

Home and away

**The rise in homeless families
moved away from their local area**

May 2016

shelter.org.uk

Shelter

Contents

Introduction	2
What is going on?	4
Why is there a growth in out of area placements?	8
What is the impact of out of area moves on families?	11
What is the impact on receiving local authorities?	16
What are the law, policies and practice on out of area placement?	17
Conclusions and Recommendations	19

Introduction

'When Titina Nzolameso got a letter from Westminster local authority offering her new accommodation 50 miles away in Milton Keynes, she had little over 24 hours to work out how she was going to uproot her five children from London and find them new schools in a part of the country she had never visited, far from the friends and support structures she had built up over the previous 17 years. 'I didn't know anything about Milton Keynes'.

Convinced that this was not the right thing for her family, she turned the offer of housing down. With hindsight, this is a decision she regrets. As a result, Westminster local authority judged that it no longer had a duty to provide housing for her and her family. She became homeless and her children were removed from her by social services, split up, and sent to three separate foster families. The children, aged between eight and 14, were driven away by police to new homes, where they remained for a year, while Nzolameso fought court case after court case to be rehoused and reunited with her family.'

Amelia Gentleman, 'Family reunited after housing battle led to homelessness and separation', The Guardian, 20 May 2015¹

Since the 1970s, local authorities in England have had a duty to help some homeless households so that they are not left to sleep on the streets. This duty has transformed the lives of possibly millions of people. But in the last five years, the way this support is provided has begun to change at a significant rate.

Many households helped into temporary accommodation before being permanently rehoused are now forced to move to a new area. This relocation has become a significant feature of homelessness support. At the end of 2015, one in four homeless households in England and one in three homeless households in London lived in temporary accommodation in another local authority area². This marks a major change: five years ago, just one in seven statutory homeless households in London were accommodated out of area. It is also unprecedented. Ten years ago, many more households lived in temporary accommodation, but far fewer out of their home area.

Unsurprisingly, this steep rise has caught the attention of commentators. In the last 24 months alone, there have been 34 news articles on out of area placements published by prominent national print media outlets. This interest has been fuelled by the 2015 landmark Supreme Court ruling on out of area – *Nzolameso v City of Westminster*. But despite this increased interest, it is still hard to get a clear sense of what is happening, what is driving it and, most importantly, how it impacts the households affected.

This report aims to shed more light on these questions. It does this to improve local authority practice, and assist local and national decision makers to determine what steps are needed to

¹ <http://www.theguardian.com/society/2015/may/20/family-reunited-housing-battle-separation-benefits-cap>

² DCLG Live Tables on Homelessness – October to December 2015 <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>

address this issue in the long term. Alongside this policy briefing, the [National Housing Advice Service](#) has published [best practice guidance](#) to assist local authorities, based on some of the findings of this research.

The briefing sets out the scale of out of area accommodation; what is driving its unprecedented rise; the impact on households and on local authorities; the policies and practice that are governing its use; and finally, the recommendations for change.

Our findings and insight generally focus on London boroughs. This is because the vast majority (92%) of statutory homeless households living out of area have been placed there by a London borough. This is not to ignore the impact of other councils placing homeless households out of area. Regardless, many of the research findings, for example the effects on households moved out of area, can be applied to other parts of England.

What is going on?

What are 'out of area' placements?

The definition of 'out of area' is simple, but often misunderstood. Homeless households are deemed to be 'out of area' when a local authority places them in accommodation in a different local authority's jurisdiction. This could be in a different region, or it could be in a neighbouring borough. Where practical to do so, local authorities should be placing in their own area, and there is strict legislation and statutory guidance governing the use of out of area placements, which is explored in detail in section 6. Out of area placements can be made by local authorities as either Temporary Accommodation (TA) (before a permanent home is found for the household), or as a 'final housing offer' – the latter typically being a private rented sector offer (PRSO). This briefing focuses entirely on TA.

Out of area moves are now a regular part of homelessness support. But to what extent is this trend problematic? This question can't be answered by the official government statistics alone. They only report the number of homeless households currently living in a different council area³. However we know little about what these moves look like. They may be across the country – or they may be across the road from where the household lived previously. We also don't know the nature of these moves: are they by choice; are they forced; are households receiving additional support to make them work?

We analysed data recorded by London local authorities⁴ and data shared with us by London Councils on the number of out of area placements made over twelve month period (July 2014 to June 2015). We supplemented this with interviews with families who had been through the process, and legal practitioners working in this area, to understand what it is going on – both in terms of how support is delivered and where people are ending up.

What is the current use of out of area placements?

Most London local authorities appear to be using accommodation out of area as a matter of course. In the twelve months to June 2015, almost half of the local authorities that responded to our request for information housed the majority of their homeless households in a different area. Only one London local authority (Sutton) sent no households out of area.

The use of out of area placements is increasing. Our research suggests that almost half (49%) of all homeless households placed in temporary accommodation by a London borough in the last 12 months were sent out of area⁵.

³ DCLG publish 'snapshot' data that shows how many people are in TA in a given day, not how many have been placed there, or how many have moved out. This means it is hard to identify how many households have been placed in accommodation out of area recently.

⁴ See appendix for method note. Out of area placements are particularly used by London local authorities and so we focused our data collection here. London Councils shared data on the total number of placements made. This enabled us to understand how many placements were made and what proportion were out of London. We made requests for data under the Freedom of Information Act 2000. Twenty four London local authorities shared their data. This enabled us to understand where moves were from and to.

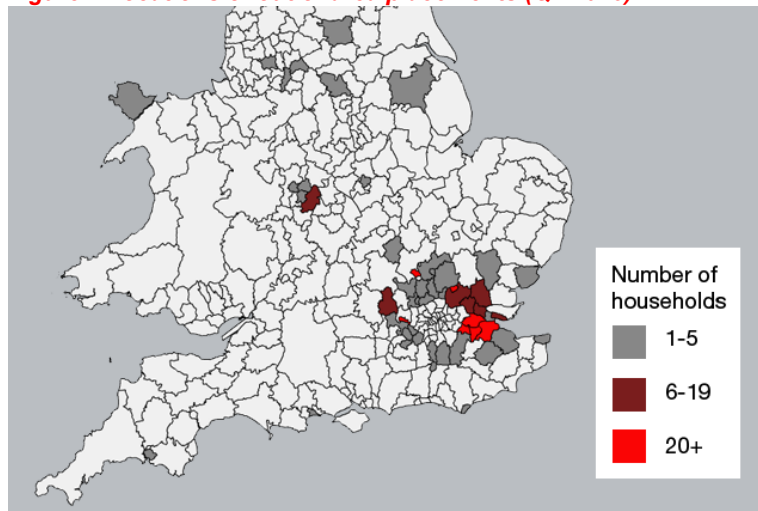
⁵ DCLG Live Tables on Homelessness – October to December 2015: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>

Where are households being placed?

Overall, local authorities seem to be trying to avoid very long distance moves⁶. The latest London Councils statistics suggests that only one in ten placements are outside of Greater London. The majority of these 'out of London' moves are to surrounding areas: 84% of moves out of London are to a county that adjoins London.

More than three quarters (74%) of all placements made by London councils are to a neighbouring local authority⁷. It is not possible to say how close or accessible the new accommodation is to the previous home. But this is an indication that most moves are over short distances.

Figure 1: locations of out of area placements (Q1 2015)



But this leaves a significant proportion (26%) of London households placed a significant distance away from their local area. In other words likely to be beyond a reasonable travelling distance of their local services, their neighbourhood, support networks and schools.⁸ It's clear that local authorities are attempting to minimise the disruption that out of area moves cause. But around one in four households are likely to be experiencing major relocation, on top of homelessness. And as we go on to find out (in section 3), even moves over short distances can be disruptive.

How does its use differ between areas?

The use of out of area placements differ between areas. Expensive areas, like Kensington and Chelsea and Westminster, seem to be relocating a greater proportion of households than comparatively cheaper areas. At least five London boroughs received more homeless families from other boroughs than they placed themselves in their own area. Receiving London boroughs are typically ones where private rented sector accommodation is less expensive, such as Havering, Lambeth or Redbridge.

However, the picture is more complicated than shifting households from areas of greater affluence to more deprived areas, as is often suggested⁹. There are examples of out of area placements into expensive areas like Kensington and Chelsea, Islington and Westminster. **There are also examples of chaotic swapping between the same boroughs. We found two examples where a borough had placed the same number of households in one borough as they had received from that same borough.**

⁶ However, we are aware that a small number of local authorities have planned ahead to acquire accommodation outside London. For example, Waltham Forest council has leased a block of fifty-three flats in Luton.

⁷ This includes to local authorities that are outside of London, but neighbour the sending London borough.

⁸ We also looked at whether they 'could be within same broad market rental area (BRMA)' (as BRMAs are designed to be a measure of local area with access to amenities etc, they felt like they could be a good measure of local area) or 'not within same BRMA'. 21% of placements were outside of the same BRMA.

⁹ For example: <http://www.insidehousing.co.uk/policy/health-and-care/homelessness/councils-out-of-area-placements-breaking-the-law/7009398.article>

Is support being delivered?

We know where people are ending up, but also important is how they end up there. Our investigation found that some local authorities are making out of area moves with care and attention¹⁰, above and beyond meeting the legal requirements. But some local authorities, while operating within the law, could significantly improve their processes for moving households out of area. All of the households we spoke to wanted to start by describing the moment they were offered the placement, as the process was stressful and did not seem to reflect the impact that the move would have. This was striking. **Despite the fact that all households had gone through losing their home, the offer of a forced move was itself traumatic enough to have stayed with them.**

A common experience was having to make a decision on the spot. People felt that they were asked to do this with limited empathy from the local authority for what was a potentially life changing decision. A few recalled this being a very high pressure situation, with the offer presented as a clear choice between the move and nothing. This came at a time where they were experiencing high anxiety borne out of not having somewhere to live, as well as having to fight to get any support.

The offer could be paired with a threat. Shelter solicitors have witnessed sharp practices in this area. One solicitor observed a housing officer walking into the middle of a packed waiting room and, getting the attention of the floor, announced that if people weren't prepared to move to the West Midlands, then they should just leave. This was either an idle threat or highly unlawful¹¹. Shelter solicitors routinely work with clients who, like Titina Nzolameso, were threatened with the possibility of having their children taken into care if they did not accept an offer¹².

'I felt as though there was brick wall between us [the applicant and the housing officer]. They treated me like I was the problem. Like I wasn't actually homeless and was just trying to get a free house. There was no empathy. I asked, "don't you see how bad my situation is and what my family have". I felt like giving up.'

This process was compounded by local authorities providing limited information about the accommodation, and limited support with moving to and settling in the new area.

But it's possible to do more than this. For example, London Borough of Brent have employed a housing officer to help households who have been offered housing in the West Midlands. The officer helps to find school places and to address any other questions or concerns.

Although not a representative sample, none of the cases we spoke to from other boroughs had been offered assistance. One shared a typical experience:

¹⁰ NHAS have captured the positive practices in a document available to members at <http://www.nhas.org.uk/register> or on request by contacting Shelter

¹¹ Every household is entitled to complete an assessment and, if found to be statutory homeless, to be assisted into suitable accommodation.

¹² The Independent newspaper has documented more than twenty cases of local authorities threatening to take children into care if homeless families do not accept out-of-area moves. These are unverified by us, but suggest the pressure the moves are made under.

'I said to the woman, I've never been to Hastings, where is it? She said it's just outside London, it's really close, you can get back here [West London] in an hour. I believed her, I knew I would have to come back and forth [with her neonatal son who was receiving weekly outpatient care in a specialist London hospital] but an hour was manageable. Every week I had to travel three and half hours from the house to the hospital. It was a six-seven hour round journey with a sick baby. I never would have said 'that's ok' had I known.'

Homeless households come to the local authority to resolve a crisis situation. Hard truths and no frills provision are a fact of housing service delivery. But threatening and antagonistic service delivery can constitute unlawful practice and be counter-productive.

In at least two of the cases we spoke to there had been illegal practice; one was the woman above. It should never have been regarded as legal to move her to Hastings. This would have been identified if care, attention and regard to the legislation had been applied. She was moved when the case was revised. In one case the family was told that an out of area placement was all that was available, and that they needed to make a decision in minutes. However, when she challenged the offer, she was subsequently offered accommodation in her home area.

Another family were able to settle successfully in their new area. They felt they could have been persuaded that the move would have worked and accepted it earlier, but instead felt unwilling to accept the move, as they felt the local authority were trying to confuse them by not providing adequate information about their new accommodation and area. For a household whose life is already in flux, the prospect of a speedy relocation to a new area means there is a great deal to consider. This is especially the case when it is offered under duress and with limited information.

Overall, councils are using out of area moves as a matter of course. The movement is partly from affluent to more deprived areas. However, this is not the full story. Many councils appear to be minimising disruption, by keeping families close to their home area. However, thousands of families are still being moved away from an area they know. Worryingly, the process that goes alongside these offers appears to be leading to unlawful and unsafe practices and unnecessary hardship. In the next section we will look at why out of area placements are happening, before investigating the impact they are having on households, and on receiving areas.

Why is there a growth in out of area placements?

The growth in the use of out of area placements is driven by a combination of pressures on local authorities. It is clear that local authorities are forced to make difficult decisions about how and where they accommodate statutory homeless households. But it is also clear that in some cases, local authorities readily place in accommodation out of area before other options have been properly explored. On top of national pressures and local decisions, a set of individual factors also influence how out of area placements are used.

External pressures

The main external pressures that are driving the use of out of area placements fall into two areas:

Demand for temporary accommodation

Demand for local authority homelessness services has steadily increased over the past five years. There has been a 42% increase¹³ in families with children being accepted as homeless by their local authority; an 8% increase in the last year alone. However, the number of households leaving TA has remained the same, creating a backlog. This is likely to be because options for settled accommodation in the social and private rented sector have become increasingly restricted, due to supply issues and welfare reform. This, combined with increasing demand, has created a swell in the number of households requiring TA.

Funding challenges

Local authorities are meeting the growth in homelessness against a backdrop of increased funding pressures. This is especially evident in housing services, where budgets across England have been reduced by 23% since 2010¹⁴ – the second highest reduction across all local authority services.

At the same time, local authorities are paying an increasing amount to procure TA for homeless households. Rising demand and rising rents means local authorities are having to pay more for TA, but with a shrinking budget from which to do so. Consequently, local authorities are often in a situation where they cannot source suitable, self-contained accommodation in their local area that is within their financial means. The decline in leased private sector accommodation¹⁵ – from 60% of TA in 2010, to 37% in 2015 - is evidence that obtaining properties is becoming difficult. The restricted rent offerings from local authorities mean that they are struggling to both renew and attract leased accommodation.

Out of area placements can save local authorities money, and this is one factor driving their use. But local authorities told us this wasn't as simple as it appeared. When London local authorities place a household in accommodation out of area they get a lower amount of funding from the government,

¹³ DCLG Live Tables on Homelessness – October to December 2015 <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>

¹⁴ DCLG Local Authority Revenue and Expenditure – 2014 to 2015 <https://www.gov.uk/government/collections/local-authority-revenue-expenditure-and-financing>

¹⁵ Private Sector Leasing (PSL) is where the local authority leases accommodation from a private landlord, typically for a 3-5 year period, at rates affordable to the local authority. In addition to rent, the landlord will normally receive services such as guaranteed rent.

as the funding rules for TA mirror rules on Local Housing Allowance¹⁶. For example, accommodation costs in many parts of the South East are still very high, but the TA funding is lower than in London. In addition, there are sometimes other costs associated with moving people long distances, such as travel and removal costs.

But combined, these pressures are leading to London local authorities are making greater use of accommodation that is out of their area, either in another local authority within their region, or in a different region entirely. We are concerned that future changes to homelessness provision, compounded by the current direction of travel around housing affordability and welfare, could also lead to a greater use of out of area accommodation.

Local authority practice

Decisions made by local authorities themselves are also contributing to the growth in out of area placements.

Political stance on out of area placements

The use of out of area placements differs between local authorities. The data suggests that some house more households within their own borough, and avoid out of region moves altogether. Others appear much more comfortable about sending people around the country.

The approach to out of area placements is driven to a certain extent by the preferences of local councillors. Housing officers shared that many local councillors have a strong moral opposition to out of area placements whereas others would try and avoid shared accommodation, preferring for the department to place households out of area than into shared accommodation, such as B&Bs and hostels.

Market pressures leading to competition for supply between local authorities

Due to pressures on the supply of TA (highlighted above) there is a strong degree of competition between local authorities for affordable accommodation. This is a separate driver of out of area placements.

Previous studies have highlighted how out of area placements can be the result of pressures on a local authority, due to another local authority placing in their area. If local authorities place their families in available temporary accommodation in another council area, that receiving local authority may be forced to place their households out of area, as their typical sources of temporary accommodation are full.¹⁷ There is some evidence of this in the placement data we collected. Boroughs that receive a lot of placements also make extensive use of out of area placements. London local authorities have responded to this by setting a 'nightly rate' to prevent councils from outbidding each other. However this may not address the problem of better resourced London local authorities having the financial power to offer higher prices and incentives to landlords in receiving areas outside London.

¹⁶ Local Housing Allowance (LHA) caps the amount of housing benefit a household can receive for accommodation in the private rented sector. The caps vary by areas, and are supposed to reflect the 30th percentile of the market.

¹⁷ <http://www.insidehousing.co.uk/policy/health-and-care/homelessness/councils-out-of-area-placements-breaking-the-law/7009398.article>

Lawful and unlawful practice

It is perfectly legal to accommodate homeless households out of their home area, and even home region, providing certain tests are met, such as there being no serious disruption to the household and no suitable accommodation closer to home. So, the overall growth in out-of-area offers is likely to be because the law allows it. However, a move may go ahead even if it is not legally compliant, either because the household are unaware of their legal rights or unable to access advice and advocacy to challenge unlawful decisions. Finally, some of the growth may be explained by households opting to move out of area for a better standard of accommodation or quality of life. Our research has revealed that the preferences of homeless households differ significantly. For example, some households that we spoke to would prefer to move out of area if it meant getting an affordable, self-contained flat or house that is in a good condition. Therefore, there should be no 'one size fits all' solution – the needs and preferences of the household should be fully assessed and considered.

Despite the mix of pressures and local authority decisions, recent placements suggest that the procurement and allocation of TA is increasingly being driven by housing availability, rather than strategic attempts to achieve cost savings or, indeed, positive outcomes for families. The desperate search for available accommodation was corroborated by housing officers. As one shared with us:

'[W]e know Luton is now full. So we and other boroughs are moving onto other boroughs'

What is the impact of out of area moves on families?

How do these moves affect the people themselves? We need to know if it is a small inconvenience, or a major upheaval. It is also important to establish which groups are affected the most, what are the most serious effects, and how can these be minimised. To gain insight into the impact of out of area moves we spoke with eight families who had gone through an out of area move and combined this with a review of existing research in this area.

The consequences of out of area moves

There was no one set of experiences. In general, proximity to the previous home did shape a household's experience. Whether a move was 'far away' was sometimes hard to assess. The ability to travel between the new area and the home area was of more significance than the 'as the crow flies' distance. Even moves within London, or to areas that border the capital, could effectively sever ties with the household's old area if travel was too time consuming or expensive.

'It's an hour outside London. But its forty minutes by bus from our house to the station here and the buses are once every hour. Then it's an hour on the train to [London terminus]. Then it's another hour from there to my Mum's. There and back is thirty pounds. Maybe once a month I can afford that... no not even that.'

Most families tried to maintain their life if possible. For those in this position, amenities and services took longer to get to, were more complicated to do and led to family members being more tired, paying out more money in transport, and having less time to do other things.

Sometimes, this wasn't a 'choice' at all. We spoke to a mother whose child needed ongoing weekly treatment at a central London hospital. Despite this, part way through his care she had to move to new accommodation in Hastings, on the south coast. This meant that at least once a week she had to stay with friends when he was in hospital, and subsequently had to make a six hour round journey on buses and trains with a sick baby when he needed out-patient treatment. This situation endured for months.

The importance of maintaining links with a previous area

One father was particularly reticent to move his son to a closer primary school, even though at one point it meant he was attending a primary school that was two hours away from their home.

His son suffered from trauma as a result of his mother's death. As a result, he struggled in school. Over many years the parent built a strong relationship with teachers at the school. The teachers had learned ways of successfully engaging with the child. They designed lessons and study time around his particular needs and his son had been progressing with his work. The school had also arranged for him to access specialist counselling support. This was organised through the school and his father was warned that he may not still be able to access this if he was moved to a new school in a different local authority area who did not provide the service. Even if possible, he also would not be able to maintain the link with the same counsellor, who had built a trusted relationship with his son.

There were consequences to this decision. It meant that his two children were attending schools in two different boroughs. This meant that it was more complicated to arrange the school run. It also meant that his younger son was often tired, sometimes struggled to complete homework and was often late to lessons due to transport problems. Despite this, the father and the school both felt that it was more beneficial to keep him in the school. But both recognised that neither situation was positive.

Those who had moved further away, or who could not maintain links to the previous area due to cost or circumstance, saw more immediate change.

Some coped by separating their families. One mother had arranged for her oldest son to stay on her mother's sofa during the week so he could attend his old school, after facing bullying and bad behaviour in a school in the new area.

'He was doing really well there. Top of his class. Enjoying it. And here, the only school I could find for him was really bad. None of the teachers seemed to care, he was behind in all the lessons. He became really withdrawn. Then he fell in with a bad crowd. At first I thought, it's fine I'll try and keep him going. But then I thought, this is his life, this is everything. He has one chance. It's sad as his brothers really miss him. I really miss him!'

Others moved their life to the new area. A major consequence according to these families was the move away from extended family support¹⁸. Moving far away from extended family networks made day to day tasks harder to carry out. Families had built up a precious system of support to allow them to carry out daily tasks. Many of the families had previously relied on extended family to provide childcare. Being far from family members meant that school runs were harder to navigate. Going to the supermarket now meant, for example, having to supervise three children and carry both children and heavy bags. Parents with younger children had to take them with them when going out anywhere because there was no one local to care for them, with no respite from this routine. This was very isolating and inhibited them finding out about the new area, seeking advice about their housing situation or looking for work. As one mother told us:

'It isn't a luxury leaving your children with a friend or someone else you can trust. Even just for an hour or so. It is so important. It gives you time to get the shopping done, go to appointments or to the doctors. It makes such a big difference, especially when you're a single parent.'

All families stressed the impact that this had on their mental and emotional health. Parental mental health is crucial to functioning families. It can have negative effects on children, and their wellbeing¹⁹. Previous research conducted by Shelter²⁰ has identified a strong link between the uncertainty that comes with living in TA and issues such as depression. This is particularly the case for out of area moves. Local networks are an essential source of social and emotional support, as well as practical support. Many of the families shared how being removed from known support networks had an isolating effect, and made it much harder to cope with the wider upheavals they were going through at the time.

¹⁸ There is a growing literature on the importance of social networks for coping with and moving out of poverty. The families we spoke to demonstrated how important these were. Halpern 2010, Chanan and Miller 2013) (Batty and Cole, 2010¹⁸; Rowson et al., 2010; Putnam, R.D. (2000) CLG (2008) Communities in control: Real People, Real Power. London: Communities and Local Government. CLG (2009) http://research.shu.ac.uk/cresr/living-through-change/documents/RP9_FamilyFriendsandNeighbours.pdf

¹⁹ http://www.barnardos.org.uk/family_minded_report.pdf

²⁰ http://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/policy_library_folder/living_in_limbo_-_survey_of_homeless_households_living_in_temporary_accommodation

'It was a really, really difficult time. If you're not strong, it's very hard to not have quite dark thoughts. I was there in a room with three children. Completely on my own. I lost my mind at times.'

The importance of local networks and the resources they provide

The importance of local networks and the impact of breaking them were shown clearly through the experience of one woman we spoke to. She was placed in a one room bedsit thirty miles from their old home after leaving her abusive partner. The small bedsit was unsuitable for her and her three young children. She was unable to leave the room without paying for a baby sitter, so this made it difficult to find work, find where to buy the most affordable food, or get help with simple tasks around the house (for example, cooking and cleaning can be extremely challenging in the close confinement of a bedsit, with children). She also struggled to understand the process she was in, and how her housing situation was being resolved. She became very depressed and struggled to cope.

Her situation started to change after she met another mother who had been placed in TA in the same block of flats. The other woman informed her about a support group who referred her to Shelter, who helped her to get rehoused to somewhere more suitable. She was also a source of emotional reassurance, and helped to build her confidence.

Moves require families to find essential services like GPs, move their children out of schools and into new ones, get a new job, or register with a new job agency. Some of these links are not easy to remake elsewhere: as an example, two of the people we spoke to had not been able to get their children into a nursery, as parents had to register children for a scarce place at birth. Job seeking is particularly difficult, as local networks can be critical for finding work²¹. Employers increasingly recruit through the networks of existing staff, particularly in informal or low skilled work, as online social networks make this much more efficient than placing newspaper ads²².

There is increasing evidence of the negative impact of moving schools on children's education²³. Parents reported children having to redo coursework, or learn completely new information, as their child's new school followed a different syllabus. Children had to cut or change GCSEs part way through, as their new school couldn't accommodate their choices. Children struggled to make friends or became withdrawn. As one parent told us:

'It isn't just a lack of school places that's the problem with being moved far away to a new area. Sometimes the subjects at GCSE are different, or taught in a different way. So your kids can take a real backward step, at exactly the wrong time.'

Being out of area made it harder for families to resolve their housing problems. One mother reported being called with the news that the council might be able to move her to new accommodation. She was told she would have to come to the office for them to carry out an assessment. This meant having to arrange time off work, find childcare for her youngest children and arrange for the eldest to be met after school, as she would have to travel for most of the day to attend the appointment. She reluctantly turned down the opportunity. Interviews with local authorities highlighted that too often

²¹ <https://www.jrf.org.uk/report/effects-families-job-relocations>

²² (Hudson et al., 2013) https://www2.warwick.ac.uk/fac/soc/ier/publications/2007/green_2007_attachment.pdf

²³ <https://www.jrf.org.uk/report/effects-families-job-relocations>
<http://merage.uci.edu/researchandcenters/cre/resources/documents/duncan.pdf>

housing officers can have little sympathy for such scenarios, and expect their clients to attend appointments at short notice, regardless of family or work commitments.

In the worst cases, out of area placements can also have significant social impacts. Serious case reviews have highlighted how badly-managed placements have resulted in families losing touch with social workers. We identified two documented cases where serious case reviews have named out of area placements as causing complications which contributed to young babies dying from neglect.

Why moving is particularly bad for homeless families

Many parents will recognise the importance of local support and familiar services, but they can be particularly important for homeless families who lack the certainty of home, and the basic amenities we all take for granted. Shelter's research with homeless families shows how they are even more dependent on the help and support of friends and family²⁴. Families living in TA regularly rely on family and friends to carry out basic day to day tasks. TA can sometimes lack basic facilities, for example space to store fresh food; private bathroom and kitchen, use of the internet to look for a home or for children to do homework; or use of laundry facilities. As one father placed out of area who we spoke to for previous research reported,

'In the morning the children would be knackered and I'd have to wake them up extra early to make the hour-long journey to school. The communal kitchen in the B&B didn't open until 7.45am and that's when we had to be out of the door so I couldn't even give them a proper breakfast.'

When accommodated in TA in their local area, people can fall-back on friends and family to help provide such services, for example taking laundry to parents to avoid using costly communal laundrettes. However this is impossible when moved away from your local area, outside of reasonable travelling time.

A move is especially disruptive at a time when other areas of life are more chaotic, and more support is needed from family, friends, work, a church or schools²⁵. This is especially the case for homeless families where the distress of homelessness may, in turn, have been triggered by a traumatic situation such as a bereavement, relationship breakdown or job loss. This can be especially difficult for children to deal with, as it can compound the sense of loss.

Alongside this, out of area placements to TA are different, and more disorientating than a regular house move. This is for two reasons. Firstly, they usually involve little choice of area, are made without time to plan the move, investigate the area, explore options and register for essential services in advance. In the main they are made without agency. Research suggests that moves are harder to deal with and lead to worse outcomes if they are unplanned and sudden and if the mover has not come to terms with the change²⁶.

The second reason is that the move is only temporary. Families are aware that they may be required to move again at any time. We spoke with two families who had been asked to move out of area more than five times in three years. For one of the families, all of their moves were from one local

²⁴ https://england.shelter.org.uk/__data/assets/pdf_file/0012/1200360/Shelter_Homelessness_Report_2015.pdf

²⁵ https://england.shelter.org.uk/_data/assets/pdf_file/0012/1200360/Shelter_Homelessness_Report_2015.pdf

²⁶ JRF

authority to another and three were across London, for example from Ealing to Newham. Because a new move could happen at any time, families were reluctant to settle down and reconstruct a reliable support network. One father we spoke to, responded to the first move by moving his youngest son into a new school, moving to a new church and registering with a new GP. Less than a year later they had to move to yet another area. Faced with uprooting his family a second time he tried to keep connected to the area of the first move as well as their home borough. Now the children go to school in two boroughs and the family live in a third.

Within these common findings, every family we spoke to was affected differently. The age of children and connection to the previous area (for example, whether they had family there that they relied on, work or particular needs) all influenced the impact of the move.

We know from previous research that the impact of relocation is different for groups at different life stages:

- Families are most impacted by a move (compared with single people, couples or older people) - particularly families with school-age children, who are settled and thriving.
- Young adults can also find it more challenging, if they have limited life experience and may not yet be ready to set up an independent household without guidance from older family members²⁷.
- Older people can also be badly affected, as local networks play an important part in their informal care, and in combatting loneliness and isolation²⁸.

Out of area moves will affect everyone differently. But it is striking that the homeless households most likely to be in temporary accommodation (young people, single parents of school age children) are worst affected. Housing law rightly protects such households because of a recognition that they are most vulnerable to the effects of homelessness, but the London housing crisis is making this legal protection meaningless.

²⁷ <https://www.jrf.org.uk/report/effects-families-job-relocations>

²⁸ http://www.ippr.org/files/images/media/files/publication/2013/06/moving-on-older-people_June2013_10898.pdf?noredirect=1

What is the impact on receiving local authorities?

Receiving local authorities are powerless to stop another local authority placing homeless households in their area. Out of area moves can have a notable impact on receiving boroughs, especially when placements are concentrated in significant numbers in specific areas.

Moves can impact on TA supply in receiving areas outside London. London boroughs have the financial power to offer higher incentives to landlords, on top of what the government pays councils to cover the cost of TA²⁹. London boroughs are also more able to 'block-book' TA and enter into nightly paid arrangements with landlords, instead of leased. This in turn has the potential to drive up cost of TA in receiving areas outside London, as leased accommodation is a more affordable option for local authorities. Leased accommodation is normally managed by the local authority over a number of years – typically up to 5 years – and will yield greater savings during this period than more expensive nightly-let TA.

There is also an impact on school places. A concern for receiving local authorities is that high concentrations of out of area placements in areas with lower housing costs will place acute pressure on specific schools in these areas. Housing officers stated that they were particularly worried about receiving children in GCSE years at school, where they have found there is often a shortage of spaces³⁰.

Alongside this, receiving authorities highlighted out of area households approaching them for housing, employment and social care services, along with greater pressure on schools and GP surgeries. People may be more likely to seek assistance if they are moved to a new area that is far away from their informal support networks, limiting their ability to self-serve.

All of these issues are compounded by mixed practice on notifying receiving councils when placing homeless households out of area. Councils have a statutory duty to make notifications when making an out of area placement, but our research has highlighted that councils don't always fulfil this duty, and some don't do it at all. Systems put in place to encourage and assist councils with making notifications – such as NOTIFY³¹ – are not being used in the correct manner.

It would be misleading, however, to conclude that out of area placements are leading to significant changes in the socio-economic conditions of receiving local authority areas – or 'ghettoization', as is referenced in some media stories. Even if the numbers were more significant, studies show that there needs to be a longer-term large scale movement of people in and out of the area in order to change the overall composition of the local population. Neighbourhoods change relatively slowly in terms of their economic performance and levels of deprivation³².

²⁹ As discussed in section 2, TA funding mirrors rules for Local Housing Allowance, and is subject to a weekly cap.

³⁰ In practice, local authorities should not be moving families with children studying for GCSEs out of area

³¹ NOTIFY is a system run by London Councils to help keep track on homeless households placed out of area. It is designed to alert the receiving council of a placement being made in their area, while keeping track of overall placements.

³² Four out of five of the poorest neighbourhoods in 2004 remained in the bottom 10 per cent of deprived neighbourhoods in 2010, and nearly three quarters of all neighbourhoods in the bottom decile for out-of-work benefit receipt in 2000 were in the bottom decile in 2012 (calculations based on DCLG 2011b and Nomis 2013a).

What are the law, policies and practice on out of area placement?

One year on from the Supreme Court judgement (Nzolameso v City of Westminster)³³ - and with a more complete understanding of the trends, drivers and impacts of out of area placements - we looked at how local authorities were responding and whether their handling of this issue has changed.

The law states that so far as reasonably practicable, local authorities should secure accommodation for homeless applicants in their own district. But it may be lawful for authorities to place people out of area, provided they take into account the regulations and Code of Guidance on suitability of accommodation, and specifically on location, before making the offer. Suitability is established in the following legislation, regulations and guidance:

- Section 208 of the Housing Act 1996
- The Homelessness (Suitability of Accommodation) (England) Order 2012
- The current Homelessness Code of Guidance, which provides further detail and guidance to the duties contained in the Act and suitability order.

Specifically, statutory instruments state that local authorities must consider the following when assessing whether an out of area move is suitable for a family:

- Where the accommodation is situated outside the district, and the distance of the accommodation from the district of the placing authority;
- The significance of any disruption on employment, caring responsibilities and education;
- The proximity and accessibility to medical facilities or other support that are used by a household member, or are essential to their wellbeing;
- The proximity and accessibility to local services, amenities and transport.

Finally, placing local authorities have a duty to notify the receiving local authority within 14 days of the accommodation being made available to the household, and full households details must be provided.

The legal position has been further clarified through case law, notably the Nzolameso case. As well as re-emphasising the suitability requirements that local authorities must take into account when making out of area moves, the Supreme Court ruled the following:

- The distance of the accommodation from the home district is key, and must be sought as close as possible to the home borough;
- Decisions must be made on the needs of the collective household, and individual members of that household;
- Decisions and explanations should be recorded and presented, to ensure transparency.

The Supreme Court also advised that local authorities adopt longer-term approaches to making out of area moves more transparent and accountable. These included policies for procuring sufficient units of TA for a 12 month period, and a policy for allocating TA units, which would be used to

³³ <http://www.bailii.org/uk/cases/UKSC/2015/22.html>

explain the individual factors that have been taken into account when offering such accommodation to households.

Our request for the policies recommended by the Supreme Court revealed that not all local authorities are taking account of the *Nzolameso* judgement³⁴. Fifteen local authorities responded with copies of policies that clearly set out the criteria they use to determine whether an out of area placement is suitable, including the suitability of placement out of area. Two more boroughs have developed a draft policy, due to be agreed by May 2016. However, action is still patchy. Nine confirmed that they had not yet developed a distinct policy. This included boroughs who make extensive use of out of area placements.

The individual policies are a useful reference point, both for housing officers and for households going through the process, so that they can understand the basis of the decision. The majority of policies reference statutory suitability criteria, such as children in exam years, parents in employment or families with care needs.

It is not clear whether all local authority policies comply with the relevant regulations and case law. Many did not have all of the factors listed in the statutory instruments or Code of Guidance on out of area placements. Some local authorities were picking between individual factors – such as employment, education and care needs – with no explanation of their rationale for picking one but not the other.

Another issue of concern is the introduction of rigid priority bands for ‘in borough’ placements, ‘near borough’ (in at least one case, defined as up to 50 miles), and longer distance placements. This was a feature of some of the policies. The risk of setting rigid priority bands, based on set criteria, is that this rubs against the legal requirement to assess the individual needs of the collective household, and the needs of each individual within this household – as opposed to arbitrarily categorising families based on broader criteria.

The government and the courts are also clear that out of area moves need to be used as a last option when there is no in-borough option available, and that certain groupings of households shouldn’t be placed out of area before in-borough options have been exhausted. Local authorities should also be trying to find accommodation as close to the home borough as possible, which raises questions over the legality of creating bandings based on distance.

In sum, it is concerning that over a third of London boroughs have not provided evidence of drafting policies recommended by the Supreme Court. Those that have been drafted are not consistent with statutory requirements on out of area placements. To provide a sound basis for policies on moving households out of area, local authorities must demonstrate that they are paying full attention to the legislation and guidance underpinning this.

³⁴ We requested these policies from all 33 London boroughs. We gave all boroughs the statutory time limit to respond. 29 responded.

Conclusions and Recommendations

Out of area placements of statutory homeless households have increased at a significant rate over the past five years. Local authorities are now using out of area moves as a matter of course. The movement is partly from affluent to more deprived areas; however, this is not the full story. Local authorities appear to be minimising disruption by keeping families close to their home area. Furthermore, statistics do not support the view of this being an exodus from London and other expensive cities. The numbers placed out of area, but within the region, far outweigh those moved outside the capital.

Out of area placements are being fuelled by a range of different factors, from external pressures such as overall demand for homelessness services, inadequate government funding for TA and contracting supply of accommodation; to local authority decisions based on financial savings, choosing to compete for supply with other local authorities, and the approach of local councillors.

While we acknowledge the pressures that local authorities face, it is no less concerning to find evidence of unlawful practice around out of area. One year on from the landmark Supreme Court case on out of area placements, local authorities are still placing families away from their home area when it is not suitable to do so. This illegal practice is perhaps augmented by the fact that 1 in 3 London boroughs do not appear to have policies in place on conducting out of area moves, a requirement made plain in the Supreme Court case. And some policies that are in place are drafted haphazardly, with mixed consideration for the legislation governing out of area placements.

Our evidence shows that even where an out of area move is lawful, or to an area that appeared to be close by, there are still negative impacts for the households concerned. No one experience was the same, but a reoccurring theme was the impact of the loss of support networks from family, friends and familiar local services. A move makes it harder for households to cope as a family and get themselves back on their feet, but this is made worse when they don't know anyone in their new area, and have nowhere to turn for personal support.

Overall, an out of area move added an extra complicating layer to homelessness. It required households to move not only their possessions, but their whole day to day life, to a new location, all at a time of massive upheaval. The negative impacts on families were sometimes made worse by poor, but legal, practice by local authorities. For example, local authorities providing no information whatsoever to households placed out of area.

Out of area placements cause additional pressures on receiving local authorities struggling with their own issues. These pressures fall on local services and the supply of accommodation in receiving areas. The latter is an especially pertinent issue: pressures on the supply of self-contained accommodation are leading to receiving boroughs using other, sometimes unsuitable options, to house their own homeless families. This can include increased use of bed and breakfast accommodation, and placing outside their own local authority area.

Shelter understand that it is sometimes necessary for local authorities to use out of area placements, due to the pressures highlighted above. Ultimately these pressures are a result of the failure of successive governments to build the homes the country needs, combined with a raft of damaging housing and welfare policies ushered in over recent years. The trend of moving increasing numbers of homeless households away from their local area won't be reversed until these overarching issues are addressed.

But in the meantime, we must push for local authorities to operate within the law, better understand the impact of their actions on homeless households, and improve practice on out of area

placements. Good practice is developing, but incrementally. Individual local authorities, regional consortiums and umbrella bodies like the LGA and London Councils are all playing a part in trying to add greater coordination. But there is more that can be done. We have suggested the following as areas where change can be made, both to the benefit of homeless households and local government. We would strongly welcome the opportunity to work with central and local government to further develop and implement these recommendations.

Recommendations: central government

Greater DCLG oversight on the use of notifications

NOTIFY should be extended across England, with greater oversight from central government. If we are to better understand trends around out of area placements, and help improve the experience of homeless households, then proper oversight of notifications will be key.

Greater oversight from central government should create better understanding of why some London boroughs are 'swapping' homeless households in a chaotic fashion, which in turn will pave the way for the right policies to address this.

Clear and transparent monitoring of out of area placements

DCLG require local authorities to record information on homeless households once a quarter. However, they do not require them to report on the total number of out of area placements made in that quarter, nor are local authorities required to report on the specifics, such as the location of the move. This compounds the low understanding of placing boroughs and government, and feeds the concerns of receiving boroughs. Collecting and sharing this information will help both placing and receiving areas to understand the issues they see.

If out of area placements are to increase, then better monitoring of the impact on households is required. This will involve more detailed reporting of the issue, and also highlighting good and bad practice across the sector as means of driving improvement.

Using the new TA management fee to increase in-area accommodation options

The new TA funding arrangement is an opportunity to explore innovative and sustainable options to housing statutory homeless households in area, or as close to the home area as possible. Local authorities are, as a sector, making a net financial loss on TA. However, investment in other TA options – such as borrowing land for modular build, investing in a social lettings agency, directly purchasing TA, or building/converting short-term shared accommodation – can yield savings over the medium to long term, while improving outcomes for homeless households.

Recommendations: local authorities, and relevant local authority bodies

From speaking with local authorities and the broader sector it is clear that low resource/cost policies can be implemented to help address the issues raised through our research:

Improving the process of moving households out of area

Local authorities must consider the newly published best practice guidance from the National Housing Advice Service, when conducting out of area placements. Government and local authority bodies should be ensuring that a high level of practice that puts the needs of households first, is maintained across the sector. This applies to the whole of England, not just London.

Capping payments to landlords for TA

London boroughs should agree a cap on what they pay landlords for TA in areas receiving a high number of homeless households. Capping should consider all arrangements for TA, for example leased, as well as nightly, rates. This approach is already underway in London in an attempt to stop local authorities outbidding each other, and therefore driving up the overall cost of temporary accommodation. It would help to minimise the negative impact on the supply in the TA/local housing allowance sub-market outside of London.

Regular impact assessment of out of area placements

Local authorities and relevant local authority bodies should report to central government on the impact of out of area moves, both on receiving areas and homeless households. Reporting should focus on key issues: households being able to secure school places in the local area; approaches to high-level local authority services, such as social care; and length of time spent in out of area TA.

The housing outcome for out of area households should also be recorded: for example, were they offered accommodation back in their home borough, in the receiving area, or did they abandon their TA. An issue for households who remain out of area is that they can be temporarily locked out of social housing there due to not meeting the local connection criteria, which can be as high as 5 years.

A number of London Boroughs already engage with local authorities in the West Midlands to better understand the affect that placing in their areas has for households, local services, and the local housing supply. Formally reporting on this impact to central government officials, on a quarterly basis in line with other reporting requirements, would help to ensure both parties can see if out of area placements are causing major issues. This, in time, will help to improve understanding on how to minimise negative impacts.

Appendix: Analysis note

The project used a mixed methods approach.

In order to understand the current use of out of area placements, we requested data from all 32 London boroughs and from London Councils. We requested data on how many households they had placed in TA in a twelve-month period, and where this accommodation was located. We received 24 sets of complete data. Three boroughs did not hold the data we requested in a shareable form.

We expanded our knowledge through twelve stakeholder interviews with housing officers from London authorities and a selection of receiving boroughs. We also searched Google's online news archive for articles including the search terms 'out of area' and 'homeless' published in the United Kingdom between April 2014 and April 2016. We analysed them for content.

In order to understand the impact of out of area moves, we combined new interviews with people who had experienced out of area moves with existing research into related issues. We spoke to 8 households who had experienced being moved out of area.

We carried out a review of existing research on the impact of out of area placements. As this is an undeveloped research area, we incorporated research on the impact of moving and the impact of place on poverty.

To understand the impact of out of area moves, we spoke with eight families who had gone through an out of area move. We also analysed these findings with reference to the findings from interviews with families who had been made homeless but not moved out of area, as a way of drawing comparisons. We also held focus groups with people who had previously experienced homelessness, to understand what is important to them in housing support and the potential issues that an out of area move would pose to them. The families were identified through opportunity sampling through Shelter services, Citizens Advice Bureau, and by our investigations team. Qualitative research, especially with a small sample, is not intended to be representative. The conversations, alongside the wider research literature, give insight into the experiences of families who have gone through an out of area move and the main impacts on their lives.

Contacts

Kevin Garvey – Policy Team

Kevin_garvey@shelter.org.uk

Jenny Pennington – Research Team

Jenny_pennington@shelter.org.uk

Shelter helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

We're here so no one has to fight bad housing or homelessness on their own.

Please support us at **shelter.org.uk**

Shelter
88 Old Street
London EC1V 9HU

0300 330 1234
shelter.org.uk

Shelter