

Housing & Communities

B & B Accommodation Placement Policy

June 2018

Introduction

This document sets out the Council's policy for the use of B & B and how homeless households will be placed into B&B. It is to be noted that B&B is only used as interim/emergency accommodation and that all applicants placed in B&B will be moved to more suitable accommodation as a priority. All efforts are made to avoid B & B placements and should any be necessary these are considered to be an absolute last resort.

To avoid or minimise the use of B & B, it is a priority of the Council to seek to prevent homelessness wherever possible together with maximizing the available accommodation options to the Council to support homeless prevention or to discharge homeless duties under the Housing (Wales) Act 2014.

The policy applies to all households placed in interim/emergency accommodation by the Council under section 68 and section 75 of the Housing (Wales) Act 2014. This policy does not apply to offers of permanent accommodation under Part VI of the Act.

The policy is compliant with the advice set by the Supreme Court in April 2015 for the case of *Nzolameso and Westminster Council*. The judgement emphasised the Authority's duty to house the tenant as close to the Borough of residence as possible, and if this is not possible to provide an explanation.

All owners of B&B's will be DBS (Disclosure & Barring Service) regulated on a 3 year basis and certificates supplied to the Authority as per the requirements of the Whole Authority Safeguarding Policy. A record will be maintained of DBS checks.

All B&B's will have been inspected by Environmental Health regardless of 'in' or 'out' of County prior to use.

All B&B's will be inspected by a member of the Accommodation Team at least annually and rated according to the Suitability of Accommodation (Wales) Order 2015. Any concerns will be reported to Environmental Health who will re-inspect the B&B.

All applicants placed into B & B will be subject to a risk assessment to determine suitability and for safeguarding purposes. Single applicants will also be subject to a S.115 referral (Crime & Disorder Disclosure) to ensure that any placement is suitable and to support Safeguarding principles. **See Appendix 1**

Prison leavers will be risk assessed prior to placement, using information from the Probation Team.

Every effort will be made to avoid the placement of applicants 16/17 years of age. Should a placement be deemed necessary, then in accordance with the Young Person Protocol, applicants will be referred to Social Services.

Housing Benefit paperwork will be completed as soon as placement confirmed with B&B.

Locata, Boards, Tenancy Change Sheet and any other applicable procedures will be updated on a daily basis.

B&B's will be contacted on a daily basis to ensure that applicants are staying at the accommodation and to discuss any concerns.

This policy seeks to ensure that all placements are made on the basis of:

- a) a comprehensive assessment of a household's circumstances and needs,
- b) a balanced assessment of the needs of all households requiring emergency accommodation against the breakdown of the type and location of accommodation that is available at any given point

This policy seeks to provide suitable emergency B&B accommodation within Monmouthshire wherever reasonably practicable. There will be cases where there is a specific reason why the household should not be accommodated within the County itself (e.g. those at risk of violence in Monmouthshire), in such cases, placement will be in an appropriate B&B out of County.

The Council is making every effort to expand the availability of B&B accommodation in Monmouthshire or close to the County but the recent trend of increasing homeless demand, the closure of many B&B businesses and the lack of homeless and/or affordable accommodation within the County, limits what can be provided locally. It is an ongoing priority to increase the number of B&B's that are used within the County.

Mitigating Against the Use of B & B

To mitigate against the use of B & B and to seek to improve the general homeless service, it is an on-going priority for the Council to continually seek to improve homeless prevention and increase housing options. In this context, the Council will utilise the family hostel at Cinderhill Street, Monmouth for emergency family accommodation. In addition, one unit of vacant house-share accommodation will be set aside for emergency purposes.

Meeting the Homelessness (Suitability of Accommodation) (Wales) Order 2015

In line with the above order, B&B's are rated according to the facilities they offer: 'basic standard accommodation' and 'higher standard accommodation'.

Basic standard accommodation:

- (a) complies with all statutory requirements (such as, where applicable, requirements relating to fire, gas, electrical, and other safety; planning; and licences for houses in multiple occupation); and
- (b) has a manager deemed by the authority to be a fit and proper person with the ability to manage B&B accommodation.

Higher standard accommodation:

- (a) the basic standard plus
- (b) accommodation that meets the higher standard contained in Schedule 1 of the Order, which sets out minimum requirements for:
 - pace standards for sleeping accommodation
 - heating installations
 - kitchen, toilet and washing facilities
 - security
 - communal areas
 - additional management standards.

The standards vary depending on the number of people or households sharing the facilities and once the standard is identified, the authority must be mindful of the timescales an applicant should stay at the B&B:

- (a) the person occupies a basic standard B&B for a period, or a total of periods, which does not exceed 2 weeks;
- (b) the person occupies a higher standard B&B for a period, or a total of periods which does not exceed 6 weeks;
- (c) the person occupies a basic standard small B&B for a period, or a total of periods, which does not exceed 6 weeks, and the authority has, before the expiry of the two-week period referred to in sub-paragraph (a), offered suitable alternative accommodation, but the person has chosen to remain in the said B&B;
- (d) the person occupies a basic standard small B&B after exercising the choice referred to in sub-paragraph (c), and the authority has offered suitable alternative accommodation before the end of the six-week period referred to in sub-paragraph (c), but the person has chosen to remain in the said B&B;
- (e) the person occupies a higher standard small B&B, and the authority has offered suitable alternative accommodation, before the expiry of the six-week period referred to in sub-paragraph (b), but the person has chosen to remain in the said B&B.

Accommodation Placement Policy

Applicants placed under this policy will not be charged for their accommodation. All applicants will be required to complete a housing benefit form, wherever practicable to do so, prior to being advised of the B & B address.

Applicants will be entitled to receive a breakfast for each night of their stay.

This policy is intended to ensure that the Council prioritise's those who have the greatest need to be accommodated in the County or as close as possible.

The Council will also take into account:

- the distance of any offer of B&B accommodation from the county
- any possible disruption to employment, education or caring responsibilities
- accessibility of essential medical facilities and support that are essential to the wellbeing of any household member
- accessibility of local amenities, services and transport

An assessment of any impact will have been completed prior to placement

The Council will not routinely provide or fund transport to B & B accommodation. However, the Council recognises that on occasions individual applicants/households may need assistance to access B & B accommodation and where applicable, may consider such cases on their individual circumstances.

Any decision regarding an allocation of B&B accommodation will have regard to the Council's obligations under the *Social Care & Well-Being (Wales) Act 2014* including the need to both safeguard and promote the welfare of children and adults as per the Council's Safeguarding Policy 2017. In addition this policy fully complies with the requirements of:

- a) The Housing Wales Act 2014
- b) The Homelessness (Suitability of Accommodation) (Wales) Order 2015.
- c) The relevant sections of the Allocations and Homelessness Code of Guidance 2016
- d) Advice from the Courts to local authorities regarding any case law.
- e) The Council's Safeguarding Policy
- f) The Young Person Protocol

Under the Council's duty to provide suitable emergency accommodation, if an applicant would rather stay with family or friends as an alternative to B & B that is acceptable and helpful and would have no detrimental impact on any duties the Council has towards any applicants. If, however, an applicant doesn't stay in B & B accommodation offered, the Council will cease the interim duty, but will continue to work with them under s73 homeless duty.

Guidelines on the Location of Accommodation

For the purposes of making an allocation, all units of B&B accommodation acquired under the above policy will be categorised simply as:

- *Within County* – Defined as B&B Accommodation located within the geographical boundary of the local authority
- *Out of County* - Defined as B&B Accommodation located outside the boundary of the local authority, but in a location as close as possible to the local authority district.

Where there are sufficient units of B&B accommodation in Monmouthshire a suitable offer will be made within the County. However, where there are insufficient units 'within County', an offer of B&B will be made outside of the County in an area as close as possible to the boundary of the local authority as possible.

How Monmouthshire County Council will prioritise households for B&B accommodation within its County boundaries when there are insufficient units of within County accommodation available at the time of placement.

Relevant facts regarding the household's circumstances will be gathered by officers in the course of their enquiries through completing the *'Assessing Households Housing Circumstances and Needs form.'* This form will be completed for all homeless applicants who require a placement into B&B accommodation.

Where it is not reasonably practicable to provide B&B accommodation within the County for all households requiring it, a series of decisions will be made about how to allocate the vacancies. The decision will include a full consideration of each household's circumstances, including a risk assessment completed.

A homeless household will be individually assessed prior to placement to determine the suitability of the offer to be made and consideration will be given to a number of factors most notably the type and location of the accommodation that may be offered.

The following households will normally be given priority for accommodation within Monmouthshire County Council. This does not mean that they are guaranteed to receive an offer of accommodation in Monmouthshire when any duty arises. It may be that, at the time any interim accommodation duty is owed, there are no vacancies in Monmouthshire. If that is the case then an offer of suitable B&B will be made as close as possible, with priority given to transfer to a suitable offer of B&B accommodation within Monmouthshire as soon as is possible.

- 1) Households with one child (or more) in secondary school in their final year of Key Stage 4 (generally Year 11) with exams to be taken within the next six months.

Wherever practicable we will seek to place such households within district and within 60 minutes travelling distance of their school or college.

- 2) Households with one child (or more) who has a Statement of Special Educational Needs and is receiving education or educational support in Monmouthshire and where a change of schools would be extremely detrimental to their well-being.
- 3) Households with significant medical or severe learning disability where a child attends a special school in Monmouthshire.
- 4) Households with one child (or more) registered on the Child Protection Register and subject of a Child Protection Plan, or families who are currently helped by Children Services and where it is confirmed and accepted by the Housing Service that a transfer to another area would significantly impact on their welfare. This category includes families with significant social issues for which a comprehensive specialist package of support is in place in Monmouthshire, for example, families engaged in the 'troubled families' program.
- 5) Households where one person (or more) has a severe and enduring physical or mental health condition requiring intensive and specialist medical treatment from their GP or hospital and this treatment is only available in Monmouthshire.
- 6) Households where one person (or more) has a severe and enduring mental health problem where they are receiving psychiatric treatment and aftercare provided by community mental health services **and** have an established support network resulting in the Council accepting that a transfer of that care package would severely impact on their well being.
- 7) Households where one person (or more) is in receipt of a significant package and range of health care options that the Council accepts cannot be easily transferred or replicated and where this, the Council accepts, would result in a severe impact on their wellbeing.
- 8) Households where one person (or more) is required to attend a specialist hospital more than once a week and that treatment is anticipated to be continuous for more than one month and where the impact on having to travel from the location of the accommodation will have a significant adverse impact on their health they would not be able to afford the cost of the frequent travel.
- 9) Households where one person (or more) is in permanent and settled employment where they have been continuously employed for a period of six months, and for 24 hours or more per week, prior to the date of the homeless application. Women who are on maternity leave from employment would also meet the criteria. This group will be prioritised for housing as close as possible to their workplace. Where this is not possible Monmouthshire will endeavour not to place the household more than 60 minutes (time) travelling distance by public transport from their place of employment and will continue to seek suitable and affordable accommodation closer to their place of work.
- 10) Households who have a longstanding arrangement to provide care and support to another family member in Monmouthshire, who is not part of the resident household, and that person would be likely to require statutory health and social care support if that care and support ceased and there are no other relatives willing and able to provide that care and no other suitable alternative arrangements available.

Please note the following:

1. The above categories do not mean that no other special circumstances will be taken into account. Whenever an applicant is owed an interim accommodation duty a full assessment of their household's housing needs and circumstances will be carried out. Following that assessment it may be decided that an applicant should qualify for an accommodation offer in Monmouthshire for a special reason despite not meeting the criteria set.
2. The time likely to be spent in the accommodation will also be taken into account when determining the suitability of any offer of B&B accommodation.
3. Where there is no within County B&B accommodation immediately available which meets the household's identified needs, a homeless household can be placed on an emergency basis into suitable B&B accommodation in any location where there is availability on that day.
4. Where the Housing Options Team is notified of changes to the circumstances of household members after they have been placed in B&B accommodation, these circumstances will be considered and a decision will be taken as to alternative suitable B&B accommodation.
5. All households provided with B&B accommodation will be assessed at the point of placement in order to identify any support or resettlement needs arising from the location of the accommodation. Where there are dependent children in a household the Council will seek to identify with the applicant positive steps that can be taken to promote the welfare of children to ease the transition for children and minimize the impact of any new location.
6. Given the shortage of available B&B accommodation, it may be required to make a decision regarding how to prioritise the allocation of a particular room on a particular day where more than one household requires B&B and meet the 'within County' placement criteria and there are insufficient 'within County' B&B rooms available to accommodate all households that meet that criteria on that day. The following circumstances will be taken into account when prioritising between households. The circumstances listed are not in descending order of importance and do not form an exclusive set of criteria as other factors may also be relevant.
 - Level of need relating to the welfare and safeguarding of any children in the household
 - Level of educational need
 - Identified risks posed by living in particular areas
 - Permanency/flexibility of employment
 - Access to transport
 - Level of need to be close to services and amenities
 - Level of need to be close to health services
 - Level of need to be close to support networks
 - Level of need to be close to cultural or religious amenities
 - Impact on caring responsibilities

The impact of these and any other relevant circumstances will be considered both individually and cumulatively.

Severe Weather Policy

The Council has a Severe Weather Policy which will be implemented in the event of severe weather being predicted for at least three continual days. Anyone rough sleeping in Monmouthshire will be eligible for accommodation for the anticipated period of the predicted severe weather.

It is anticipated that B & B accommodation is most likely to be used if the Severe Weather Policy is implemented. The period of occupation will be used to positively engage anyone accommodated under the policy and to provide advice and assistance in respect of tackling their housing needs.

Monitoring the Use of B & B

The Council will monitor on an ongoing basis the use of B & B, including the placement of any 16/17 year olds and the placement of families with children

Appendix 1

Homeless Accommodation Placements: Safeguarding Reassurance Procedures



