

# Temporary Accommodation Placement Policy 2024

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## **1. INTRODUCTION**

- 1.1 The Council aims to work with households to prevent homelessness and encourages people to approach the Council as early as possible if they are threatened with homelessness or are concerned about their housing situation. The Council will do its best to help people remain in their homes, or if that is not possible, to help them find somewhere else that is settled before they have to leave their home. However, in some circumstances, this will not be possible, and the Council may have a statutory duty to provide temporary accommodation in line with legislation. This Policy does not cover housing management lettings, or the allocation of accommodation where there are social care statutory duties which do not fall under the homelessness legislation.
- 1.2 This Policy sets out how the Council will meet its statutory responsibilities to provide temporary accommodation for:
- a) Interim temporary accommodation, which is made under Section 188 of the Housing Act 1996, during the relief duty while homelessness enquiries are undertaken.
  - b) Temporary accommodation placements for households accepted as homeless under the main duty under Section 193 of the Housing Act 1996.
  - c) Temporary accommodation placements made under Section 190 of the Housing Act 1996 following a decision that a household became homeless intentionally.
- 1.3 This Policy has been developed collaboratively across Housing Services, Health & Social Care, Children's Services and with stakeholders in Rotherham.
- 1.4 The voice of people with lived experience of homelessness and temporary accommodation has played a pivotal part in shaping this Policy. Feedback has been collected from a variety of sources. We have spoken to homeless households who have shared their experience and told us what they consider as important.

## **2. LEGISLATIVE FRAMEWORK, LINKS TO COUNCIL STRATEGIC POLICIES AND STRATEGIES**

- 2.1 Temporary accommodation is a form of housing assistance that local authorities in England may provide to homeless households who are eligible for assistance, in priority need, and not intentionally homeless. The provision of temporary accommodation is governed by Part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.
- 2.2 The Policy has given regard to the above and all relevant legislation, which includes:
- Homeless (Suitability of Accommodation) Order 2012
  - Homelessness Code of Guidance for Local Authorities (Department of Levelling Up, Housing and Communities)

- Localism Act 2011
- S11, Children Act 2004
- S23 and S42 Care Act 2014
- Domestic Abuse Act 2021
- Equality Act 2010
- Associated Case Law, including the following:

2.3 [Nzolameso v Westminster City Council](#) (2015) This case established that the local authority must not make an offer of accommodation outside the applicant's district of residence, unless it is satisfied that there is no suitable accommodation available within the district, and that it has taken into account the impact of the location on the applicant and their family, especially in relation to education and health, social networks. The Supreme Court judgment included a set of requirements that local authorities need to consider when allocating temporary accommodation to homeless households. These include:

- A requirement that local authorities need to explain their decisions in regard of the location of the temporary accommodation offered.
- Each local authority should have, and keep up to date, Policy for allocating temporary accommodation to homeless households.
- The Policy should reflect the authority's statutory obligations, under both the Housing Act 1996 and the Children's Act 2004.
- Where there is an anticipated shortfall of accommodation in the Borough, the Policy should explain the factors to be taken into account when making decisions on where a household is placed.
- The Supreme Court also proposed that each local authority should have a Policy for procuring sufficient units of temporary accommodation, to meet anticipated demand for the coming year.

### **Homelessness Prevention and Rough Sleeper Strategy 2023-2026**

2.4 The Homelessness Prevention and Rough Sleeper Strategy sets out the Council's strategy for preventing homelessness. There is a commitment in the strategy to minimise the use of temporary accommodation and improve the quality of temporary accommodation.

2.5 As part of the effort to assist rough sleepers, the Council operates a Severe Weather Emergency Protocol (SWEP) to provide emergency temporary accommodation to rough sleepers to prevent deaths on the streets caused by extreme weather conditions.

### **Council Plan**

2.6 This Policy supports the Council's aims and priorities set out in the [Council Plan 2022-2025](#), specifically:

- Every neighbourhood thriving
- People are safe, healthy and live well

- Every child able to fulfil their potential
- Expanding Economic Opportunity

### **Housing Strategy**

2.7 This Policy supports the Council's aims and priorities set out in the [Housing Strategy 2022-2025](#), specifically:

- Supporting people to live independently
- Strengthening communities

### **Domestic Abuse Strategy**

2.8 This Policy supports the Council's aims and priorities set out [The Domestic Abuse Strategy 2022-2027](#), specifically:

- Prevention and Early Intervention
- Responding to Change and Need
- Support to Children and Families
- Providing Safe Accommodation and Appropriate Support

### **Housing Allocations Policy**

2.9 The Housing Allocations Policy sets out the criteria and procedures that the Council uses to prioritise households for housing owned by the Council and a proportion of homes owned by our private registered provider (housing association) partners in the borough. Households that are owed a main homelessness duty are given reasonable preference, as set out in the Policy.

### **Housing Acquisitions Policy**

2.10 The Housing Acquisitions Policy sets out the Council's approach to acquiring homes to meet local housing needs. It sets out the different methods of acquisition and how the Council will assess housing needs for acquisitions. The Policy provides a route to increase the availability of accommodation to prevent and address homelessness.

## **3. NATIONAL AND LOCAL CONTEXT**

3.1 There are several challenges placed on the homelessness service overall in terms of the increased demand for temporary accommodation and challenges in procuring accommodation to ensure there is an adequate supply. Demand for temporary accommodation in the longer term is difficult to forecast as it is driven by a complex range of social, economic, and external factors, as well as changes to national legislation and Policy. The introduction of the Homelessness Reduction Act 2017 increased the time that those who are 'intentionally homeless' and 'in priority need' must be accommodated for, through the introduction of the 56-day 'relief duty.' This inevitably increased the use of temporary accommodation.

- 3.2 One of the biggest national and local challenges is the ability for local authorities to successfully move households into permanent and secure housing due to a lack of housing supply.
- 3.3 In Rotherham, there were 175 households living in all types of temporary accommodation at the end of March 2024, a 25% increase from the previous year, as well as an increase of 32% of households living in hotels/bed and breakfast from the previous year. There were 6 families living in hotels/bed breakfast at the end of March 2024 in comparison to 5 at the end of March 2023.
- 3.4 In Rotherham, between April 2022 and March 2023, 36% of households placed into temporary accommodation stated that they had support needs. 65% of those with a support need stated that they had 2 or more support needs. Support needs could include substance misuse, offending behaviour, mental and physical ill health and domestic abuse.
- 3.5 Despite the challenges placed on the Council's homelessness service, the Council is committed to meeting its temporary accommodation duties and providing effective support. The Council will seek to ensure that the provision of temporary accommodation meets local needs.

#### **4. GUIDING PRINCIPLES**

- 4.1 The guiding principles of this Policy mirrors the Homeless Prevention and Rough Sleeper Strategy 2023-2026, which underpins the Council's approach to both the delivery and development of temporary accommodation.
- 4.2 The guiding principles are:
- Partnership Working
  - Person-centered
  - Solution Focused
  - Responsive
- 4.3 The Homelessness and Temporary Accommodation Service will recognise the negative impact experiencing homelessness can have on individuals and families and that everyone will have their own story to tell. The Service will create an inclusive and supportive approach that will cultivate empathy and compassion in every interaction with homeless individuals and take meaningful actions to support them that are responsive, person-centered and solution focused.

#### **5. AIMS OF THE POLICY**

- 5.1 To set out the Council's approach to placing homeless households in emergency and temporary accommodation.
- 5.2 Ensure the Council is compliant with legislation, guidance, case law, and good practice relating to the provision of temporary accommodation.

- 5.3 To set out the factors that will be considered to make sure that the temporary accommodation being offered is suitable and allocated fairly.
- 5.4 Keep households that are homeless safe and supported, including those who are homeless because of domestic abuse.
- 5.5 To set out how the Council will provide a good quality temporary accommodation service.
- 5.6 Ensure the effective management of temporary accommodation premises.
- 5.7 To outline how the Council supports households who approach the Council in need of temporary accommodation, to ensure they are treated in a consistent manner and with empathy and respect.
- 5.8 To improve customer satisfaction and overall customer experience with the temporary accommodation service.
- 5.9 Keep the cost of the Council's temporary accommodation to a minimum by reducing the use of hotels, bed and breakfast.

## **6. TEMPORARY ACCOMMODATION PORTFOLIO**

- 6.1 Temporary housing can include various types of accommodation, such as Council-managed self-contained properties, group living and accommodation that is managed through local charities, or a private property owner. Temporary accommodation can also include bed and breakfast or hotels.
- 6.2 A key difference between temporary accommodation and other types of accommodation offered to households is that it is not offered as a stable or permanent home.
- 6.3 The Council makes efforts to ensure that the temporary accommodation portfolio meets demand. The Council reviews needs and demand regularly to seek to ensure that there is sufficient and suitable temporary accommodation available to meet the expected need. When calculating the expected need, previous year's data and trends are considered along with any known external factors and anecdotal evidence such as the difficulties faced in securing suitable temporary accommodation.
- 6.4 The Council will use all opportunities that become available to increase the number of temporary accommodation units in Rotherham that are of suitable quality and are affordable. This will improve the Council's offer in meeting its statutory duties and help to minimise out of area placements and the use of hotel or bed and breakfast placements.

### **Dispersed self-contained properties**

- 6.5 These properties are mainly owned and managed by the Council. The size of accommodation ranges from one-bedrooms to larger family-sized housing and can be bedsits, flats, or houses. The locations of the properties are dispersed across the Rotherham area. There may be occasions where the Council uses properties owned

and managed by a private property owner and this may include properties located outside of Rotherham.

- 6.6 There is no statutory duty to provide furnished accommodation; however, Council owned temporary accommodation properties are furnished and have everything a household will need to live in (see section on Service Standards).

#### **Hotels/Bed and Breakfast**

- 6.7 The Council utilises hotel/bed and breakfast establishments, although availability can be very limited. Some placements are made in other local authority areas.
- 6.8 The Council will use this type of temporary accommodation where emergency accommodation is required at very short notice or where there is no alternative accommodation available.
- 6.9 Whenever a household is accommodated into a hotel or bed and breakfast, attempts will be made to identify alternative temporary accommodation as soon as possible.

#### **Food and Cooking Facilities**

- 6.10 The Council has no statutory obligation to provide or pay for the provision of food or to provide cooking facilities, although breakfast may be included as part of a hotel or bed and breakfast booking where this provision is available. There are no cooking facilities provided at hotels or bed and breakfast accommodation. Some hotels or bed and breakfasts will provide access to a microwave at their own discretion. As a minimum, a kettle will be provided in each room. The Council work in partnership with a number of local charities and agencies. When placements are made information on these services, including local shops, emergency food services, food banks and any other assistance available in accessing food will be provided.

#### **Other Types of Temporary Accommodation**

- 6.11 The Council commissions supported housing, which includes specialist young people's assessment units, shared supported housing for individuals who have been found to be rough sleeping, and refuges for victims of domestic abuse. This category of temporary accommodation includes provision that is commonly referred to as hostels. As the Council develops its temporary accommodation portfolio, other types and models of temporary accommodation will be considered.

#### **Accessible Temporary Accommodation**

- 6.12 The Council will provide temporary accommodation units within the Council's in-house temporary accommodation portfolio that are wheelchair accessible. The accommodation will aim to provide external arrangements for the entrance, internal circulation space, door and corridor widths, and usable living spaces including the kitchen, bathroom, and bedroom space(s) where this is possible.
- 6.13 The Council will identify accessible accommodation where it is needed when making a placement in hotels or bed and breakfast.



## **Temporary Accommodation for Council Tenants**

- 6.14 There are circumstances in which a council tenant may require a temporary decant, for example, as a result of planned major works, improvement works which are required to a household's home, safeguarding reasons, or an emergency such as fire and flood. As a responsible landlord the Council will arrange alternative accommodation in line with the Council's Decant Procedures for existing council tenants.
- 6.15 For some urgent moves a homelessness application will be taken under the Council's statutory homelessness duties and temporary accommodation will be provided until a suitable decant property can be sought. Temporary accommodation could be a hotel, bed and breakfast or council furnished temporary accommodation. The Housing Allocation Policy has provision to identify a suitable vacant property, as a managed move in preference to the use of emergency homelessness temporary accommodation.

## **7. OFFICE OPERATING HOURS**

- 7.1 Households who require emergency temporary accommodation on the day will need to approach the Council's office, at Riverside House, during normal working opening times, Monday – Fridays, 08:30 – 17:00 (with the exclusion of Bank Holidays and the Christmas closedown) Households are encouraged to approach as early as possible in the day to allow sufficient time for an assessment of their eligibility for temporary accommodation and for the Council to make necessary arrangements. Households will need to provide proof of identification wherever possible. However, the Council recognises that in some cases, such as households fleeing domestic abuse this may not be possible straight away.
- 7.2 The Council's homelessness service recognises that reasonable adjustments may need to be considered for households who may not be able to attend in person due to a disability, health condition, or where there is risk to a household's safety due to fleeing violence or harassment. Adjustment may include home visits, or telephone assessments.
- 7.3 The Council operates its homelessness service 24 hours a day and 365 days of the year.
- 7.4 The Homeless Service can be contacted by telephoning 01709 336009 at any time day or night. If a homeless household contacts the Council outside of normal office hours, the Homelessness duty officer will decide if a duty to provide temporary accommodation is owed; if so, the household will be placed in the available accommodation. The household will be asked to attend the Council office the next working day. (This does not include bank holiday, the Christmas closure or weekends).

## **8. SUITABILITY OF A TEMPORARY ACCOMMODATION PLACEMENT**

- 8.1 If the Council accepts a duty to provide temporary accommodation, the Council will consider the needs of the household as part of their homelessness assessment. This will include factors in relation to the suitability of temporary accommodation and identify any risks to help determine a suitable temporary accommodation placement.
- 8.2 All offers of temporary accommodation will comply with legislation, including the Homelessness (Suitability of Accommodation) (England) Order 2012 and give regard to the Homeless Code of Guidance for Local Authorities. The Council should be mindful of:
- Relevant considerations for families with children and their duties under Section 11 of the Children's Act 2014 with regards to the need to safeguard and promote the welfare of children.
  - Safeguarding responsibilities to protect adult's right to live in safety and free from abuse and neglect and its duties under section 23 and 42 of the Care Act 2014.
  - Victims of domestic abuse and the Councils statutory duties under Part 4 of the Domestic Abuse Act 2021 where it states that the Council must ensure all victims of domestic abuse have access to the right support within safe accommodation when they need it.
- 8.3 In determining whether temporary accommodation is suitable for a household, the Council must take into account the location and other factors such as:
- Where the accommodation is situated, if outside of Rotherham and the distance to its own local authority area.
  - The significance of any disruption that 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.
  - The proximity and accessibility of the accommodation to medical facilities and other support that is currently used by or provided to the person or members of the person's household that are essential to the wellbeing of the person or members of the person's household.
  - The proximity and accessibility of the accommodation to local services, amenities, and transport.
  - In some circumstances, it is acknowledged by the Council that it may be more appropriate for a placement outside of the area to be arranged, for example, where a household may be at risk within Rotherham.
- 8.4 Hotel or bed and breakfast accommodation is not regarded as suitable for 16- and 17-year-olds.
- 8.5 While families can be placed in hotels or bed and breakfasts from time to time, many of these placements are usually as a result of emergency placement, whereby it hasn't been possible to prevent homelessness or secure any alternative accommodation. The Council will adhere to the Homelessness (Suitability of Accommodation)

(England) Order 2003 and Homelessness Code of Guidance by ensuring that no household with children or who are pregnant stay in this type of temporary accommodation beyond 6 weeks for each single homeless application made.

- 8.6 If there are any safeguarding concerns about any households, the Council will request consent from the police, probation, Social Care or other relevant agency to disclose relevant risk information to the accommodation provider prior to the placement being made.
- 8.7 The approval route of a temporary accommodation placement will be made by the senior duty officer for temporary accommodation placements on that day. Case records should evidence how decisions to place a household in or out of an area have been reached, considering the household's collective and individual needs and any impact of such a decision in accordance with its statutory duties.
- 8.8 The Practice Guidance for Temporary Accommodation Placements document (**Appendix 1- Part A**) expands upon the approach that should be taken by officers when determining the suitability of a placement, including any associated risks, and timely reviews. The Practice Guidance may be updated from time to time in line with operational demands and changes in national guidance and legislation.
- 8.9 The suitability of temporary accommodation will need to remain under review once a placement has been made. The Council will respond to any relevant change in circumstances that may affect suitability until such time as the accommodation duty is brought to an end.
- 8.10 When making hotel and bed and breakfast placements, the Temporary Accommodation Service will give consideration specifically in relation to the impact of placing multiple vulnerable households in one location and the potential impact this may have on individuals and the surrounding community, alongside the necessity of fulfilling statutory homelessness duties, the overall availability of suitable accommodation, and the overarching priority to avoid out-of-borough placements wherever feasible.
- 8.11 The Practice Guidance, Risk Assessing and Managing the Impact of Hotel and Bed and Breakfast Placements document (**Appendix 1- Part B**) expands upon the approach that will be taken by officers in the effective management of hotel and bed and breakfast placements.
- 8.12 The Temporary Accommodation Service will ensure operational systems are effective to ensure mechanisms are in place to alert themselves to those cases that will require more regular reviews because the household's needs and or risks are likely to change. This will include close monitoring systems and reviewing households' needs as circumstances change. It should be noted that temporary accommodation that is suitable for a short period under Section 188, such as hotels/bed and breakfast for example, may not necessarily be suitable under the main duty under Section 193. The Council will endeavor to ensure households are placed into furnished temporary accommodation wherever it is practical and appropriate to do so.

### **Households who have recently arrived in the country (within the last 2 years, and have not had settled accommodation in the 3 years prior to arrival)**

- 8.13 This assessment will comply with temporary legislation, which in 2022 made changes to the Homelessness (Suitability of Accommodation) (England) Order 2012 and gave local authorities greater flexibility in how they can fulfil their homelessness duties for households that have recently arrived in the country (within the last 2 years, and not having had settled accommodation in the 3 years prior to arrival). Where local authorities have to place households out of area, their assessment of the suitability of accommodation will not need to consider the distance from the authority and disruption to employment, education and the proximity to medical services.
- 8.14 However, the local housing authority, must consider the significance of any disruption which would be caused by the location of the accommodation and any caring responsibilities of the person or members of the person's household for persons with whom there are family associations. This means that the Council has greater flexibility when it is not possible to place households in the local area. It should be acknowledged that this is a temporary legislation change which will end on the 1<sup>st</sup> of June 2025.

### **Young People – 16–17-year-olds**

- 8.15 Where a young person aged 16–17 is homeless, the Council's joint protocol between Children's Services and the Homelessness Service will ensure that through the appropriate assessment, the needs of homeless 16 and 17 year olds are appropriately met, whilst fulfilling statutory duties under the legal framework.
- 8.16 The joint protocol aims to provide young people with the support to address problems and to experience a timely and coordinated response to their needs so that, wherever possible, homelessness can be avoided and a planned approach to finding suitable accommodation is made. As far as it is reasonably practicable, the Council will secure accommodation in its own area. Where this is not possible, the Council will make all efforts to place homeless households as close as possible to Rotherham.

### **Hospital Discharges**

- 8.17 The Homelessness Service will work in partnership with the Adult Care Integrated Discharge Team to help avoid delayed discharges from hospital and assist in preventing homelessness for patients, focusing on planned moves where the homelessness service has a statutory duty to assist under Housing Act 1996.

### **Prison Leavers**

- 8.18 The Homelessness Service will work in partnership with Probation and HM Prisons to assess individuals prior to prison release and establish the Council statutory duties under the Housing Act 1996.

## **9. PRIORITISATION OF PLACEMENTS AND MOVING WITHIN TEMPORARY ACCOMMODATION**

- 9.1 Where there are more households requiring in-area placements than there is temporary accommodation available, and/or more households requiring placements than there is self-contained temporary accommodation available, the Council may use its discretion to decide how the placements are prioritised based on each individual household's case, factoring in the level of need and risks and the availability of different types of accommodation. This is detailed in The Practice Guidance for Temporary Accommodation Placements document (**Appendix 1- Part A**).
- 9.2 It may be necessary to move homeless households to another temporary accommodation to make the best use of available resources. The Council is committed to keeping moves from one temporary accommodation to another to a minimum wherever possible to avoid any unnecessary disruption. An example of why a household may be asked to move may include where an accessible or adapted temporary accommodation property is needed or where a more suitable temporary accommodation has become available.
- 9.3 Households will be required to move when requested. If the household refuses to move, this may result in the Council ending its duties.
- 9.4 Where the Council decides it has a statutory duty to provide a household with temporary accommodation, the Council will consider personal preference within the constraints of the availability of the temporary accommodation but ultimately will prioritise individual needs over personal preference.
- 9.5 As a general approach, temporary accommodation is allocated on the day that it is needed. However, the Council may reserve a number of in-area temporary accommodation units for planned moves or to ensure certain types of accommodation are always available to respond to specific needs as they arise.
- 9.6 Where the Council has to use temporary accommodation not owned by the Council, providers are at liberty to refuse any placement. Where an accommodation provider refuses to accept a household, the Council will try other providers, but there may be occasions when the risk presented by an individual household member means that no providers will accept them. In this situation, the Council will continue to seek temporary accommodation as required under legislation, but in doing so, it will also seek assistance from other agencies where it is considered appropriate.

## **10. OFFERS, REFUSALS AND RIGHT TO REVIEW**

- 10.1 The Council will make one suitable offer of temporary accommodation to meet the Section 188 duty owed to the household. (See Appendix 1 -Part A, Section 2, regarding the suitability assessments). If this is an interim offer made before the Council has made a decision on the household's homelessness application and the household refuses an offer of accommodation, they will need to make their own arrangements until a final decision is made on the household's homeless application. If the Council subsequently accepts that a Section 193 duty is owed the Council will

make a second and final offer of temporary accommodation where it is needed. If the household refuses the offer, the Council has no duty to make any further offer of accommodation.

- 10.2 Upon the household accepting the temporary accommodation offer, they will be expected to agree to the rules set in place for the placement.
- 10.3 If the lead household member(s) refuses an offer of temporary accommodation or fails to take up occupation of the property under any duty (which may include out of area placements), they will be asked to provide reasons for their refusal on a refusal form which will be reviewed by a senior manager.
- 10.4 The Council aims to offer suitable accommodation at the first offer. Households who have any reservations about the suitability of the accommodation being offered should initially discuss the matter with the Homelessness Service.
- 10.5 The lead household member(s) will be notified in writing of the possible consequences of refusal and be advised of what their rights are for a statutory review.
- 10.6 Households will be encouraged to accept the offer that has been made but can pursue where there is a right to review whilst they are in occupation of the temporary accommodation or where a household may decide not to take the offer. Further details on when a right to review can be considered are detailed in the section below. The continuation of the temporary accommodation placement will be considered on an individual basis, taking into account the overall merits of the review request and any new information or evidence that may affect the original decision.
- 10.7 If for any reason a household is not satisfied with the service that has been provided, they can also make a complaint in accordance with the Council's Complaints Policy (See Section 21).

### **Rights to a Statutory Review**

- 10.8 **Interim duty** (under Section 188) - There is no statutory right to review the suitability of accommodation provided under the relief duty (although judicial review can be applied for). If the offer of a suitable offer of temporary accommodation is refused, the Council may not offer any further temporary accommodation as there is no duty owed.
- 10.9 **Main duty** (under Section 193) - The suitability of accommodation provided in the undertaking of the main housing duty is subject to a statutory right to review. Households owed such a duty will be advised in writing of this right and how to exercise it. Under Section 202 of the Housing Act 1996, a review request should be made within 21 days of being notified that the offer is suitable. After this time, the only remedy is through judicial review.
- 10.10 If the temporary accommodation is refused and, upon review, the Council is satisfied that the accommodation is suitable, the Council will notify the lead household

member(s) in writing that they are no longer owed a main duty and no further offer of temporary accommodation will be made, therefore, the Council will discharge its duty under the Housing Act 1996 (Refer to Section 16, Ending Temporary Accommodation Placements).

10.11 If the Council accepts the reasons for a refusal and agrees the offer was unsuitable, a further final offer will be made.

## **11. TEMPORARY ACCOMMODATION AGREEMENTS**

11.1 At the start of a temporary accommodation placement, the lead household member(s) will be asked to sign an agreement in person, setting out the rules and conditions laid down by the Council. The lead household member(s) will be notified about the consequences of breaching the terms of their placement.

11.2 Depending on the type of accommodation being offered, households will be required to sign to confirm their agreement to the following:

- Hotel occupancy agreement - Specific rules relating to the hotel accommodation.
- A license agreement – used for the occupation of accommodation in pursuance of the council's functions under Part 7 of the Housing Act 1996.

11.3 In the event of a breach of the terms of placement provided by the Council (including hotel placements), if this is the first breach and not of the most serious nature, then the placement may not be ended. However, the Council will issue a verbal warning and ensure this is recorded in the case notes. If a second breach occurs, a written warning will be given, explaining that if there is a further breach, they will receive a final written warning. If a further breach is committed, it is likely it will result in the relevant notice being issued to terminate the placement.

11.4 Any reasonable adjustments in terms of the suitability of the temporary accommodation or where it is identified additional support would benefit the household will be considered. The aim will be to support the household to understand their rights and responsibilities and the consequences if they do not comply with the accommodation agreement.

11.5 If the lead household member(s) behaviour or that of a member of their household is extreme, for example, physical violence or significant damage, a Notice to Quit may be served without prior warnings and the placement may be ended.

11.6 For households under main duty (Section 193), if the loss of temporary accommodation is caused by a deliberate act or omission, they may be found intentionally homeless. This means the Council would have no duty to offer a long-term home.

- 11.7 The Council reserves the right to use its discretion in what constitutes a less or more serious breach and the actions taken to manage this, as long as it complies with legislation, is fair and consistent in the approach.
- 11.8 The Council may recharge the lead household member(s) where the Council has to recovery incurred costs in relation to (but not limited to):
- Where the lead household, member of the household or visitors has caused damage to the temporary accommodation.
  - Where fittings and furniture provided by the Council or a third-party provider are lost, sold or otherwise disposed of.
  - Where fines are incurred and charged to the Council due to the behaviour of the household, members of the household or visitors.
- 11.9 Local procedures will set out how the temporary accommodation service will manage temporary accommodation breaches; this will include accountable senior officers for authorising warnings and issuing a Notice to Quit. Officer will also refer to Appendix 1, (Part B) - Practice Guide, Risk Assessing and Managing the Impact of Hotel and Bed and Breakfast Placements.

#### **Households absent from temporary accommodation**

- 11.10 Officers will be observant in looking for signs where households are not using their temporary accommodation, subletting, or for serious breaches of the agreement.
- 11.11 Where there is reason to believe that the household is not using their temporary accommodation, all efforts to contact the household will be made. There may be valid reasons, for example where an individual has been admitted into hospital etc. Appropriate notice will be served where there are reasons to believe the temporary accommodation is not being used. If the placement is in a hotel the household will be booked out. Where there are safeguarding concerns relating to not being able to contact the household, for example a suspected missing person, appropriate action will be taken in line with safeguarding policies and local procedures.
- 11.12 Local procedures will set out how the temporary accommodation service will respond to concerns where a person cannot be contacted and there may be concerns relating to their safety and welfare; this will include, for example, liaising with other agencies, if and when a missing person report should be made, appropriate safeguarding referrals and ensuring the appropriate records of decision-making when the Council make a decision to end a temporary accommodation placement in accordance with legislation.

## **12. SUPPORT AND RESETTLEMENT**

- 12.1 The Council will ensure that support is available to households in temporary accommodation throughout their stay. This will help households achieve a prompt and successful move into a more permanent home. Each lead household member(s) will be allocated a named Council Resettlement and Support Officer, or similar role



through a commissioned support service, who will work with them to ensure their temporary accommodation agreement conditions are met and support them with their individual Personal Housing Move on Plan.

- 12.2 The Council may commission additional support for households in temporary accommodation to assist with the sustainment of occupancy and faster move on. Availability of this support would be subject to budget.
- 12.3 The Homelessness and Temporary Accommodation Service will aim to adopt a person centered, strength-based approach ensuring that individuals lead in identifying their own goals and support needs and have shared accountability to achieve the desired outcome of settled housing. The Service will aim to empower individuals, draw on their strengths and capabilities, promote and improve their quality of life by facilitating timely access to necessary support, thus reducing the risk of repeat homelessness, and enhancing housing stability.
- 12.4 Support will be delivered with compassion and empathy, without judgement. Practical support can include (but not limited to):
- Support in understanding rights and responsibilities whilst in temporary accommodation.
  - Help in maximising benefits that the household may be entitled to.
  - School admissions being addressed, to get children into school swiftly, minimising educational disruption.
  - Instigate early help assessment being completed in a timely fashion for households with children, where appropriate.
  - Former council rent payment plans being established at outset of the placement.
  - Links established with the Income Team regarding Housing Benefit claims for occupancy charges.
  - Links established with other agencies where needed e.g., Social Care, Children's Services, Domestic Abuse Services, Mental Health, Drug and Alcohol support.
  - Support to register with Health Care, which includes linking in with Gateway Primary Care, which specialises with helping hard to reach and vulnerable groups.
  - Support to register on the Council's Housing Register (where eligible) and provide necessary documents required.
  - Earlier conversations regarding private rented sector or direct applications to Housing Associations to help moving on from temporary accommodation.
  - Discuss any changes in circumstances in the suitability of the temporary accommodation placement.
- 12.5 Regular visits by the Resettlement and Support Officers, or similar commissioned support roles to all temporary accommodation will also assist with:
- Identifying any potential 'hidden' support needs or issues a household may be facing, which would not necessarily be picked up over phone contact.
  - Discovery of temporary accommodation property abandonments.
  - Quicker identification and action on property issues, e.g., disrepairs, damp, mould or intentional damage.

- Addressing any issues relating to the use of the temporary accommodation property or hotel/bed and breakfast placement.

### **13. ACCOMMODATION SERVICE STANDARDS**

- 13.1 The Council is committed to providing a high-quality service. The Council promotes a safe, secure, and supportive environment for all temporary housed households.
- 13.2 The Temporary Accommodation Service Standards are set out in **(Appendix 1- Part C)** of this Policy and details of what our customers should expect from the service.
- 13.3 There may be rare occasions when a temporary accommodation property is let urgently to avoid the use of hotel/bed and breakfast, where there are outstanding minor repairs, replacement furniture etc. This will be noted on the property inventory with an indication of when the repair or replacement will be carried out during their occupancy. This will also be explained by the officer carrying out the sign up of the property. No properties will be let where it compromises health and safety.

### **14. HOUSEHOLDS WITH PETS**

- 14.1 The legal position is pets are not considered part of the household, and the Council does not have a duty to accommodate pets in temporary accommodation. Households are encouraged to make alternative arrangements for all pets while they are in temporary accommodation, which the Council can support with.
- 14.2 However, the Council recognises that households may have no alternative options available for their pets and understands that pets can play an important emotional and supportive role in the household. Although it is not always possible to make provisions in temporary accommodation for pets, the Council will be sensitive to this matter and give careful consideration to individual household circumstances on a case-by-case basis.
- 14.3 Under the Equality Act 2010 the Council will consider any reasonable adjustments required for households with an assistance dog.
- 14.4 The Households with Pets Practice Guidance **(Appendix 1 Part D)** expands upon the approach that the Council will take when a household with a pet(s) needs temporary accommodation. The Guidance may be updated from time to time in line with operational demands and changes in national guidance and legislation.

### **15. TEMPORARY ACCOMMODATION COSTS**

- 15.1 Temporary Accommodation must be affordable to be considered suitable. The household should be able to afford the costs of accommodation from their income after essential expenses, such as reasonable living costs and child support payments.
- 15.2 The Temporary Accommodation Service will keep up-to-date local procedures on the management of income revenue to ensure effective income management and

support for households to ensure they understand their responsibilities and income revenue is maximised.

- 15.3 The Council will advise the household of the charges that apply to the type of accommodation being offered at the sign-up. The charge is calculated as a daily charge for all council temporary accommodation properties, hotel/bed and breakfast and nightly charged private temporary accommodation. This will be explained when the placement is being made.
- 15.4 The occupancy charge is eligible for housing benefit assistance, depending on the household's income. Assistance will be given by the Temporary Accommodation Service and the Council's Income Team, in making housing benefit claims in a timely manner.
- 15.5 In situations where a homeless household does not receive full housing benefit due to eligibility, the lead household member will be responsible for paying the difference between their maximum benefit entitlement and the cost of the accommodation charge. Where a household is not entitled to housing benefit, they will be responsible for the full charge.
- 15.6 Households residing in Council temporary accommodation will be informed that they are responsible for the payment of their personal gas and electricity utility use, and how to pay for this for the duration of their placement. Information will be provided at sign-up.
- 15.7 Households will be responsible for obtaining and paying for their own television license.

## **16. ENDING TEMPORARY ACCOMMODATION PLACEMENTS AND DISCHARGING DUTIES**

- 16.1 When the Council makes a decision to end its duty to provide temporary accommodation, the Council will notify the lead household member(s) as detailed below:
- 16.2 The Council may discharge its duties to continue to provide temporary accommodation under Section 188 Housing Act 1996, by serving reasonable notice. Reasons why the Council may discharge its duty under Section 188 include where a household has breached the terms and conditions of any type of temporary accommodation, or where they have found not to be in priority need following a homelessness investigation (not an exhaustive list).
- 16.3 The notice is excluded from the requirement to issue 4 week's Notice to Quit (NTQ). The Council will use its discretionary powers to decide on what reasonable notice will be given, on a case by case basis.
- 16.4 The Council may discharge its duties to provide temporary accommodation under Section 193 Housing Act 1996 under the following circumstances:

- Accepts an offer of suitable accommodation, and the Council gives notification in writing of the possible consequences of refusal or acceptance.
- Refuses an offer of suitable accommodation, and the Council gives notification in writing of the reasons for the offer, the possible consequences of refusal, and the right to request a review of the suitability of the accommodation.
- Is homeless intentionally from the temporary accommodation provided by the Council, and the Council gives notification in writing of the reasons for the decision, the possible consequences of the decision, and the right to request a review of the decision.
- Ceases to be eligible for assistance, and the Council notifies them in writing of the reasons for the decision, the possible consequences of the decision, and the right to request a review of the decision.
- Withdraws the application for assistance, and the Council notifies them in writing of the possible consequences of withdrawal.

16.5 Under section 193A the main housing duty can be discharged with the acceptance of an offer of a private rented sector offer which is a form of accommodation that is available for at least 12 months, meets the relevant standards, and is affordable for them. The Council must also give notification in writing of the possible consequences of refusal or acceptance, and the right to request a review of the suitability of the accommodation.

16.6 Where the Council discharges its duty by using the private rented sector as a suitable settled offer of accommodation, the same regard to making a suitable temporary accommodation offer must be considered as set out in the Homelessness (Suitability of Accommodation) (England) Order 2012.

16.7 Where the main duty is discharged by a suitable offer of accommodation being refused a minimum of 28 days' notice will be given by serving a Notice to Quit. The same notice period will be given for households staying in a hotel or bed and breakfast.

16.8 On expiry of the Notice to Quit served, the Council is required to obtain a possession order and eviction notice from the court before taking any action to evict the household.

16.9 If a household is in a hotel/bed and breakfast and has been asked to leave by the establishment due to a breach of the rules, the Council will consider placing the household in alternative suitable temporary accommodation, whilst thoroughly investigating the rule break. Following this, the Council will conclude if the rule break constitutes a finding of intentionality. If so, the lead household member(s) will be notified of the intentionality decision, and a minimum 28 day's Notice to Quit will be served.

16.10 Where the Council discharges its duty due to the household refusing a suitable offer or when deemed to be intentionally homeless and there are children in the household, the service will notify the Council's Children's Services for assistance under Section 17 Children Act 1989 subject to consent from the household. A referral to Children's Services may also be made without the household's consent where there are safeguarding concerns.

- 16.11 Where the Council discharges its homelessness duty, set out in Section 16 of this Policy, support will continue whilst households are within the notice period of the temporary accommodation. Where alternative accommodation has not been secured, support will continue to focus on any alternative housing options available. Officers will give regard to individuals' vulnerabilities and continue to identify any additional support, liaise with any agencies involved and make appropriate referrals to support services subject to the individual household member's consent.
- 16.12 Where there is a vulnerable adult in the household subject to consent, the service will liaise with Adult Social Care and make a referral where appropriate, in order for social care to determine if there is a duty under the Care Act 2014. A referral to Adult Care may also be made without the consent of household members where there are safeguarding concerns.
- 16.13 All referrals should be made at the earliest opportunity to ensure there is an effective multi-agency approach.

## **17. STORAGE AND PROTECTION OF PERSONAL BELONGINGS**

- 17.1 A household is unlikely to be able to take all their belongings into temporary accommodation. For example, no furniture or large items are allowed, unless they are required to meet a specific medical or health need, in which case permission must be granted by the Council.
- 17.2 Under Section 211 of the Housing Act 1996, if someone is placed in temporary accommodation and there is a likelihood (not just that it is a possibility) of loss or damage to their personal property and they are unable to protect their belongings or make other arrangements to do so, the Council may have a duty to make reasonable steps to protect those possessions. The personal property of the household includes personal property of any person who might reasonably be expected to reside with them. There are two ways in which the Council can perform its duty to protect property:
- Moving it to a particular location requested by the lead household member(s)
  - Dealing with personal property, by arranging its storage.
- 17.3 Household income and affordability should determine if households are able to pay or make a contribution for their own removals and storage.
- 17.4 The Council can make reasonable charges, including a charge for disposing of property in particular circumstances.
- 17.5 The Council's responsibility ends when it considers that the belongings are no longer at risk because the household can protect them. This will normally be where the household has been offered or found accommodation where they can receive their possessions.

## **Personal belongings when no forwarding address**

- 17.6 Due to limited storage and cost implications, the Council is not able to store household's personal belongings indefinitely. The Council's license agreement used for Council temporary accommodation properties provides a statement referring to protection of belongings, which includes if the household discontinues with their homelessness application or ceases to be eligible for assistance with their housing need, leaving their personal property either in storage or accommodation provided by the Council, and they leave no forwarding address, their personal property will be stored or allowed to remain in the accommodation provided by the Council for 28 days. At the end of this period, their personal property will be disposed of if no contact is made.
- 17.7 Therefore, the Council is in effect giving notice at the start of the placement regarding what will happen if there is no forwarding address or contact.
- 17.8 The Council will make reasonable steps to contact the household, where possible.
- 17.9 The Council may use its discretionary powers to store personal belongings beyond the 28-day notice date when considering any special circumstances.

## **18. SAFEGUARDING**

- 18.1 Safeguarding is everyone's responsibility. This Policy makes an explicit link between homeless households in all temporary accommodation and safeguarding in respect of children, young people and vulnerable adults placed into temporary accommodation. In particular, the factors the Council must take into account when determining the suitability of accommodation secured under the Housing Act 1996 as set out in the Homeless Code of Guidance for Local Authorities (Department of Levelling Up, Housing and Communities).
- 18.2 The Homelessness and Temporary Accommodation Service will take full ownership of their safeguarding responsibilities for children, young-people and adults. Appropriate action will be taken when required to ensure children, young people and adults are helped and protected. This will be achieved by:
- Ensuring appropriate officers are trained in child and adult safeguarding, domestic abuse and trauma informed practices.
  - Ensuring that the workplace culture enables effective practice in safeguarding, and that everyone understands the Council's corporate children and adults safeguarding policies.
  - Officers are encouraged to practice concerned curiosity.
  - Regular staff supervisions, and reflective learning sessions and workforce development opportunities.
  - Comprehensive record-keeping of practice and decision-making.
  - Management oversight of decision-making.
  - Making appropriate referrals to agencies and services that clearly state what is being requested.

- Having due regard to any equality matters, including the need to take steps to take account of household members who may have a disability.

18.3 The Service will also identify household's areas of need and any associated risks, which includes safeguarding, before making a suitable placement. Factors considered include (not limited to):

- Risks to the applicant or members of the household.
- Risk to other residents living in the same location/establishment, e.g., hotel, bed and breakfast.
- Risk to staff.
- Risk to community safety and any safeguarding implications.

18.4 The Service will:

- Practice effective multi-agency working, working together with partners, for example, attending multi-agency meetings which include, social services, domestic abuse service, area housing, community safety and South Yorkshire Police, which focuses on managing risks in the community, linking in with suitable temporary accommodation placements.
- Work closely with non-Council owned temporary accommodation establishments/private owners to ensure that there are effective communication channels in place to enable a two-way discussion at the earliest opportunity. Council officers will respond appropriately where there are risks and safeguarding concerns.
- Ensure that there are regular visits/ keeping in touch with households living in temporary accommodation, including hotel/bed and breakfast establishments/private owned temporary accommodation, both in and out of Rotherham. Providing effective, person centered support to households to assist with their Personal Housing Plan, including support to link into health services, schools and support to help with swift move on from temporary accommodation to more settled housing.
- Ensure where a household has been placed out of area, the Council will notify the host local authority as soon as possible of the placement through a Section 208 notification and at the latest 14 days of the accommodation being made available to the household.

18.5 The Housing Assistant Director or their nominated deputy will attend the Rotherham Safeguarding Adults Board (RSAB) as a full member. RSAB is a multi-agency strategic partnership made up of senior/ lead officers within adult social services, criminal justice, health, housing, community safety and voluntary organisations. It coordinates the strategic development of adult safeguarding across Rotherham and ensures the effectiveness of the work undertaken by Partner Agencies in the area. RSAB aims to achieve those objectives whilst supporting individuals in maintaining control over their lives and in making informed choices without coercion.

## **19. EQUALITY AND DIVERSITY**

19.1 The Council wants to improve the lives and well-being of everyone in the Borough.

- 19.2 The Council aims to ensure its policies and procedures are fair and transparent. The Council will apply this Policy fairly and give equal treatment regardless of age, disability, gender, sexual orientation, transgender status/or gender reassignment, race and religion or belief. All members, employees, and agents of the Council must seek to eliminate discrimination and promote equality, diversity, inclusion, and good relations between all groups.
- 19.3 An Equality Impact Assessment has been carried out in respect of this Policy and recognises that this Policy does set out consideration for households with certain protected characteristics in relation to the suitability of a temporary accommodation placement. This includes households with children or who are pregnant should not be in a hotel/bed and breakfast placement longer than 6 weeks. Consideration includes households that have health factors and that have care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Rotherham.
- 19.4 This Policy recognises the importance of creating an inclusive and supportive service that will cultivate empathy and compassion and understand individual's needs.
- 19.5 The Council recognises that the likelihood of becoming homeless and the experience of homelessness can vary disproportionately depending on factors like ethnicity, disabilities and sexual orientation. The Council will record and monitor data to gain insights on the impact of this Policy on diverse household(s) and contribute towards the needs analysis of future temporary accommodation needs.

## **20. DATA PROTECTION AND INFORMATION SHARING**

- 20.1 All data will be held in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 (GDPR).
- 20.2 The Council may investigate or formally verify any of the information provided in connection with the assistance of temporary accommodation. In order to progress with the placement of temporary accommodation and ongoing support, it may be necessary to share information provided internally with other services or other organisations' that may assist with the provision of temporary accommodation. These may include, but is not limited to
- Rotherham Council – Adult Social Care or Children's Services.
  - Rotherham Council – Housing Benefits, Income Team.
  - Relevant Agencies appointed by the homeless household.
- 20.3 The Council is under a duty to protect public funds and may use the information provided for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes. The above information will need to be communicated with the associated household at the time their personal information is obtained in the form of a Privacy Notice. This is necessary to comply with an individual's 'Right to be Informed' in accordance with GDPR.



20.4 Safeguards will ensure the security of the data and will comply with Article (1) (f) of GDPR.

## **21. COMPLAINTS**

21.1 If for any reason a household is not satisfied with the service that has been provided, they can make a complaint in accordance with the Council's Complaints Policy. Information on how to make a complaint will be provided on request or when it is considered that this information will be of assistance.

21.2 Information can also be found on the Council's webpage:  
[www.rotherham.gov.uk/council/complain-council-services/1](http://www.rotherham.gov.uk/council/complain-council-services/1)

21.3 Details of how to make a complaint will also be included in any correspondence setting out decisions made under this Policy.

21.4 The Council recognises that vulnerable people may need additional support when raising concerns informally or when making a complaint under this Policy and will also signpost people to the support available locally through groups such as Citizens Advice.

21.5 Once the Council's formal complaints process has been exhausted, the Local Government can be approached to review and investigate complaints about this Policy.

21.6 Any such complaint will be treated seriously and will (if necessary) be reflected in subsequent reviews of this Policy or in amendments to the way that services are delivered.

## **22. QUALITY ASSURANCE AND MONITORING PERFORMANCE**

22.1 The Service is committed to continuous improvement and will ensure quality assurance practice is in place, which will focus on a range of areas. This will include ensuring that customers' housing requirements in accordance with the Homelessness Reduction Act 2017, Housing Act 1996 (as amended), Equality Act 2010, Homelessness Suitability of Accommodation (England) Order 2012), and all other relevant legislation, are being correctly assessed. This will make sure effective and robust practice is in place to secure positive outcomes. Quality assurance will include but not limited to:

- Continuous cycle of case audits, both open and closed and draw upon evidence regarding decision making, quality of case management/support and customer service.
- Quality checks on the temporary accommodation physical standards.
- Evaluation of customer feedback and complaints, members enquiries and Ombudsman investigations.
- Evaluation of customer satisfaction surveys.

- 22.2 Identified areas for improvement and shared learning will be taken forward to help develop and deliver bespoke internal training, targeted at the appropriate officers within the Homelessness and Temporary Accommodation teams, with the intention of improving the service delivery.
- 22.3 The Council will use performance reports and data to proactively understand demand, effectiveness and the outcomes achieved by the temporary accommodation service. Performance measures include:
- Where hotel/bed and breakfast is the only option, the Council ensures that families with children, or a person who is pregnant is accommodated for no more than 6 weeks and are moved to more appropriate accommodation.
  - Minimising the length of time of any households accommodated in a hotel/bed and breakfast.
  - Understanding the demand of temporary accommodation and ensuring that the range of temporary accommodation provisions meet local need.
  - Maximising the occupancy rate of RMBC temporary accommodation properties to ensure best value and improve homeless household's experience.
  - Use effective budgetary monitoring to ensure best value and maximisation of resources with the financial budget.
- 22.4 The Homelessness Manager and Temporary Accommodation Manager will maintain oversight of day-to-day delivery of the service and will be responsible for reporting to the Head of Housing Options on performance and quality. Performance reports will be shared and discussed with the Housing Senior Management Team and the Cabinet Member with responsibility for homelessness.
- 22.5 The Council is required to report on its bed and breakfast or hotel usage to the Department of Levelling Up, Housing and Communities and to work towards a plan to minimise the use of hotel or bed and breakfast accommodation.

## **23. IMPLEMENTATION AND REVIEW OF THIS POLICY**

- 23.1 This Policy will be implemented from 18<sup>th</sup> January 2025 and will be reviewed every three years or more frequently as changes in legislation or regulation dictate.
- 23.2 For any operational changes to the Policy, authority is delegated to the Strategic Director of Adult Care, Housing and Public Health in consultation with the Cabinet Member for Housing.

## **APPENDIX 1 – (PART A) - PRACTICE GUIDANCE TEMPORARY ACCOMMODATION PLACEMENT ASSESSMENT**

### **1. PURPOSE OF THE GUIDANCE**

- 1.2 This guidance sets out the Council's approach to the placement of households in temporary accommodation, both in and out of the Rotherham area.
- 1.3 This guidance expands upon the approach detailed in main body of the Temporary Accommodation Policy document (Section 11), specifically in relation to what factors should be considered by the Council's Homeless and Temporary Accommodation Service as part of the needs assessment to determine the suitability of a temporary accommodation placement in or out of the Rotherham area.
- 1.4 This ensures that:
  - The Homelessness Service take a consistent approach to evaluating the risks, needs, assets, and support requirements of households,
  - Decisions are in alignment with the homeless applicant's Personal Housing Plan (PHP), and
  - A strength-based approach is taken to assessing suitability of the accommodation, so that decisions take account of what a person or household can do for themselves.
- 1.5 This Practice Guidance is underpinned by the Homeless and Temporary Accommodation Operational Procedures. All procedures are aligned with the Temporary Accommodation Policy.
- 1.6 A detailed homelessness assessment which will consider any associated risks will be undertaken by the Homeless Officer. This will ensure a consistent and high-quality decision-making on the suitability of a placement is made.
- 1.7 This assessment will take into consideration the suitability factors when making a suitable offer of accommodation, including a temporary accommodation placement and any associated risks.
- 1.8 As far as reasonably practicable, the Council will secure accommodation in its own area. Where this is not possible, the Council will make all efforts to place households as close as possible to Rotherham.
- 1.9 In some circumstances, it is acknowledged by the Council that it may be more appropriate for a placement outside of the area to be arranged, for example, where a household may be at risk within Rotherham.
- 1.10 Where domestic abuse is apparent, consideration will be given as part of the safety planning. Where domestic abuse services are involved, this will be done in consultation with the domestic abuse service involved and the applicant. Options may include in area safe temporary accommodation and/or a managed transfer out of the area.

- 1.11 The Council have a number of units of specialist temporary accommodation for households affected by domestic abuse. These should be considered in the first instance if an in-area placement is considered appropriate.
- 1.12 We want to ensure that the location of temporary accommodation placements is suitable for households, so as to minimise disruption to:
- Employment,
  - Caring responsibilities,
  - Education of the person or members of the person's household,
  - Access to medical facilities,
  - Access to services that are essential to the well-being of the person or members of the person's household, and
  - Access to local services, amenities and transport.

## **2. Suitability Factors**

### **Affordability**

- 2.1 The Council will ensure that accommodation is affordable and will consider each household's income and reach a conclusion as to what will be affordable by carrying out a household financial assessment.
- 2.2 The Council will take affordability into account by (but not limited to):
- Financial resources available to the household (i.e. all forms of income), including, but not limited to:
  - Salary, fees and other remuneration (from such sources as investments, grants, pensions, tax credits etc.).
  - Welfare benefits or entitlements.
  - Payments due under a court order for the making of periodical payments to a spouse or a former spouse, or to, or for, the benefit of a child.
  - Payments of child support maintenance due under the Child Support Act 1991.
  - Contributions to the costs in respect of the accommodation which are or were made or which might reasonably be expected to be, or have been, made by other members of their household (most members can be assumed to contribute, but the amount depends on various factors including their age and income).
  - Also, the costs in respect of the accommodation, e.g. occupancy charges and other reasonable living expenses.
- 2.3 The Council will need to consider whether the household can afford the housing costs without being deprived of basic essentials such as food, clothing, heating, transport and other essentials specific to their circumstances. Housing costs should not be regarded as affordable if the household is left with a residual income that is insufficient to meet these essential needs.

## **Size of Temporary Accommodation**

- 2.4 The Council must consider whether adequate space and room standards exist for the household to be fit to inhabit, containing no category 1 hazards within the meaning of the Housing Act 2004 Housing Health and Safety Rating System.
- 2.5 Households will often be placed in accommodation that have fewer bedrooms than a household would be entitled to have on a permanent basis, when the placement is for temporary accommodation as it isn't necessary for the size criteria calculated for social housing purposes to reflect the criteria for temporary accommodation. However, the Council will be mindful of the rules of overcrowding.
- 2.6 Reasons for refusing a property, for example, due to no provision of parking or the lack of access to a garden will not normally be considered as reasons for refusing an offer.
- 2.7 In all types of temporary accommodation provided to households with children under the age of 2, there should be adequate space for cots to ensure safe sleeping arrangements.
- 2.8 The Council is committed to promoting safe sleeping for children under 2 years of age whilst they are living in temporary accommodation. Wherever feasible the Council will provide travel cots to households who need them, including placements provided by a third-party supplier. Where placements are made at a very short notice there may be occasions where this may not always be possible. The Council will ensure a travel cot is in place at the earliest opportunity.

## **Education**

- 2.9 The Council understands that disruption to education can be detrimental to a child's development. Temporary accommodation will normally be considered suitable where it is no more than a 60-minute journey by public transport, of the child's or children's current school, unless other factors supersede this.

Consideration will be given to the following (but not limited to):

- 2.10 Households containing a child with special educational needs who is receiving education or educational support in the Rotherham area, where change would be detrimental to their wellbeing.
- 2.11 Where a child is experiencing transition points in their education, e.g., from nursery to juniors, from juniors to secondary school.
- 2.12 The level of need for all children as, there may be various levels within the household.

- 2.13 Consideration of a child's vulnerability if they are travelling from out of area into Rotherham, consider level of interchange, combined with age and distance of travel.
- 2.14 Households who have as part of their household a child or children who are enrolled in GCSE, or A Levels in the Rotherham area, with exams being taken within the academic year and are in years 11,12 or 13.
- 2.15 Where there may be the likelihood of any disruption to a child's education the Council will support the parent and liaise with the school, through sensitive conversations, with the consent of the parent to help support any reasonable adjustments whilst in living in temporary accommodation. Where an Early Help referral is appropriate this will be discussed with the parent.
- 2.16 Where out of area placements are made, the Homeless and Temporary Accommodation Service is unable to help with the cost of getting children to school.

The [Councils Home to School Transport Policy](#) sets out a range of transport assistance and eligibility criteria.

Households should be supported by the service to understand the support available. The Councils school transport webpage can be found online:

[www.rotherham.gov.uk/downloads/download/213/schooltransport](http://www.rotherham.gov.uk/downloads/download/213/schooltransport)

### **Health and Wellbeing**

- 2.17 Consideration will be given to the following factors (but not limited to):
- 2.18 A household with severe and enduring health conditions, including mobility and mental health related conditions requiring intensive and specialist medical treatment or support that is only available in the Rotherham area.
- 2.19 Storage requirements for specialist medical equipment and disabilities requiring separate sleeping quarters for members of the household will be taken into account.
- 2.20 All decisions made will take account of the welfare and safety of children (Children's Act 2004) that are part of the household.
- 2.21 Households with children where Children's Services are involved and have an open case, where an out of area placement would be detrimental to their wellbeing. Or families who have high social needs and where it is confirmed that a transfer to another area would significantly impact their welfare.
- 2.22 Households who are in receipt of a care package and range of health care options will be prioritised for placements inside of the Rotherham area.
- 2.23 Households where the female is pregnant and requires continuation of midwifery services in-area.
- 2.24 Households with a severe and enduring mental health problem who are receiving psychiatric treatment and aftercare provided by community mental health service

and have an established support network where a transfer of care would severely impact on their wellbeing.

### **Employment**

- 2.25 Consideration will be given to the following factors (but not limited to):
- 2.26 Where households who are in paid employment and they are required to commute to reach their normal workplace from the accommodation that is being provided.
- 2.27 Where practicable, any member of the household who is in employment will not be placed more than a 20-mile radius from their place of employment if employment is located in Rotherham.
- 2.28 Consideration will also be given to the affordability of the travel arrangements needed to reach the place of employment. The Council is not able to help with the cost of travel.
- 2.29 Employment includes higher or adult education, vocational or professional training, a recognised apprenticeship, or self-employment with a business registered within the Rotherham area. This will also include women who are on maternity leave from employment. It also includes any household members who have a confirmed start date to commence employment in the Rotherham area.

### **Caring Arrangements**

- 2.30 Consideration will be given to households that have a long-standing arrangement to provide care and support to another family member in-area where the person cared for would likely require statutory health and social care.

### **Exceptional Circumstances**

- 2.31 Any other special circumstances that may impact on the suitability of the offer of temporary accommodation will be taken into consideration.
- 2.32 It should be noted that the above categories and priorities are for guidance only, and the individual circumstances of each household, including the time likely to be spent in the accommodation, must always be taken into account when determining the suitability of an offer of temporary accommodation.
- 2.33 Where there are more households requiring in-area placements than there is temporary accommodation available, it will be necessary to make decisions about the suitability of out of borough placements and how households are prioritised based on suitability factors.
- 2.34 Each household will need to be considered on a case-by-case basis. The Homeless and Temporary Accommodation Service will need to balance their decision against the type, location of temporary accommodation and level of any identified risks.

### **3. RISK ASSESSMENT**

#### **Completing the risk assessment.**

- 3.1 An individual risk assessment will be completed by the Homelessness Service where there are concerns that the household might pose a serious risk of harm to themselves or others. Where there are identified risks, steps will be made to mitigate the risk(s), consideration will be given to the location and type of temporary accommodation.
- 3.2 Competent trained officers should complete the risk assessment where appropriate. A list of competent officers is maintained by the Homelessness Service. Training is provided consistently to implement this practice guidance along with local operational procedures relating to placements of temporary accommodation.

#### **Making the Temporary Accommodation Placement**

- 3.3 The approval route for agreeing a temporary accommodation placement will be made by a Homeless Senior Officer.
- 3.4 The Homeless Officer will provide all necessary information based on the household's need assessment and any identified risks, detailing what type of temporary accommodation is required and any specific temporary accommodation needs and restrictions to the Temporary Accommodation Placement Officer who will make the placement.

#### **Monitoring the Temporary Accommodation Placements**

- 3.5 The Temporary Accommodation Service will be responsible for monitoring placements, having regard to suitability, risk, community impact, out of area placements and move on.
- 3.6 The monitoring of placements will include the planning and coordination of moving any out of area placements back into Rotherham where practical to do so and moving households occupying hotels/bed and breakfast into furnished temporary accommodation, subject to suitability and availability.
- 3.7 The Temporary Accommodation and Homelessness Service will ensure that they have a set of comprehensive local procedures, that sets out roles and responsibilities on needs and risk assessment, approval of placements, prioritising out of area placements back into area, escalating risk, monitoring processes and reporting.



## **APPENDIX 1 - (PART B) - PRACTICE GUIDE - RISK ASSESSING AND MANAGING THE IMPACT OF HOTEL AND BED AND BREAKFAST PLACEMENTS**

### **1. PURPOSE OF THE GUIDANCE**

- 1.2 This guidance sets out the Council's approach to the placement of households in hotel and bed and breakfast temporary accommodation and will work in conjunction with the individuals needs and risk assessment.
- 1.3 This guidance expands upon the approach detailed in the main body of the Temporary Accommodation Policy document, Section 8.11 and is specifically in relation to what risk and impact factors will be considered by the Council's Temporary Accommodation Service before making a placement, to ensure that there is an effective approach to managing these placements , ensuring that all households placed and local residents are safe, healthy and live well.

### **2. MANAGING PLACEMENTS**

- 2.1 The Council is committed to effectively managing all hotel and bed and breakfast placements.
- 2.2 The Temporary Accommodation Service will manage hotel/bed and breakfast placements and refer to the household's individual homeless needs and suitability assessment, which will include any identified risks, before making the placement. Refer to Appendix 1, Part A – Practice Guidance of Temporary Accommodation Placements, Section 3.
- 2.3 When a hotel placement is the only option it is important officers consider the following:
  - The impact of placing multiple vulnerable households in one location and considering the potential impact this may have on individuals and the surrounding community.
  - Whether other local authorities or agencies are also placing vulnerable households in the same establishment or location.
  - The potential impact of the dynamics of different cohort(s) with different characteristics and vulnerabilities placed at one location at one given time.
- 2.4 The above factors always need to be considered alongside the necessity of fulfilling statutory homelessness duties, the overall availability of suitable accommodation, and the overarching priority to avoid out-of-borough placements wherever feasible.

## **Who is responsible for undertaking a hotel/bed and breakfast risk and impact assessment?**

- 2.5 A senior temporary accommodation officer will be responsible in assessing if a hotel/bed and breakfast risk and impact assessment is needed for each hotel/bed and breakfast establishment that is in use for placing households who need emergency temporary accommodation.
- 2.6 Where it is required, a central hotel/bed and breakfast risk impact placement assessment will be recorded and accessible to all officers. Effective communication of such assessments and outcome should be shared within the Head of Housing Options who will counter sign the risk and impact assessment.

## **When should a hotel/bed and breakfast risk and impact assessment be undertaken?**

- 2.7 A range of factors will be considered, these include:
- Where there is or is likely to be a high volume of households occupying a single establishment at one given time, particularly in cases where households with complex needs are placed.
  - Where there are known incidents relating to households placed, where their actions may have a potential impact on others, including residents and the local community.
  - The above is not an exhaustive list. An officer may consider that other factors trigger the need to undertake a risk and impact assessment, or an assessment may be requested by the Head of Housing Options.

## **What should be included in hotel/bed and breakfast risk and impact assessment record?**

- 2.8 A range of factors will be considered, these include (but not limited to):
- The hotel/bed and breakfast profile, including location, capacity, and any relevant community and geographical information, e.g., neighbouring buildings, local amenities, residential area etc.
  - Whether there is a mix of private and homeless residents at the establishment.
  - The recommended maximum number of households that should be accommodated by the Council per establishment at one given time (always subject to service need in response to demand).
  - The proportion / number of households with multiple, complex needs occupying the establishment at one given time at the time of the assessment.
  - The predicted number of placements in the up-and-coming week.
  - Identified risks and impacts.
  - Details of existing and or new risk control measures to help mitigate any risks/impact.
  - The decision and any actions taken following the risk and impact assessment.

- The accountable officer for making the decision and date.
- The review date, which should be a minimum of a monthly review. However, dynamics of an establishment can change significantly for example an escalation of incidents, an isolated incident or an increase or decrease of placements may trigger an earlier review.

### **What control measures should be considered to help mitigate risk?**

#### **Temporary Accommodation team**

2.9 The Temporary Accommodation Service will be responsive to any concerns or issues at the earliest opportunity and consider the following factors in mitigating identified risks (but not limited to):

- Consider if placements need to be paused until control measures are effective, reduce the number of households placed by moving households to alternative temporary accommodation, review the type of cohort being placed.

Other control measures may include (but not limited to):

- Room checks are carried out at least once per week, by the Temporary Accommodation Visiting Officers. This is to check for usage and any health and safety or safeguarding concerns.
- Carry out safe and well visits to individuals and support visits where appropriate to meet their need.
- Increasing drop-in sessions where its practical to do so in the establishment, increase presence in the establishment.
- Effective coordination of move on where appropriate.
- Thoroughly explain the responsibilities of the occupancy agreement, focus on behaviour where there are concerns relating to individual households, reinforce this by issuing and explaining the Code of Conduct letter to all new placements and reiterate where needed.
- Where a household is found to have breached the hotel/bed and breakfast occupancy agreement, appropriate action will be taken as detailed in the main body of the Temporary Accommodation Placement Policy, (Section 11, Temporary Accommodation Agreements.
- Ensure there are weekly reviews until the risk is controlled or removed.

#### **Partnership Working**

- Effective partnership working, for example partnership working with Council's Community Protection Unit and SY Police and local area housing offices.
- Ensuring that there are early discussions where there are indications of community impact issues, escalating these concerns where appropriate to senior management at the earliest opportunity to ensure that that there is senior management oversight.

- Housing Options staff attending multi partnership meetings, such as the Rotherham North, South and Central Area Tasking & Co-ordinating Meeting. A key role of the meetings is to ensure effective two-way connectivity and information sharing with their respective Area, Community MARAC and the Locality Management meeting. They should not replace everyday effective inter-agency working.
- Senior managers responsible for temporary accommodation hotel placements will ensure that they play a key role in any specific actions agreed in any action plans through the Area Tasking & Co-ordinating meeting which may directly or indirectly link to placements. Relevant intelligence gained from such multi agency meetings should be used to help inform the risk and impact assessment and mitigate any risks at the earliest opportunity.

### **When should there be a review of the risk and impact assessment?**

- 2.10 As a minimum a monthly review of the risk and impact assessment should be undertaken by the Senior Temporary Accommodation Officer. This should be recorded and dated adding any further actions, or recording the decision that no further actions are required, and placements are resumed as normal.

### **3. MANAGEMENT CONTROLS FOR NEW USE OF HOTELS/BED AND BREAKFAST PLACEMENTS**

- 3.1 When a new hotel / bed and breakfast establishment is considered for use, this must be approved by the Head of Housing Options. If use without approval is unavoidable (e.g., due to an overnight placement) then retrospective authorisation must be sought on the next working day.
- 3.2 When a new hotel/bed and breakfast establishment is considered and where it is proposed that usage would account for more than 25% occupancy at the establishment this must be approved by the Assistant Director of Housing.
- 3.3 Before the Council uses a hotel establishment the Council will have direct conversations with hotel management to fully explain the implications of the acceptance of homeless household placements from all sources into a commercial hotel environment and how the proportion of this cohort may change the nature and their legal responsibilities of their business. This may include the business becoming a House in Multiple Occupation under the Housing Act 2004, invalidating their public liability / property insurance, changes to their fire risk assessment and their wider responsibilities under the Health and Safety at work Act 1974.
- 3.4 The Council will only work with hotel establishments who will agree to have regular communication with the Council and notify the Council of the proportion of homeless household resident. The Council's Temporary Accommodation Service will monitor this on a monthly basis and ensure that appropriate records are in place.

#### **4. MONITORING OF THE OVERALL LOCAL IMPACT ON THE COMMUNITY**

- 4.1 Data will be collated and monitored by the Area Tasking & Co-ordinating Group in relation to the number of incidents linked to hotel/bed and breakfast household and establishments. Data will inform any local trends in community impact and help to inform appropriate actions.

## **APPENDIX 1 - (PART C) TEMPORARY ACCOMMODATION SERVICE STANDARDS**

- 1.1 The Council is committed to providing good quality temporary accommodation. The Council will ensure that everyone has fair access to housing services and will:
- 1.2 Be sensitive to each household's individual needs and circumstances and ensure that everyone is treated with dignity and respect.
- 1.3 Work effectively and jointly with other services provided by Rotherham Council and other public bodies, private and third-sector organisations.
- 1.4 Provide opportunities for households to have their views heard and taken into account.
- 1.5 Create a Psychologically Informed Environment, and ensure staff are trained in trauma-informed care to ensure a person-centred approach.
- 1.6 Follow the Council's Customer Service Standards
- 1.7 Satisfy any public sector equality duty owed under Equality Act 2010.
- 1.8 Satisfy any safeguarding or welfare duty owed under Children Act 2004.

### **Physical Standards**

- 1.9 The Council will use hotels or bed and breakfast for the following reasons:
  - (a) emergency accommodation is required at very short notice (for example to discharge an interim duty to accommodate); or,
  - (b) there is simply no better alternative accommodation available, and the use of bed and breakfast/hotel accommodation is necessary as a last resort.
- 1.10 Temporary accommodation will:**
- 1.11 Comply with relevant housing quality standards including health and safety, hygiene and fire legislation and regulations.
- 1.12 Meet the physical requirements of all members of the household.
- 1.13 Have accessible accommodation that is able to meet the needs of any disabled person within a household.
- 1.14 Have sufficient space to meet the needs of the household, in accordance with the Temporary Accommodation Policy.
- 1.15 Have adequate toilet and personal washing facilities.
- 1.16 Have a suitable standard and level of furniture to meet the households needs, where relevant to the type of temporary accommodation provided.

- 1.17 Have adequate cooking facilities, where relevant (excluding bed and breakfast/hotels).
- 1.18 Have an acceptable standard of cleanliness and decoration.
- 1.19 Have a sufficient heating system.
- 1.20 If the temporary accommodation is a property owned by the Council and has a garden, then this will be maintained on a planned scheme of work throughout the period of April to October (Access will be required to the garden for this works).
- 1.21 There may be rare occasions when a temporary accommodation property is let urgently to avoid the use of hotel/bed and breakfast, where there are outstanding minor repairs, replacement furniture etc. This will be noted on the property inventory at sign up and households will be provided with an indication of when the repair or replacement will be carried out during their occupancy. No properties will be let where it compromises to health and safety.

### **Service Management and Support**

- 1.22 The Homelessness and Temporary Accommodation Service will ensure:
- 1.23 When households are placed into temporary accommodation, whatever the type of temporary accommodation, a written agreement will be provided.
- 1.24 The written information will provide clear details of when and how the nightly occupancy charge should be paid. Households will be aware of their rights and responsibilities during their stay in temporary accommodation. Where relevant to the type of temporary accommodation, households will be provided with their accommodation agreement.
- 1.25 Where households are placed into a Council owned temporary accommodation property, they will be provided with an inventory, which can verify the condition of the property when a household moves in. The inventory will confirm specific health and safety checks that have been undertaken on the property, including the legionella flush and checks on the smoke, carbon monoxide detectors and a list of household items provided.
- 1.26 Information will be provided to the household from the offset, which will include access to support, local community information, fire safety information, information on how to report a repair and emergency contact numbers.
- 1.27 Should a household wish to make a complaint, there will be information provided on how to make a complaint, which will be made available in different formats. Where a household wishing to make a complaint requires support to do so, support and advice will be provided.
- 1.28 Households will be provided with a named Council Officer, who can support households living in temporary accommodation, which includes support to move on into more settled accommodation.

- 1.29 Households will be given at least 24 hours' notice before an officer visits the household in temporary accommodation. Notice can be given verbally, either via a phone call or in person, or in writing via text, email, or letter. If the proposed visit is inconvenient, the aim will be to agree a more suitable date and time.

**Where visits relate to visiting council owned temporary accommodation**

- 1.30 There will be regular visits to the property in relation to support, discuss move on plans, property health and safety checks.
- 1.31 The Council Officer will make reasonable attempts to contact the household and make prearranged visits. However, there may be times where a Council Officer exercises their right to access the property without notice under the license agreement. Examples for this may include, where there is an immediate health and safety or safeguarding concern or where the household has failed to respond to the officer's request to make contact, where there are reasons to believe the household has not been staying at the property as agreed in the license agreement or where there are reasons to believe the property is being used for illegal purposes.



## **APPENDIX 1 (PART D) – HOUSEHOLDS WITH PETS PRACTICE GUIDANCE**

- 1.1 The Council's legal position regarding the homelessness legislation does not consider pets to be part of the household and the Council do not have a duty to accommodate pets into temporary accommodation. Households are encouraged to make alternative arrangements for any pets whilst they are in temporary accommodation. The Council will discuss these options and can provide information for dog kennels and catteries.
- 1.2 However, the Council recognises that homeless households may have no alternative options available for their pets, as well as their pets playing an important, supportive and emotional role to the household. Where possible, the Council will be sensitive in this matter and give careful consideration to individual household circumstances on a case-by-case basis.
- 1.3 Under the Equality Act 2010 officers should be mindful of the Council's duty to consider any reasonable adjustments for households with an assistance dog.
- 1.4 The lead household member(s) will be required to ask the Council for permission for their pet/s to live in the temporary accommodation placement, this will be dependent on the type and size of the temporary accommodation available, and if the property has direct access. Pets are not usually considered for non-Council owned temporary accommodation, hotels or bed and breakfasts and accepting pets in these circumstances would always ultimately be at the discretion of the accommodation management.
- 1.5 The lead household member(s) will need to initially complete a Pet's in Temporary Accommodation Questionnaire as part of the assessment and provide details on what alternative interim rehoming options the household has explored giving the reasons why they feel that they need to have their pet living with them in temporary accommodation. The following factors will be taken into consideration (but are not limited to):
  - Length of time household has had the pet.
  - The type, breed and number of household pet(s).
  - The pet is not listed in the schedule of the Dangerous Wild Animals Act 1976.
  - Dogs are not listed under the Dangerous Dogs Act 1991.
  - Historic and current behaviour of the pet, this includes control of a dog in relation to the owner's responsibility under the Dangerous Dogs Act 1991.  
Examples: if there have been any issues relating to the control of the dog, including, has the dog ever bitten anyone and if there has been any anti-social behaviour.
  - If the owner feels their dog needs to be muzzled.

- The owner's commitment as a responsible pet owner, for the care and wellbeing of their pet whilst living in temporary accommodation, including access to veterinary care.
  - Cats and dogs are microchipped and up to date with flea treatment.
  - Pets are not used for breeding or offered for sale from the temporary accommodation.
  - Appropriate arrangements if a pet needs to be left alone for longer periods in the temporary accommodation property.
  - Previous damage to a property or furniture, caused by the owner's pet(s).
- 1.6 There is no provision for accommodating non-domestic pets, but support will be provided to access appropriate re-homing options.
- 1.7 Where permission is granted by the Council, the lead household member(s) will be asked to sign a contract of expectations for pets in temporary accommodation, alongside their licence agreement. Any breaches of their licence agreement can result in the pet(s) having to leave the temporary accommodation, or the loss of the temporary accommodation placement.
- 1.8 Any damages or additional cleaning caused by having a pet in temporary accommodation can result in the lead household member(s) being recharged.
- 1.9 Where permission is granted at one temporary accommodation address and then later the household has to move to a different temporary accommodation address, it should be noted that there is not an automatic right for the permission to be extended to the new address. A review will be required, and a new contract of expectations will need to be signed, along with a new licence agreement, where permission is granted.
- 1.10 If there are no temporary accommodation properties available with direct access where a pet is allowed to reside, then the pet may not be taken into consideration when making a suitable offer of temporary accommodation, unless it is an assistance dog.

## **2. Definition of a Domestic Pet**

- 2.1 For the purpose of this Policy, a domestic pet is defined as: -
- Dog (excluding any dogs highlighted by the Dangerous Dogs Act 1991)
  - Cat
  - Bird (such as a budgie and cockatoo)
  - Fish
  - Small, caged rodent
  - Small non-poisonous caged reptile
  - Non-poisonous contained insect or amphibian
  - Guinea pig
  - Rabbit