

Temporary Accommodation Placement Policy



**Housing
Needs**



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Contents

1. Introduction.....	3
2. What is this policy for.....	3
3. Who is covered by this policy.....	3
4. Who is not covered by this policy.....	4
5. What is temporary accommodation	4
6. Making the best use of our limited resources.....	5
7. How we assess your circumstances and needs	5
8. How we prioritise households for different locations	6
9. Factors relating to the accommodation itself	13
10. How we decide who is offered which property	14
11. How we prioritise households moving from one temporary home to another.....	15
13. Support we can offer you	17

1. Introduction

The Council's ambition is to help residents access suitable private rented sector homes as an alternative to living in temporary accommodation and waiting for social housing that may never become available. The private rented sector can provide the homes and security that households need to get on in life and thrive.

Where households do need temporary accommodation, we aim to ensure it is good quality and safe, and households receive the best possible support, whilst more suitable, longer-term options are explored.

2. What is this policy for

If you are homeless and you have applied for housing assistance, the Council may offer you temporary accommodation – somewhere to live whilst we try to help you find a home of your own. When we provide you with temporary accommodation, it must be suitable for you and anyone who lives with you.

This policy explains how we decide what type of temporary home will be suitable for you. This includes how we prioritise households for certain locations, including Kensington and Chelsea, in neighbouring boroughs, within the M25, and outside the M25.

We have discretion in exceptional circumstances to waive or depart from this policy.

3. Who is covered by this policy

The policy applies to temporary accommodation provided under Part 7 of the Housing Act 1996. This includes:

- Temporary accommodation provided under the section 193(2) main housing duty (long-term homelessness duty) – where we have accepted your homelessness application and you are waiting to be rehoused
- Temporary accommodation provided under section 188 of the Act – whilst we investigate your homelessness application and try to relieve your homelessness by helping you to find a longer-term home

This policy applies to temporary accommodation in all areas, including inside and outside the borough.

4. Who is not covered by this policy

This policy does not apply to any other type of housing, including:

- Social housing – a home managed by the Council or a housing association, including a home offered through our Housing Register. The rules for offering social housing through our Housing Register are set out in our Housing Allocation Scheme
- Intermediate rent homes – including homes let only to key workers, or a low-cost home you can buy, such as shared ownership. The rules for these offers are set out in our Intermediate Housing and Key Worker Policy
- Supported housing – unless we are providing this to you as temporary accommodation under a specific homelessness duty, such as the section 193(2) main housing duty
- Private rented housing – including a final offer of accommodation we have made to you to end a homelessness duty. We have a separate Private Rented Sector Discharge Policy which covers final offers of private rented housing

5. What is temporary accommodation

There are different types of temporary accommodation which include:

- A self-contained property owned by a social landlord or private landlord, including a property let on a nightly basis
- A room in a hotel or bed and breakfast accommodation, where you may share facilities such as a bathroom with other people, and you may not have your own kitchen
- A room in a house where you share facilities, such as a bathroom and kitchen
- A hostel, refuge or other housing with support

We ideally try to use self-contained properties wherever we can so that you have your own kitchen and bathroom facilities, and we aim to minimise the use of hotel accommodation – especially for families – which may lack cooking facilities.

You may be provided with temporary accommodation on a relatively short-term basis or a longer-term basis, depending on your circumstances. If we are unable to relieve your homelessness after you become homeless, and we subsequently accept the section 193(2) main housing duty to you, you may reside in temporary accommodation for a significant amount of time – sometimes several years – until you are rehoused, although we will discuss all the available rehousing options with you.

It is possible that we may provide you with one type of temporary accommodation on a relatively short-term basis before moving you to alternative temporary accommodation which is more suitable for you on a longer-term basis. This may depend on your particular circumstances and the temporary accommodation that is available to us.

6. Making the best use of our limited resources

Kensington and Chelsea Council, along with most other councils, finds it very difficult to secure enough suitable temporary accommodation for all our homeless households. We have seen a significant increase in homelessness and demand for temporary accommodation in recent years. We have circa 1,900 households living in our temporary accommodation at the time of publication.

Whilst demand for temporary accommodation has increased, we have seen a significant reduction in available properties in London which can be used as temporary accommodation and it costs us far more to pay for temporary accommodation than we receive in government subsidy and rent.

However, at the same time, we must ensure that we provide temporary accommodation for everyone who needs it and temporary accommodation is suitable for every household that lives in it.

There is a very limited supply of homes that can be used as temporary accommodation in local areas. Kensington and Chelsea is the most expensive area to live in the country. Many properties are too expensive to be used as temporary accommodation and most owners do not want to lease their properties for temporary accommodation. We cannot procure the average type of property in the borough for temporary accommodation.

This means that most of the temporary accommodation we use is situated outside the borough in other parts of London and beyond. At the time of publication, over 80% of our temporary accommodation is situated outside the borough.

We must therefore decide which households should ordinarily be prioritised for temporary accommodation in and close to Kensington and Chelsea, and the households who will be accommodated further away, based on their circumstances and needs.

7. How we assess your circumstances and needs

Before we offer you temporary accommodation, we will carry out an assessment of your housing needs to help us decide the type and location of temporary accommodation that is suitable for you.

This means that we will ask you questions about you and all members of your household so we can understand your needs. We may also ask you to provide evidence of your needs and we may decide to ask relevant professionals for information about your household.

This assessment will have recommendations for the type and location of temporary accommodation you should be offered to make sure that the temporary accommodation we offer you is suitable.

Where you have relevant medical needs, our Housing Health and Disability Team may complete an assessment of your circumstances and make a recommendation on the type and/or location of temporary accommodation that is suitable for you. This team is made up of healthcare professionals who are very experienced in housing issues.

We will complete an assessment every time you need to be offered temporary accommodation. This includes times when we might have to offer you different temporary accommodation – for example, because your needs have changed or because the landlord for your temporary accommodation wants to take the property back.

8. How we prioritise households for different locations

We are required under section 208 of the Housing Act 1996 to offer you temporary accommodation in Kensington and Chelsea so far as reasonably practicable. Where this is not possible, we must try to find you accommodation as close as possible to where you were previously living.

However, it is not possible for us to place everyone who becomes homeless, and to whom we have a duty to accommodate, in temporary accommodation in the borough or even close to the borough. This means that for us to provide you with suitable temporary accommodation, we may have to offer you accommodation in other parts of London or outside London.

The criteria below explains how we ordinarily decide where we will place a household in temporary accommodation, including inside and outside the borough. There are four zones that we use to prioritise households for temporary accommodation:

- **Zone A:** Kensington and Chelsea
- **Zone B:** Neighbouring boroughs of Westminster, Hammersmith and Fulham, Brent and Wandsworth
- **Zone C:** Within the M25
- **Zone D:** Outside the M25

However, if we prioritise you for accommodation within a particular zone, this does not guarantee that you will be offered temporary accommodation in this location. Whilst we will endeavour to provide you with temporary accommodation in this location, our ability to do this will depend on the temporary accommodation that is available to us and whether this is suitable for you, including whether it is affordable for you; and the needs of other households who are due to be offered temporary accommodation.

It may be possible for us to offer you temporary accommodation in a particular zone even though you have not been awarded priority for this – for example, we award you priority for zone C but offer you accommodation in zone B – where suitable accommodation is available, and there are no households who currently need this type of accommodation or are likely to need this type of accommodation in the near future.

In certain situations, and where appropriate, we may not consider you for temporary accommodation in Kensington and Chelsea or the neighbouring boroughs. For example, where this is your preference; or where you are at risk in these areas due to domestic abuse, other violence or serious harassment that affects your physical health, mental health or welfare. This will be considered on a case-by-case basis.

If we are providing you with temporary accommodation and you are at risk of domestic abuse, other violence or serious harassment, we will carefully consider your circumstances – including the areas that are unsafe for you to live in and the extent of any related support you receive – when assessing the location of accommodation that is suitable for you, and whether you should be awarded zone A, B, C or D priority. This will be considered on a case-by-case basis.

Kensington and Chelsea Council and Westminster City Council share bi-borough Children's Services and Adult Social Care. This may mean that you or someone you live with can receive the same care and support from these services whether you live in Kensington and Chelsea or Westminster. This may be relevant where we are assessing the location of accommodation that is suitable for you, including whether you must reside in Kensington and Chelsea or the neighbouring boroughs.

When deciding whether you qualify for zone A, B, C or D priority, we will consider whether you have exceptional circumstances and needs (in addition to the criteria set out below) which mean that you cannot reside outside Kensington and Chelsea, the neighbouring boroughs or the M25.

Zone A: Kensington and Chelsea

The criteria for being awarded zone A priority is very high. Zone A is reserved for households with the most exceptional need to live in Kensington and Chelsea because of their circumstances and needs. There will ordinarily need to be very compelling evidence to satisfy us that you should be prioritised for accommodation in Kensington and Chelsea.

We will ordinarily prioritise the following households for temporary accommodation in Kensington and Chelsea.

Zone A: Kensington and Chelsea	
For households with the most exceptional need to live in Kensington and Chelsea because of their circumstances and needs.	
Special educational needs	You must meet all the following criteria to be awarded zone A priority: • you have a child in your household with a severe and enduring health condition and complex special educational needs; and • they are attending a special school or a mainstream school with a resource base in Kensington and Chelsea, and have an Education, Health and Care Plan with children's services; and • it will be very complex to transfer their Education, Health and Care Plan to another local authority; and • their school cannot be changed without causing significant detriment to their education, development and wellbeing; and • we are satisfied that you must live in Kensington and Chelsea to access the school
Child protection arrangement	You must meet all the following criteria to be awarded zone A priority: • you have a child in your household who is subject to child protection arrangements with our Children's Services; and • we are satisfied that you must live in Kensington and Chelsea for the child's welfare to be safeguarded and promoted because of the support received in this borough or because the child protection arrangements cannot be transferred

Specialist medical treatment	You must meet all the following criteria to be awarded zone A priority: • you or someone you live with receives significant, complex and frequent medical treatment from specialist services in Kensington and Chelsea in relation to a severe and enduring health condition; and • you cannot continue accessing this treatment from these services if you live outside Kensington and Chelsea because they have a defined geographical catchment area; and • your treatment cannot be transferred to other services without causing a significant disruption and a severe deterioration in your physical and/or mental health
Complex care package	You must meet all the following criteria to be awarded zone A priority: • you or someone you live with has a severe and enduring health condition, and receives a complex care package from statutory services in Kensington and Chelsea under the Care Act 2014; and • you cannot continue accessing this care package from these services if you live outside Kensington and Chelsea; and • your care package cannot be transferred to other services without causing a significant disruption and a severe deterioration in your physical and/or mental health

Zone B: Neighbouring boroughs of Westminster, Hammersmith and Fulham, Brent and Wandsworth

The criteria for being awarded zone B priority is very high. Zone B applies where a household has a significant need to remain close to Kensington and Chelsea, but does not have the exceptional level of need to live in the borough itself. There will ordinarily need to be very compelling evidence to satisfy us that you should be prioritised for accommodation in the neighbouring boroughs.

We will ordinarily prioritise the following households for temporary accommodation in the neighbouring boroughs.

Zone B: Neighbouring boroughs of Westminster, Hammersmith and Fulham, Brent and Wandsworth	
For households who must live close to Kensington and Chelsea because of their circumstances and needs, but do not need to live in the borough itself.	
Special educational needs	You must meet all the following criteria to be awarded zone B priority: • you have a child in your household with a severe and enduring health condition and complex special educational needs; and • they are attending a special school or a mainstream school with a resource base in Kensington and Chelsea or the neighbouring boroughs, and have an Education, Health and Care Plan with children's services; and • their school cannot be changed without causing significant detriment to their education, development and wellbeing; and • we are satisfied that you must live in the neighbouring boroughs to access the school

Child protection arrangement	You must meet all the following criteria to be awarded zone B priority: • you have a child in your household who is subject to child protection arrangements with our or a neighbouring borough's children's services; and • we are satisfied that you must live in the neighbouring boroughs for the child's welfare to be safeguarded and promoted because of the support received in this area or because the child protection arrangements cannot be transferred
Specialist medical treatment	You must meet all the following criteria to be awarded zone B priority: • you or someone you live with receives significant, complex and frequent medical treatment from specialist services in Kensington and Chelsea or a neighbouring borough in relation to a severe and enduring health condition; and • you cannot continue accessing this treatment from these services if you live outside the neighbouring boroughs because they have a defined geographical catchment area; and • your treatment cannot be transferred to other services without causing a significant disruption and a severe deterioration in your physical and/or mental health
Complex care package	You must meet all the following criteria to be awarded zone B priority: • you or someone you live with has a severe and enduring health condition, and receives a complex care package from statutory services in Kensington and Chelsea or a neighbouring borough under the Care Act 2014; and • you cannot continue accessing this care package from these services if you live outside the neighbouring boroughs; and • your care package cannot be transferred to other services without causing a significant disruption and a severe deterioration in your physical and/or mental health

Providing or receiving informal care	You must meet all the following criteria to be awarded zone B priority: • you or someone you live with has a longstanding arrangement to provide/receive care to/from a family member living in Kensington and Chelsea who is not part of your household; and • the level of care is significant and would need to be provided by health or social care services if it ended; and • the person who provides the care is registered as the carer with health or social care services and receives Carer's Allowance
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Zone C: Within the M25

We will ordinarily prioritise the following households for temporary accommodation within the M25.

Where you are awarded zone C priority, we may decide to offer you temporary accommodation outside the M25 where this is within a reasonable traveling distance to the relevant school or workplace. This will be considered on a case-by-case basis.

Zone C: Within the M25	
For households with a need to remain within reasonable travelling distance of important education or employment commitments	
Other educational needs	You must meet all the following criteria to be awarded zone C priority: • you have a child in your household who attends a school within the M25; and • they are due to take a public exam within the academic year, such as GCSE, AS level, A level or T Level (but not SATs)

Paid work	You must meet all the following criteria to be awarded zone C priority: • you or someone you live with has been in paid (not voluntary) work for at least three months continuously in the same location within the M25; and • you have been working on average 16+ hours per week; and • you have been receiving an income which is on average and at least equal to the National Minimum Wage If you are on maternity leave and you are due to return to your paid work once your maternity leave ends, and you met this criteria prior to starting maternity leave, we will consider you to be in paid work under this criteria
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Zone D: Outside the M25

You will ordinarily be offered temporary accommodation outside the M25 where you do not meet the criteria for accommodation in zones A, B or C.

9. Factors relating to the accommodation itself

There are other factors, in addition to location, that we must consider when assessing the type of temporary accommodation that is suitable for you – the accommodation itself must be suitable for you. This is an example of some of the factors we consider when offering you temporary accommodation:

- It must have the right number of bedrooms for you and its size must be suitable for you
- It must be suitable for your health needs, which includes being accessible to you and on a floor level that is suitable for you
- The home should meet fire, carbon monoxide, electricity and gas requirements, and be in a decent condition that does not risk your safety
- You must be able to afford to pay the rent and other housing costs for the accommodation we offer you, and have enough money for other essential living costs

There may be other factors we need to consider, including special circumstances, which we will do on a case-by-case basis.

Pets

If you have a pet when you become homeless, we will consider very carefully your need for a pet when we offer you temporary accommodation. However, it may not be possible to find you accommodation that accepts pets. This will depend on the accommodation available and whether the landlord accepts certain pets. This may mean that you have to find another home for your pet.

If we are satisfied that an assistance dog must live with you, we will make sure to offer you accommodation that allows it to stay with you.

10. How we decide who is offered which property

Every day we have a list of all the temporary accommodation that is available to us, usually from private landlords or agencies. This includes shorter-term accommodation, such as hotels, bed and breakfast accommodation and nightly lets, as well as longer-term self-contained homes. Usually, most if not all of the available accommodation on any day will be outside Kensington and Chelsea.

We then look at all the households who need to be offered temporary accommodation. This includes households who are going into temporary accommodation for the first time, households who need to be moved out of emergency or short-term accommodation such as hotels, and households in longer-term self-contained temporary accommodation who need to be moved because of a change in their situation or because the landlord wants the property back.

We look to match the needs of the households – the type of accommodation and area they need – with the types and locations of homes available. We also must consider many other important questions, such as:

- How urgent it is that we offer accommodation to certain households
- How long a household has been waiting for suitable accommodation
- Whether the type of accommodation is rarely available and meets the particular needs of a household
- Whether the available home will be suitable in the short-term even if it will not be in the long-term.

We use this information to prioritise which households will be offered the available accommodation.

Sometimes, accommodation will become available that is usually very hard to find – for example, accommodation suitable for a wheelchair user, or a very large home. If we do not have a household that needs that type (or location) of home right at that time, we might hold the property back because it is so rare and it is very likely a household will need that kind of home within a few days

11. How we prioritise households moving from one temporary home to another

Sometimes, households who are already in temporary accommodation need to be moved to another temporary accommodation property. This might be because they are in accommodation such as a hotel that is suitable for the short-term but not for the long-term, because the landlord wants the property back, because of a change in a household's circumstances and needs, because of serious repair problems in a property, or because the temporary accommodation is very expensive and not a good use of public money.

We have a transfer list for all the households who need to move from one temporary accommodation property to another. We ordinarily prioritise such moves using the banding system set out in the table below.

Band	Reason for moving
1	• Your current property poses a significant risk to your life and wellbeing – for example, because of domestic abuse or other threats, or because of serious repair problems • Your current property causes you very significant difficulties due to a medical or health need – for example, you are prescribed a wheelchair but the property does not have level access • You have been placed in bed and breakfast or hotel accommodation for longer than six weeks, which is not self-contained or involves sharing certain amenities with another household, and you are pregnant or you live with a pregnant women or dependent children
2	• The landlord has asked for the property back and we need to hand this back very soon
3	• You are living in very expensive accommodation and we need to move you to somewhere less expensive because it is not a good use of public money • Your current property is causing you real difficulties due to a medical or health need • Your current property has serious repair problems that cannot be fixed while you are living there • You are overcrowded in your current property and need a larger home, or you have spare bedrooms and can move to a smaller home thereby making that accommodation available for a family who needs it
4	• All other households who do not fall within bands 1 to 3

Where more than one household in a certain band needs the same type of accommodation (for example, a three-bedroom property in the neighbouring boroughs), we will ordinarily prioritise the household who is being accommodated under the section 193(2) main housing duty, rather than the section 188 interim accommodation duty; where more than one household is accommodated under the section 193(2) main housing duty, we will ordinarily prioritise the household who has lived in unsuitable temporary accommodation for the longest amount of time.

Where a household falls into more than one band, we will consider them to be in the higher band.

We may decide to waive or depart from the criteria set out in this section in exceptional circumstances.

12. Temporary accommodation offers and refusals

Where we agree that you should be offered temporary accommodation, we will ordinarily only make one suitable offer to you. We will consider your housing needs assessment when deciding the accommodation that you should be offered.

Where you refuse an offer of suitable temporary accommodation made under the section 193(2) main housing duty, we will ordinarily end this duty to you. This means that you will have to leave any temporary accommodation being provided to you and make your own housing arrangements, and we will not offer you any other temporary or longer-term housing.

Where you refuse an offer of suitable temporary accommodation made under any other duty within Part 7 of the Housing Act 1996 – for example, an offer made whilst we investigate your homelessness application and try to relieve your homelessness – we will not ordinarily make you a further offer of temporary accommodation unless we subsequently accept the section 193(2) main housing duty to you.

Where we make you an offer of temporary accommodation, you may have the statutory right to ask us to review whether it is suitable for you, depending on the specific homelessness duty owed to you at this point.

If you do not believe that an offer of temporary accommodation is suitable for you, and you have the statutory right to ask for a review, we advise that you accept the offer and simultaneously ask for a review. This means that if we decide on review that your temporary accommodation is suitable for you, you can continue to live in this accommodation.

However, if you refuse an offer of accommodation, ask for a review and we decide on review that the accommodation was suitable for you, we will not provide you with any other accommodation and you will need to make your own housing arrangements.

Where we offer you temporary accommodation, which you believe is unsuitable for you, but there is no statutory right to ask for a review of its suitability – for example, because it has not been made under the section 193(2) main housing duty – we advise you to discuss any concerns with us as soon as possible.

13. Support we can offer you

Where you are placed in temporary accommodation outside Kensington and Chelsea, we may be able to help you access the services that you need and settle in your new area. This could include helping you find schools, or accessing GPs and other important services that you and your household need.

We will provide you with information about the area you are moving to. We will also explain what you should do to ensure your rent and council tax is paid, and utilities (such as gas and electricity) are in place, for your new accommodation.

Our Housing and Employment Service may be able to talk to you about finding employment and training opportunities and help you to maximise your income by making sure you are receiving all the welfare benefits you are entitled to.

We can also discuss the different housing options that are available to you so that you have the best chance of finding a home as soon as possible.

Where we place you in a different borough, we must let that council know that you have moved into their area. We must do this within 14 days from when the accommodation is made available to you

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