3. Due to the increased challenges in procuring temporary accommodation in borough, consideration will be given to out of borough procurement with work undertaken to ensure newly procured properties are in areas that are easily accessible whenever possible

4. There is a need for accessible accommodation for those who may have difficulty walking or have limited or impaired mobility. There is a very limited supply of this type of housing and consideration should be made to procuring suitable housing for households who require adaptations. This also should cover the council's own temporary accommodation supply.

5. There has been an increased demand in homelessness pressures generally. Temporary accommodation procurement considerations must be coupled with a continuation of upstream preventative work and competitive offers to private rented landlords to allow households to access suitable and affordable housing options to prevent or relieve their homelessness

6. Regular reviews of temporary accommodation need will be undertaken to inform block booked properties arrangements and be able to respond to demands for different property sizes

7. Regular review of the conditions of the properties will be undertaken to ensure they meet the acceptable standards

8. Consideration will be given to the associated costs of the use of both private providers and council stock to ensure costs are properly accounted for and best value is achieved by the council

MONITORING AND REVIEW

The impacts of this policy will be monitored regularly and updated when there is updates to legislation and case law. The council will work to all current legislation and case law.

Minor changes to the policy will be made if necessary with approval from the Housing and Housing Development Portfolio Holder.

REFERENCES

[1]UK House Price Statistics 2024 | Uswitch

[2]The UK Rental Market in 2023 and 2024: Challenges and Opportunities for Landlords - Intra-Capital Estates (intracapitalestates.co.uk)

[3]Uncertainty hangs over funding for growth projects | LocalGov

[4] Homelessness code of guidance for local authorities - Chapter 17: Suitability of accommodation - Guidance - GOV.UK (www.gov.uk)