

London Borough of Wandsworth

Private Rented Sector Offer Policy

Introduction

1. The Localism Act 2011 (sections 148 and 149) introduced provisions which enable the Council to bring its statutory housing duty under section 193 of the Housing Act 1996 as amended to an end, by making an offer of a private rented sector tenancy rather than a social housing tenancy.
2. Amendments under the Homelessness Reduction Act 2017 extended the powers in the Housing Act 1996, encouraging local authorities to embed an approach to use private sector accommodation to discharge its 'Prevention' and 'Relief' duties to homeless households and households threatened by homelessness.
3. This policy sets out how the Council will use its powers to end the Prevention, Relief or Full Housing Duty (including the 'lesser duty') by making a private rented sector offer (PRSO); in short how and to who we will make formal offers of private rented accommodation to, to discharge our Housing duties as outlined above.
4. Through the Localism Act 2011, this policy only applies to households that approached as homeless from 9th November 2012.

Key principles

5. The following principles will apply when making private rented sector offers:
 - Private rented sector accommodation is appropriate for most households however there are some circumstances in which this type of accommodation may not be appropriate for the household.
 - Normally one suitable offer will be made, and the duty will be discharged if a household refuses the offer of accommodation, although households will have the right to request a statutory review of the discharge and/or the suitability of the accommodation.
 - Offers of private rented sector accommodation will have regard to the provisions of the Homelessness (Suitability of Accommodation) Order 2012 and will only be made if the Council believes it is a suitable and affordable offer.
 - Households may be made a private rented sector offer outside of Wandsworth, where appropriate, and support may be offered to help move.

Who the private rented sector offers will be made to

6. The Council will make a PRSO to any homeless household where the law allows it, as outlined in paragraphs 1 and 2.
7. Decisions will be made on a case-by-case basis and after consideration of each household's individual circumstances.

8. However, there are a range of circumstances that the Council will consider making a PRSO, including (but not exclusively):
 - The suitability of a household's temporary accommodation
 - Households who have specific needs that would not be met in Temporary Accommodation
 - The amount of time a household has been in temporary accommodation
 - Households already living outside the Wandsworth Local Authority area (for example in out of borough temporary accommodation)
 - Households who do not meet the 'local residency criteria', as set out in the Council's Housing Allocations Scheme
 - Households in employment and or with a greater level of affordability
 - Households in Temporary Accommodation leased from a private landlord who has asked for their property to be returned
9. The Council will also take into consideration the supply, and type, of private rented sector accommodation available to it, and the number of offers made each year will largely be supply-led.
10. The following groups will ordinarily not be prioritised for private rented sector offers:
 - Households whose needs cannot be met in the private rented sector, such as households that require support and/or are not ready to 'move-on' from this type of accommodation.
 - Households which the Council determines would be unable to manage a private rented sector tenancy
 - Households who are benefit capped and whose income would fall significantly below the Basic Standard Allowances (BSA) to rent privately.
11. As stated, decisions will be made on a case-by-case basis and after consideration of each household's individual circumstances and this may include making an offer to those outlined above where the Council is satisfied that this is a suitable option.

Prioritising cases

12. The overriding factor as to whether a Private Rented Sector Offer is made will be determined on any such offer being deemed 'settled' and 'suitable' (see paragraphs 18-21). However, there will be limited supply of private rented accommodation that may be available. Therefore, households to prioritise will be considered by:
 - Households who have most recently been owed a Main Housing Duty. This is on the basis they would have spent less time in temporary accommodation than other households, and would have more recently been advised on securing private rented accommodation while owed a Prevention or Relief Duty
 - Households placed in temporary accommodation by Wandsworth outside the Borough. This is on the basis they would have formed connections to that location, (such as schools and health services), and that wider location may offer a more affordable local market.
 - Single person households and childless couples. This is on the basis that private rented accommodation for single person households may be more affordable, and they may have greater flexibility on alternative locations which could be considered suitable.
 - Households in employment. This is on the basis that, subject to reasonable journey times to travel to work, private rented accommodation is likely to be more affordable.

13. Selecting a household to be matched to an available private rented property will be a supply-led decision (i.e. it will be dependent upon what private rented properties are available on any particular day). Where a suitability assessment determines there may be more than one household who can be matched to an available private rented property, then priority will be assigned on following cascading basis:
- To address any underlying issues that could determine that any current temporary accommodation is unsuitable (e.g. following a review or pending review or on the register for a TA transfer).
 - If all other factors are equal, and multiple households are on the TA transfer register, then priority will be assigned to the household who have been on the TA transfer register for the longest period.
 - If all other factors are still equal, and the landlord of the current TA provision has requested the property is returned.
 - If all other factors are still equal, then the household who has been less engaged in the 'reasonable steps' in their PHP (e.g. by not attending other viewings for private rented accommodation) will be prioritised.
 - If all other factors are still equal, then the household with the earliest Relief Duty accepted date will be prioritised.
 - If all other factors are still equal, then household in the more expensive TA property will be prioritised.
 - If all other factors are still equal, then a Panel consisting of a Service Manager and one other manager will consider the cases on their own merit. The decision resulting from this Panel, including the reason why one household is prioritised over another, will be recorded.
14. A record of who was matched to a property, on what basis, and what properties were available on any particular day will be maintained.

Making the offer

15. The Council will assess a household's housing needs at the point a homelessness application is made and will also reconsider whether there is a change in housing needs where an applicant's circumstances have changed at any point including when a potential property has been identified.
16. Households made a PRSO to end the Full Housing Duty will be offered an assured periodic tenancy.
17. Accommodation offered to households will largely be sourced by the Council.
18. The Council works with letting agents and landlords to find private rented accommodation, to let to homeless households, who are owed a statutory duty under Part 7 of the Housing Act by the Council.
19. As part of this, the Council:
- Verifies tenancies to be offered to homeless households
 - Checks the condition and suitability of a property (ensuring it meets 'enhanced suitability standards')
 - Ensures that landlords under the scheme are 'fit and proper'
 - Helps to sustain tenancies, especially if there is a risk of homelessness
 - Ensures that minimum standard repairs and safety requirements are met

20. Offers of private rented sector accommodation will have regard to the provisions of the Homelessness (Suitability of Accommodation) Order 2012 (1). This will include an affordability assessment to ensure that the offer is suitable for the household, such as:
- The accommodation meets the housing needs of the household, including being of an appropriate size, and appropriate in terms of addressing any health requirements (mental or physical)
 - Access to appropriate schooling is within a reasonable journey time. As a guideline 45-minutes would apply to primary school children and 75-minutes for secondary school children. This is only a guideline and any journey time will be assessed on the individual circumstances of the household and take into account facilities that may be reasonable to access in the location where the property is offered. Consideration should also be given on the impact of other younger children that may have to accompany a parent with the school age child.
 - Access to appropriate facilities, such as health or support networks, is not more than a 90-minute journey time. This journey time will be assessed on the individual circumstances of the household and take into account facilities that may be reasonable to access in the location where the property is offered
 - Access to existing employment is not more than a 90-minute journey time. This journey time will be assessed on the individual circumstances of the household and take into account facilities that may be reasonable to access in the location where the property is offered.
 - The accommodation is affordable, based upon the household's income and expenditure
 - Any other relevant factors that need to be met to ensure the accommodation offer is suitable and settled.
21. Where a household is offered accommodation in an alternative location, and the key service or facility is determined to be within a 'reasonable distance' of that accommodation, the officer must also satisfy themselves that they are reasonably assured this is available to the household. For example, it is not sufficient to identify a suitable school in the new location, reasonable steps must be undertaken to ensure that school would also be taking new admissions.
22. It is essential that where journey times are referred to, these are provided as a guideline and **not a blanket policy**. Each case must be considered on its own merits. Journey times will vary depending on each household's individual circumstance. A household with a disabled child may take longer moving from one point to another, when compared to another household with an able-bodied child. In this instance geographical location may need to be closer in order to take this into account. In another example, a person may work night-shifts, and therefore be reliant on public transport at times when this is less available. Cost of travel will also need to be factored into the affordability aspect of the assessment.
23. The assessment will take into account the Local Housing Allowance and the household's current and likely future circumstances.

Support available to households offered accommodation outside Wandsworth

24. The Council will make a decision to offer accommodation to someone outside of the Local Authority area on a case-by-case basis and households will be individually assessed prior to any offer of accommodation being made.
25. The assessment is to determine if the accommodation is suitable, specifically its location, and if any support is required to help settle the household into the area.
26. The support offered to households, who have been made an offer of accommodation outside of the area, will vary but may include, information on:
- Claiming local council tax support
 - Registering with a local GP
 - How to access emergency funding
 - How to apply for a school place in the area
27. The Council will take into account a number of factors when offering accommodation outside of the area, including:
- Any active welfare or safeguarding concerns of any children in the household, including where a child which has an Education, Health and Care Plan ('EHCP') or has special educational needs and the Council is satisfied that a move out of area would be detrimental to their continuing educational development.
 - Level of education of any children in the household, specifically any children in secondary school in the year at the end of which they take their GCSEs or A level exams (or equivalent level).
 - Identified risks from living in the area
 - Employment status and the permanency and flexibility of employment
 - Access to transport
 - Level of need to be close to services (including services providing specific medical treatment) and support networks
 - Impact on caring responsibilities

Rights to review

28. PRSOs will contain information on a household's right to request a review on the suitability of the accommodation offered.
29. Households can request a review within 21 days of receipt of notification of a PRSO.
30. The property will not be held open while the review is conducted. Households can accept the PRSO and move in and still exercise their right of review.

31. If the review overturns the PRSO, a new offer will be made. If the review upholds the original decision then the main housing duty will be discharged. If the household is still in temporary accommodation (i.e. they had not taken up the PRSO pending the outcome of the review), then this will be terminated.

Applications after private rented sector offer

32. Households that make a homelessness application following the PRSO will be assessed on the circumstances that are presented at that time, including investigations to establish the grounds through which the accommodation was either terminated, or no longer deemed suitable. This will typically be deemed as a new Part VII application, unless any special circumstances need to be applied.
33. The Council will treat a household who has been issued a valid notice as being homelessness from the date on which the notice expires, or threatened with homelessness from the date the notice is issued, only taking into consideration the factors that resulted in that current accommodation ending.

References

Homelessness (Suitability of Accommodation) (England) Order 2012
Homelessness Code of Guidance