Report to Cabinet

Subject: Temporary Accommodation Placement Policy

Date: 26th November 2026

Author: Assistant Director – Housing and Resettlement

Wards Affected:

All wards

Purpose

To seek Cabinet approval to implement a Temporary Accommodation Placement Policy that outlines the Council's approach to providing temporary housing for individuals and families experiencing homelessness for both in area and out of area placements.

Key Decision

This is a key decision.

Recommendation(s)

THAT Cabinet:

1) **Approves the Temporary Accommodation Placement Policy attached at Appendix 1.**

2) **Notes the statutory requirement to minimise the use of bed and breakfast accommodation for households containing dependent children or a pregnant woman and, where its use is unavoidable, to ensure that occupation does not exceed six weeks.**

1 Background

1.1 Local councils have a duty to provide interim and temporary accommodation (TA) to individuals who are homeless and in priority need. This duty is outlined in the Housing Act 1996 and applies when a council has reason to believe an applicant may be homeless, eligible for assistance, and in priority need.

1.2 The adoption and publication of a Temporary Accommodation Placement Policy will support the Council in meeting its duties under Part VII of the Housing Act 1996, relevant suitability legislation, statutory guidance and case law.

1.3 The key requirements established through legislation, statutory guidance and case law are summarised below:

The Council should maintain a published policy covering:

- Procuring sufficient temporary accommodation within its area to meet assessed and projected demand.
- Allocating temporary accommodation, both within the Borough and outside the local authority area whilst giving regard to minimising disruption to support networks and essential services.
- How suitability is assessed, and accommodation quality standards are maintained.
- How temporary accommodation will be monitored and inspected.
- Access to key basic facilities.
- The type and mix of accommodation used by the Council.
- How the Council will comply with statutory requirements and ensure that households containing dependent children or a pregnant woman are not accommodated in bed and breakfast accommodation for longer than six weeks

- Having regard to the need to safeguard and promote the welfare of children, in accordance with section 11 of the Children Act 2004.

1.4 The Policy also details the Council's legal obligations, guiding principles, and specific procedures for placing, managing, and supporting residents in temporary accommodation. It also addresses issues like prioritisation, suitability, and the termination of placements.

1.5 The Council will assess the individual circumstances in each case and explore potential impacts prior to placement including affordability, safety, location, health, education, social need and employment.

1.6 The Policy will also reflect the requirements introduced from 1 September 2026 by section 11 of the Children's Wellbeing and Schools Act 2026. Where the statutory provisions apply, the Council must seek the required agreement and information from the parent, or from an eligible independent 16- or 17-year-old applicant, before notifying the relevant education and health bodies that accommodation has been secured for the child.

1.7 BDO reviewed the Temporary Accommodation Placement Policy and identified good practice in its clear approach to assessing the suitability of accommodation for each household. The Policy sets out how affordability, safety, location, health, education, social needs and employment are considered. The Council also takes account of safeguarding needs and applies a risk-based approach to prioritising households where accommodation supply is limited.

2 Proposal

2.1 It is proposed to adopt the Temporary Accommodation Placement Policy owing to the significant increase in the number of placements being made. There are legal and regulatory standards for performance and compliance regarding temporary accommodation placements that must be observed. The proposed new Policy will formalise some of the extensive work that is already undertaken by the Housing Options Service in assisting those households who are homeless and eligible under the Housing Act 1996 for assistance and in need of temporary accommodation.

2.2 The key principles of the Policy are:

a. That the most suitable accommodation will be sought for the needs and make-up of the household following an assessment. The assessment will determine whether the applicant has:

- Priority to be located in the Borough (in-area)
- No priority to be located within the Borough (out of area placement)

b. That the Council will endeavour to accommodate within the Borough at every opportunity and where this is not possible will, when safe to do so, look to move households back into the Borough, whenever the opportunity arises.

c. That the accommodation is affordable, the correct size, meets any support needs and is safe from hazards.

d. Households containing dependent children or a pregnant woman will only be accommodated in bed and breakfast accommodation where no more suitable alternative is available. Where its use is unavoidable, the Council will ensure that occupation does not exceed six weeks.

e. The Council will consider households changing circumstances when considering the ongoing suitability of accommodation provided.

f. The Council uses a variety of different accommodation types to meet its statutory duty in providing temporary accommodation.

g. The policy sets clear occupancy standards for temporary accommodation.

h. The Policy provides a clear and transparent framework for households seeking, or placed in, temporary accommodation.

3 Alternative Options

3.1 Cabinet may choose not to adopt the Temporary Accommodation Placement Policy. The potential consequences of not adopting the Policy are as follows:

a. The Council would not be compliant with legislation, guidance, case law and good practice, putting it at risk of challenge.

b. Failure to meet the Council's statutory duties can result in potential legal consequences and judicial review along with investigation by the Local Government and Social Care Ombudsman.

4 Financial Implications

4.1 There are no direct financial implications arising from the recommendations in this report.

4.2 Activity associated with the new Policy will be contained within existing budget provision.

4.3 It is anticipated that no additional resource or savings will result from the implementation of the new Policy.

5 Legal Implications

5.1 The adoption and publication of a Temporary Accommodation Placement Policy will support the Council in meeting its duties under Part VII of the

Housing Act 1996, relevant suitability legislation, statutory guidance and case law.

5.2 **Nzolameso v City of Westminster [2015] UKSC 22**

The Supreme Court confirmed the importance of clear procurement and allocation policies and the duty to accommodate within the authority's area so far as reasonably practicable.

5.3 Failure to implement the Temporary Accommodation Placement Policy could result in complaints concerning the allocation of temporary accommodation or the decision-making process. This could cause reputational damage and require the Council to undertake time-consuming and resource-intensive reviews or appeals

5.4 If matters cannot be resolved internally, they may be escalated to the Local Government and Social Care Ombudsman, which may result in a recommendation to provide a financial remedy. A decision not to implement the Policy could also lead to legal challenge by way of judicial review.

6 Local Government Review

6.1 The proposed Temporary Accommodation Placement Policy is aligned with the Council's existing statutory responsibilities and will support service continuity during any future Local Government Review or reorganisation. The Policy provides a clear and transparent framework for decision-making, helping to ensure that temporary accommodation placements remain consistent, lawful and focused on household needs, regardless of any future changes to local government structures. It will also provide a robust basis for transition planning, partnership working and the continued delivery of homelessness services should responsibilities, governance arrangements or service delivery models change in the future.

7 Equalities Implications

7.1 An Equality Impact Assessment can be found at Appendix 2 of this report.

8 Carbon Reduction/Environmental Sustainability Implications

8.1 A Carbon Impact Assessment can be found at Appendix 3 of this report.

9 Appendices

9.1 Appendix 1 - Temporary Accommodation Placement Policy

9.2 Appendix 2 – Equality Impact Assessment

9.3 Appendix 3 - Carbon Impact Assessment

10 Background Papers

10.1 None.

11 Reasons for Recommendations

11.1 The recommendations are proposed to ensure the Council has a clear, consistent and transparent framework for assessing, prioritising and managing temporary accommodation placements at a time of increasing homelessness pressures and demand for temporary accommodation. Adopting the Temporary Accommodation Placement Policy will support fair and evidence-based decision-making, help ensure placements are suitable to household needs wherever possible, and provide clarity for applicants, officers and partners on how placement decisions will be made.

11.2 The Policy will also assist the Council in meeting its statutory duties under homelessness legislation, relevant guidance and case law, including the need to minimise the use of bed and breakfast accommodation for families with dependent children or a pregnant woman and to keep any such placements within statutory timescales. It will reduce the risk of inconsistent practice, complaints, Ombudsman findings or legal challenge by setting out the key factors to be considered when making placement decisions, including affordability, safety, household composition, support needs, education, health, employment and location.

Statutory Officer approval

Approved by: Tina Adams
Date: 17/11/2026
On behalf of the Chief Financial Officer

Approved by: Fran Whyley
Date: 17/11/2026
On behalf of the Monitoring Officer