



HILLINGDON
LONDON

London Borough of Hillingdon

Temporary Accommodation and Private Rented Sector
Offer (PRSO) Placement Policy

1. The Council has a duty under Part 7 of the Housing Act 1996 (HA96) to secure accommodation for a minimum of 2 years for unintentionally homeless people in priority need. If a person or family presents to the Council as homeless or threatened with homelessness the Council are under a duty to make such inquiries as necessary to satisfy themselves whether or not the applicant is eligible for assistance and what, if any, duty is owed. If the Council has reason to believe that a homeless applicant has nowhere to stay and is in priority need, then there is an immediate duty to make suitable temporary accommodation available pending further inquiries. The “full” or “main” duty is owed to those whom the authority is satisfied are eligible, homeless and in priority need and not intentionally homeless. Applicants can remain in temporary accommodation while they wait for an offer of accommodation to discharge the main housing duty.
2. This document sets out the process by which Hillingdon Council will place households in temporary accommodation and private rented accommodation, both inside and outside the Borough. It covers interim placements made under Section 188 HA96 while, homelessness enquiries are undertaken, longer term temporary accommodation placements for households accepted as homeless under Section 193 Housing Act 1996 and a private rented sector offer defined by section 193 (7AC) with a view to bringing the section 193(2) duty to an end.
3. The policy complies with:
 - The Housing Act 1996, as amended
 - The Localism Act 2011
 - The Homelessness Code of Guidance 2006
 - Homelessness (Suitability of Accommodation) (England) Orders 1996, 2003, & 2012
 - Supplementary Guidance on the Homelessness changes in the Localism Act 2011 & the homelessness (Suitability of Accommodation (England) Order 2012
 - The Tenancy Strategy 2013
 - The Social Housing Allocation Policy 2013
 - Children Act 1989 (in particular S.17)
 - Children Act 2004 (in particular S.11)

This policy also considers the Council's obligations arising from the Equality Act 2010.

4. The Localism Act 2011 has enabled authorities with effect from 9 November 2012, to discharge their duties towards eligible households accepted as unintentionally homeless and in priority need, by offering a private rented tenancy

(with a minimum term of 12 months) irrespective of objections that the household may have to being housed in the private rented sector.¹

5. A Private Rented Sector Offer (PRSO) is defined by section 193 (7AC) HA96 as an offer of an assured shorthold tenancy made by a private landlord to an applicant in relation to any accommodation which:
 - has been made available for the applicant's occupation by arrangements made by the Council with a private landlord or;
 - is made with the approval of the Council, in pursuance of arrangement made by the authority with the landlord with a view to bring the section 193(2) of the HA96 duty to an end, and;
 - is a fixed term Assured Shorthold Tenancy for a period of at least 12 months.
6. If an applicant becomes unintentionally homeless within two years of the tenancy start date, a new 'Reapplication Duty' applies. This is regardless of their Priority Need, although they must remain eligible and be homeless unintentionally. This does not have to be a reapplication to the same authority nor from the same property.
7. The Council will consider a PRSO as an option to end the main homelessness duty in all cases. It is acknowledged that a private rented sector tenancy may not be an appropriate housing option for some households. The Council will assess the individual circumstances of each household to establish whether a PRSO may be suitable.
8. When a household approaches the Council claiming to be homeless or at risk of homelessness, they will receive advice and assistance at a minimum.
9. For homelessness applications that result in a full housing duty being owed, where possible and appropriate, the authority intends to discharge that duty by arranging for a private landlord to make an offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months.
10. For any applicant that has made a Homelessness Application after 9 November 2012 and is owed a full duty, that duty will remain until either the Council arranges for a private landlord to make an offer of an assured shorthold tenancy in the private rented sector for a period of at least 12 months (PRSO), or one of the following actions or events occur, which by law will also bring the duty to an end. These are:

¹ The Homelessness (Suitability of Accommodation) (England) Order 2012 was brought into force on 9 November 2012. Statutory Guidance has been published to which the Council must have regard when discharging its homelessness duties to homeless households by using private rented sector accommodation. The guidance describes situations in which private rented housing should be regarded as unsuitable; the location requirements of the Order also extend to any accommodation secured under Part 7 of the 1996 Act (including temporary accommodation).

- If the applicant accepts an offer of settled accommodation from the Council (in accordance with Part 6 of the HA96);
- If the applicant refuses an offer of suitable temporary accommodation or a social housing tenancy offered under the Council's Social Housing Allocation Policy which the Council is satisfied is suitable for their needs, and the Council informs the applicant that it regards itself as having discharged its duty under Section 193 of the HA96. Where an offer of accommodation is made which is neither a Part 6 offer nor a PRSO (i.e. what is being offered is 'temporary accommodation' that would not otherwise bring the duty to an end) if accepted the section 193(2) duty may end if the applicant refuses the offer, but only if:
 - The applicant has been notified in writing of the possible consequences of refusal or acceptance;
 - The applicant has been notified in writing of the right to request a review of the suitability of the accommodation;
 - The authority are satisfied that the accommodation is suitable, and;
 - The authority notify in writing the applicant that they regard themselves as ceasing to be subject to the section 193 (2) duty.
- If the applicant becomes intentionally homeless from the suitable accommodation made available for his/her occupation;
- If the applicant ceases to be eligible for assistance due to their immigration status;
- If the applicant otherwise voluntarily ceases to occupy, as their only or principal home, the accommodation made available to them to meet the full housing duty.

11. As far as reasonably practicable, the Council seeks to accommodate homeless households in Hillingdon and always considers the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to rising rental costs and ongoing difficulties in sourcing properties locally, an increasing number of households are likely to be placed outside the borough, as it will not be reasonably practicable to secure affordable, alternative accommodation in Hillingdon. These rising costs are reflected in the reasons for approaches to the Homelessness Prevention Team in Hillingdon. In 2011 there were 86 approaches because of a loss of tenancy. There were 539 such approaches during the year 1st April 2015 to 31st March 2016. Similarly, Ministry of Justice statistics show an increase in court repossession activity for rented dwellings. In 2010 there were 57 repossessions by a county court bailiff using accelerated possession proceedings. In 2013 there were 261 such repossessions and by 2015 the number had increased to 360. When placing households outside the borough, Hillingdon Council will look at the availability of suitable properties in the areas closest to Hillingdon first and then sequentially

further away. The Council will always endeavour to find accommodation as close as possible to Hillingdon, having had due regard to affordability; and will always endeavour to find good quality accommodation that meets the needs of the family, on a case by case.

12. When determining whether it is reasonably practicable to secure accommodation in Hillingdon, as opposed to simply what is reasonable, the cost of the accommodation is a relevant and proper consideration. High rent levels and affordability are primary obstacles to securing private rented sector properties for discharge of the main homelessness duty and in securing all forms of temporary accommodation in the private rented sector. This policy details how applicants will be prioritised for housing in and outside of Hillingdon.

PRSO and Temporary Accommodation Offers and Refusals

Offers

13. Homeless applicants who are housed under the Council's interim duty to accommodate (Section 188 HA96) may initially be placed in emergency bed and breakfast accommodation while enquiries are carried out. This accommodation may be outside of the borough. If the Council decides it has a duty to house the household, they will be moved to longer-term temporary accommodation or made a PRSO as soon as a suitable property becomes available.

14. Wherever possible, the Council will avoid placing families with dependent children or pregnant women in bed and breakfast accommodation. Where no other suitable accommodation exists and such placements are necessary, the council will aim to move these households to more suitable self-contained accommodation within six weeks.² Bed and breakfast accommodation will be regarded as unsuitable for 16 and 17 year olds, even in an emergency.

15. The Council will not make a final offer of accommodation under Part 6 or approve a PRSO unless satisfied that:

- The accommodation is suitable for the applicant, and that;
- If the applicant is under contractual or other obligations in respect of the applicant's existing accommodation, the applicant is able to bring those obligations to an end before being required to take up the offer.

16. Where the Council decides that applicants housed under Section 188 HA96 are not owed the main homelessness duty, they will be asked to leave, usually within fourteen calendar days of receiving a homelessness decision letter.

Refusal of Offers

² The Homelessness (Suitability of Accommodation) (England) Order 2003 (SI 2003/3326), which came into force of 1st April 2004, provides that homeless families with children, or where a member of the household is pregnant should not be placed in B&B accommodation except in an emergency and even then only for a maximum of six weeks.

17. Applicants will be given one offer of suitable accommodation. This may be under an interim duty while enquiries are being carried out, or a placement in temporary accommodation where a full housing duty has been accepted, or a PRSO. The client will be advised to accept this. There is no obligation upon the Council to enable applicants to view the accommodation prior to acceptance. In making the offer, the household's individual circumstances will be considered.
18. If an applicant rejects an offer, they will be asked to provide their reasons for refusal. This applies to new applicants to whom the Council has an interim duty to accommodate under Section 188 HA96, or those in temporary accommodation, who the Council has accepted a rehousing duty towards under Section 193 HA96, and are required by the Council to move to alternative temporary accommodation or to accept a PRSO. The Council will consider the reasons given and undertake further enquiries as necessary. If the Council accepts the reasons for refusal and agree the offer is unsuitable, the offer will be withdrawn and a further offer will be made.
19. Where applicants refuse suitable emergency accommodation (which may include out of borough placements) and the Council does not accept their reasons for refusal, and considers that the offer is suitable, applicants will not be offered further accommodation and will be required to make their own arrangements. There is no right of appeal against the suitability of accommodation offered to applicants under Section 188 HA96 (although they can apply for judicial review through the courts). For applicants where the Council has accepted a rehousing duty under Section 193 HA96 (s193 duty) there is a right to request a review of the suitability decision, pursuant to section 202 HA96.
20. In cases where the applicant still refuses a suitable offer of accommodation the homelessness duty will be discharged. If the applicant is resident in emergency accommodation, they will usually be asked to vacate the property within 14 calendar days and advised that no further assistance will be provided. If they are already in longer-term temporary accommodation the current housing provider would be advised that the duty has been discharged and eviction proceedings need to begin.
21. Where applicants that the Council has accepted a Section 193 duty for, refuse a suitable offer and submit a review request, they will only continue to be accommodated during the review period in exceptional circumstances. Each case will be considered on an individual basis, taking into account the overall merits of the review request. Any new information or evidence that may affect the original decision and the personal circumstances of the applicant and the potential impact of the loss of accommodation.

Selection of applicants for Private Rented Sector Offers

22. Where there are more households owed the full homeless duty than properties available in the private rented sector to end the duty, the Council will consider a range of factors to select applicants to be offered a PRSO, taking into account individual household circumstances, as well as the operational needs of the service and the financial impact on the authority. For example applicants to be made a PRSO offer to fully discharge the homeless duty may include applicants owed a full housing duty that:

- Have expressed a preference to live in a particular area. Area choice will be considered when making a PRSO but cannot be guaranteed;
- Are less likely to be allocated a social housing tenancy;
- Are in temporary accommodation where there is a cost to the council;
- Are in temporary accommodation where due to the level of rent charged there is a cost to the applicant;
- Are in temporary accommodation and require longer term accommodation as a matter of urgency;
- That have been accepted as being threatened with homelessness and owed a full housing duty and where a PRSO offer will avoid the need for the household to go into temporary accommodation;
- Where there are no exceptional circumstances relating to the need for the provision of long term social housing to provide longer term stability for a household;
- That are owed the full homeless duty and have been waiting longest.

23. One of several factors may apply at the same time. Regardless of these the authority will still ensure that it only makes a PRSO offer after full and careful consideration of household's individual circumstances and the facts that apply to that case. Having undertaken this consideration if the council is then satisfied that it is appropriate to exercise the power given to it under the HA96 it will discharge its duty by arranging for a private landlord to make a suitable offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months.

Suitability of accommodation and criteria for prioritising placements inside or outside Hillingdon

24. The Homelessness (Suitability of Accommodation) (England) Order 2012 requires local authorities to put in place arrangements to ensure that PRSOs are suitable. The location requirements of the Order also extend to any accommodation secured under Part VII of the HA96 (including temporary accommodation). The first part of the order deals with the suitability of location and the second part is concerned with those circumstances in which accommodation is not to be regarded as suitable for a person for a PRSO. Each private rented sector offer will be assessed for suitability and matched to an individual household. Applicants can request a review of the housing authority's

decision that the accommodation offered to them is suitable under Section 202 (1) (f).

25. The suitability of the location will be considered for all members of the household and as far as reasonably practicable, accommodation will be secured in Hillingdon, helping applicants to retain established links to schools, doctors, social workers, key services and support and social networks. However, when there is a lack of suitable accommodation or there are higher priority households awaiting accommodation in the borough, out of borough placements will be used to meet the Council's housing duty. Given the shortage of accommodation locally, placements outside of the borough may be considered suitable.

Suitability of Accommodation Part One: Location

26. The Council has devised a set of criteria against which a decision can be made about the suitability of out of Borough placements for individual households, balanced against the type and location of temporary accommodation and private rented accommodation that can be offered. In many cases housing outside the borough will be more sustainable for the household in the long-term with lower rents allowing them to better meet their subsistence and household costs and avoid rent arrears.

27. In placing households in temporary accommodation and private rented accommodation, there will be a general presumption that placements outside of Hillingdon will be used to discharge housing duties where suitable, affordable accommodation is not available locally. The Council will continuously monitor demand from potentially homeless households and available supply in order to maintain an up to date projection of need for temporary accommodation and private sector discharge properties in and out of borough.

28. In offering temporary or private sector accommodation, the Council will consider the suitability of the location of the offer for a particular household, taking into account the following factors:

- Where accommodation is procured outside of Hillingdon, the Council will consider where the accommodation is situated and the distance of the property from Hillingdon and how the location of the property affects family members. This will include the impact of location on the other factors listed in relation to the suitability of accommodation. If it is not reasonably practicable to provide accommodation in Hillingdon, the Council will try to secure accommodation that is as close as possible to where an applicant was previously living unless there is a justifiable reason for securing accommodation further away, such as clients' preference. The significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household, will be taken into

account, as will the duration and significance of connections to the Borough of Hillingdon.

- The proximity and accessibility of the accommodation to medical facilities, carers and other support which –
 - Are currently used by or provided to the person or members of the person's household; and
 - Are essential to the well-being of the person or members of the person's household; and
 - The proximity and accessibility of the accommodation to local services, amenities and transport.

Suitability of Accommodation Part Two: Suitability for a Private Rented Sector Offer

Property standards and management

29. For a property to be considered suitable for a PRSO, the Council must be satisfied that the accommodation is in reasonable physical condition and that it is suitable in relation to:

- Certain electrical regulations
- Fire safety
- CO₂ poisoning – there must be adequate carbon monoxide alarms
- HMO licensing
- The property has a valid energy performance certificate (EPC)
- Gas safety record
- That a written tenancy agreement will be provided
- That the landlord is a fit and proper person to act in the capacity of landlord

Size and layout of the property

30. Accommodation must provide adequate space and room standards for the household and be fit to inhabit. In deciding on the fitness of the property, consideration would 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 unlikely to be acceptable reasons for a refusal.

Health factors and disability

31. The Council will consider health factors, such as ability to get up the stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available locally. If the applicant or a member of the resident household is citing medical grounds that were not identified during the initial assessment, the applicant must submit a medical form within 24 hours of the offer. The key test in determining the impact of medical issues is whether the condition itself makes the housing offered unsuitable.

Medical issues may also be relevant if, when added to other considerations, they would make a property unsuitable.

Affordability

32. For a property to be suitable, it must be affordable. Where an applicant is on benefits and qualifies for local housing allowance the rent required will be considered against the amount of benefit the applicant will receive under the Local Housing Allowance (LHA) scheme.
33. Where there is a shortfall between the rent required and the amount of benefit the applicant will receive under the LHA scheme and the rent cannot be reduced through negotiation with the landlord, the authority will consider the applicant's residual income after meeting the costs of the accommodation including the shortfall and all other expenditure required for that applicant to provide the ordinary necessities of life.
34. Accommodation offered will not be considered suitable if the cost of paying for it would deprive the applicant of the means to provide the ordinary necessities of life. This will always include the amount of income required for heating, eating and clothing and may, depending on the individual household, also include child care costs, travel cost, and any other expenditure which when considering the individual circumstances of that household is deemed to be essential.

Debts

35. Where an applicant has debts, whether credit cards, loans or other debts, advice will be given on priority debts and appropriate referrals made to support the applicant in any negotiation with creditors and to ensure that they are able to access benefits that they are entitled to.

Children

36. In accordance with section 11 of the Children Act 2004, the Council will consider the needs of any children in the household and how to safeguard and promote those needs.

Childcare and other caring responsibilities

37. Existing childcare arrangements are considered as well as any other caring responsibilities, including the nature of the care provided, and the feasibility of maintaining these or making other arrangements.

Education

38. Attendance at local schools will not automatically be considered a reason to refuse accommodation, though some priority will be given in determining priority for in-borough placements, to special educational needs and to students who are taking public GCSE or A level examinations in the academic year. The age and stage of education of children will be taken into account, including any public

examinations the children will be taking. The cost (particularly for over 16s where travel costs will be incurred) and ease and distance of any potential commute to existing schools will be considered along with the possibility of relocating to schools closer to the property offered. Support provided to any children with special educational needs will also be taken into consideration. Children of primary school age may need to move to schools closer to their new home.

Proximity to schools and services

39. The Council will consider the proximity to schools, public transport, primary care services, and local services in the area in which the accommodation is located.

Employment

40. The Council will consider the need of applicants who are in paid employment to reach their normal workplace from the accommodation that is secured.

Family and community support

41. As far as possible, family support and community links will be taken into consideration. Where there is social worker involvement with the family, they will be involved in any discussions about moving the family to alternative accommodation to ensure their needs are met.

Families in need

42. Priority for properties in Hillingdon will be given to families in need. This is in accordance with Hillingdon's duties under Section 11 of the Children's Act 2004. Equally, for families not owed a housing duty by Hillingdon but with dependent children, the Council will ensure that the needs and welfare of children are safeguarded. Families prioritised as 'in need' include:

- Households where children are at risk or may be significantly disadvantaged, including households giving or receiving care, care leavers, children subject to a Child Protection Plan, children at a significant educational milestone.
- Households with at least one family member who has a severe disability or significant health condition - for example;
 - A person with severe and enduring mental health problems who is receiving psychiatric treatment and aftercare (provided by local community health services) and has an established support network where a transfer of care would severely impact on their ability to engage with treatment or care plans;
 - A person suffering from a life threatening illness or a severe disability receiving regular (at least fortnightly) treatment under the care of a hospital in the borough;
 - A person in receipt of a significant car package which cannot be transferred.
- Households where there is a risk to be managed, for example: those with a history of anti-social behaviour, prolific and persistent offenders, those housed through MAPPA etc.

Special circumstances

43. The Council will consider any other reasons for refusal put forward by the applicant and come to an overall view about whether the offer is suitable including any cultural needs.
44. The Council will remind landlords and tenants of their responsibilities relating to tenancy deposit schemes.

Priority for accommodation in borough

45. Applicants will be individually assessed prior to any offer to determine the type and location of accommodation that should be offered. The needs of the household will be recorded in full along with any action to mitigate disruption.
46. Before an offer of PRSO accommodation is made an affordability assessment will be carried out to ensure that the offer is suitable for the household. An 'In-borough' priority does not guarantee an in-borough placement, but should suitable and affordable accommodation be available within the borough, it does give that household priority over others without this assessed priority.
47. Priority for in-borough accommodation will be given to certain households whose circumstances indicate that they would best be housed locally. These include:
 - Applicants with a severe and enduring health condition requiring intensive and specialist medical treatment that is only available in Hillingdon;
 - Applicants undergoing a course of treatment where a disruption of that treatment would be unreasonable;
 - Applicants who are in receipt of a significant package and range of health care options that cannot be easily transferred;
 - Applicants with a severe and enduring mental health problem who are receiving psychiatric treatment and aftercare provided by community mental health services and have an established support network where a transfer of care would severely impact on their well-being;
 - Households with children subject to a Child Protection Plan in Hillingdon, or families who have high social needs who are linked into local health services and where it is confirmed that a transfer to another area would impact on their welfare;
 - Applicants with a long and significant connection to the Borough of Hillingdon;
 - Households containing a child with special educational needs who is receiving education or educational support in Hillingdon, where change would be detrimental to their well-being;
 - Applicants who have a longstanding arrangement to provide care and support to another family member in Hillingdon who is not part of the residents household

and would be likely to require statutory health and social support if the care ceased;

- Applicants who have as part of their household, a child or children who are enrolled in public examination courses in Hillingdon, with GCSE/A level exams to be taken within the academic year.
- Any other special circumstance will also be taken into account.

48. Wherever practicable, any applicants who work for more than 24 hours per week and have been employed continuously for more than six months will not be placed more than 90 minutes travelling distance by public transport, from their place of employment.

49. Applicants who meet none of the above criteria will be offered properties out of Hillingdon when no suitable property is available in Hillingdon.

Accommodation in other local authority districts

50. The Council will always seek to offer private sector accommodation in the borough where possible, except:

- When it is considered beneficial to move the applicant/household out of area, for other reasons for example, to reduce the risk of harassment; or to assist a person(s) in breaking away from detrimental situations, such as drug or alcohol abuse; or
- When the applicant consents to move away from Hillingdon; or
- When a person has very limited/no local connection to Hillingdon (for example, they may have approached having fled violence from another area);
- Applicants who indicate a desire to be housed in particular areas outside of Hillingdon will be housed in those areas so far as reasonably practicable.

51. Applicants who are victims of domestic violence would be placed outside of Hillingdon or neighbouring boroughs in an area where the risk of violence does not exist having given consideration to all other factors within this policy.

Notification arrangements for out of Borough placements

52. Details of placements in temporary accommodation and private rented accommodation outside of Hillingdon will be shared in a timely manner with the relevant councils in areas that families are moving to;

- We will notify the receiving authority of any placement (as far as this is possible). The receiving authority should also notify us as to any action they may have taken against a landlord/agent;
- Households with children known to Social Care as Children in Need who accept housing out of borough will be transferred to the appropriate new-borough

support service. The new local authority's children service will be notified by Hillingdon and a period of joint working will ensure the needs and welfare of the children are safeguarded;

- We will as far as is practical ensure that the rent paid is in accordance with the prevailing LHA rent levels and is not at a level that is likely to encourage inflation of rent levels and/or leave the household experiencing financial difficulties in paying the rent.