

Summary Sheet

Committee Name and Date of Committee Meeting

Cabinet – 21 January 2019

Report Title

Amendments to the Housing Allocation Policy - January 2019

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Anne Marie Lubanski, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

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Ward(s) Affected

Borough-wide

Executive Summary

The Council is required to allocate Social Housing according to a published Allocations Policy which has been drawn up according to the Housing Act 1996, Part VI and Part VII as amended by the Homelessness Act 2002, the Homelessness Reduction Act 2017 and the Localism Act 2011.

Rotherham Council's Housing Allocation Policy was last fully reviewed in February 2017. The policy outlines who can seek re-housing through the local authority, the properties they can apply for and how people are prioritised for available homes.

There are certain circumstances when the Allocation Policy needs to be adjusted. These include when there are legislative changes, if there are changes in supply and demand or when equality data informs the Council that should the Council need to change the way properties are allocated. The 5 proposed amendments address some of these issues and will also help to prevent homelessness earlier, reduce waiting time for households with a medical need and apply consistent approaches within the policy for people who wish to move to a smaller home.

Recommendations:

1. That the five proposed amendments to the Allocation Policy detailed below be approved:

- (a) Amend the banding related to homelessness households to award a higher band following a full homelessness assessment as detailed in section 3.2.6 of the report.
- (b) Amend the downsizing policy to award Band 2 status to Council or Housing Association tenants who are under occupying their home to move to a property with at least 1 less bedroom (a ground floor flat or a bungalow will require a medical assessment)
- (c) Amend the quota of advertised properties in Band 2 from 50% to 60%, reduce the quota of advertised properties in Band 3 from 40% to 30%, and retain the 10% quota for Transfers.
- (d) Amend the rule for single people who are Council or Housing Association tenants living in a flat who are expecting their first child to be eligible for family accommodation on the production of the MATB1 form.
- (e) Amend the local connection rule to give a person a local connection if their Grandparents or Primary Carer live in Rotherham and have done so for the last 3 years. There will be a validation process asking the applicant to provide proof of the Grandparent's address and confirmation that they are in contact with them.

List of Appendices

None

Background Papers

Housing Allocation Policy (May 2017)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Improving Places Select Commission
Overview and Scrutiny Management Board

Council Approval Required

No

Exempt from the Press and Public

No

Amendments to the Housing Allocation Policy - January 2019

1. Background

1.1 The Council's Housing Allocation Policy had been in place since 29 October 2014. A significant change was made during 2014 to ensure that only those in housing need were eligible to join the Register, resulting in a reduction of households from over 30,000 to 6,677 applicants by 1 August 2018. There have been various revisions and the latest was on 13th February 2017. Further amendments to the Allocation Policy are set out below in Sections 3.2 to 3.5.

2. Key Issues

2.1 The Housing Register

2.1.1 As at 1 August 2018 there are 6788 applicants on the housing register and the number of applicants in each band is:

Band	Reason	Numbers in each band
Band 1	Households who require immediate housing and are considered for all vacant Council properties	246
Band 2	People who experience urgent housing need and require moving due to specific circumstances	1,668
Band 3	Applicants who are entitled to reasonable preference on a non-urgent basis	1,783
Band 4	Applicants who have no reasonable preference entitlement/priority need	1,755
Transfer	Council or Housing Association tenants with no housing need	1,336
Total		6,788

2.1.2 The reasons and number of applicants in Band 2 are:

Band 2 Reason	Number of applications
Statutory Homeless	19
Medical priority	1,280
Statutory overcrowded	19
Not ready for independent living held in suspension	147
Leaving supported housing ready to live independently	67
Requiring extra care housing	5
Offender, not a high risk to the community	4
Applicants living in private rented who cannot afford the rent, but are employed	24
Victim of domestic violence	96
Looked after child ready to live independently	7
Total in Band 2	1668

2.2 Legislative changes which aim to prevent homelessness earlier

Recommendation 1 - Amend the banding related to homelessness households to award a higher band following a full homelessness assessment as detailed in section 3.2.6 of the report

2.2.1 On 5 February 2018, the Homelessness Advice and Support Team, from the Ministry of Housing, Communities and Local Government visited the Homelessness Team to hear about the work Rotherham is doing in preparation for the Homelessness Reduction Act 2017.

The feedback was very positive and there was recognition that the team have a preventative approach in operation. The Allocations Policy supports Rotherham's homelessness prevention work but it was recommended that the policy should be reviewed in light of the Homelessness Reduction Act; ensuring reasonable preference is given to those under the prevention and relief duties.

2.2.2 The Homelessness Reduction Act 2017 is one of the biggest changes to the rights of homeless people in England for 15 years. It effectively combines two new duties onto the original statutory rehousing duty. These are the Homelessness Prevention Duty and the Homelessness Relief Duty.

2.2.3 The Allocation Policy must adhere to a legal framework outlined in Part VI and Part VII of the 1996 Housing Act, an element of which mandates that certain groups of applicants must be given 'reasonable' preference in determining who is allocated properties. This already applies to people who are homeless in priority need and some who face losing their accommodation within 28 days, but the 2017 Homelessness Reduction Act, which came into effect from April 2018, means preference needs to be given to all applicants who are threatened with homelessness within 56 days. This report recommends the extension of rehousing preference to applicants meeting this criterion, ensuring legal compliance and offering greater assistance to those at risk of losing accommodation.

2.2.4 An applicant who is homeless and has lost their accommodation through no fault of their own and have a priority need for accommodation is currently placed into Band 2. In accordance with legislation the following categories are deemed to have priority need:

- (a) a pregnant woman
- (b) a person with whom dependent children reside or might reasonably be expected to reside
- (c) a person who is vulnerable as a result of old age, mental illness, learning disability or physical disability or other special reason, or with whom such a person resides
- (d) a person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989
- (e) a person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a 'relevant student')

- (f) a person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a 'relevant student')
- (g) a person who is vulnerable as a result of having been a member of Her Majesty's regular naval, military or air forces
- (h) a person who is vulnerable as a result of having served a custodial sentence
- (i) a person who is vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out
- (j) a person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster.
- (k) a person who is terminally ill who is receiving palliative care

2.2.5 The Council's Allocation Policy is afforded by a Banding approach for different types of need, for homeless households the current policy is as follows:

- Band 2 for households who are unintentionally homeless in priority need (as detailed in section 3.2.4)
- Band 3 for households who are unintentionally homeless but not in priority
- Band 4 for households who are awaiting an assessment.

2.2.6 As the new Homelessness Reduction Act is aimed to intervene at earlier stages to prevent homelessness it is proposed that the current banding related to homelessness households be enhanced to award a higher banding but this would only be applicable following a full assessment. It is therefore proposed that:

- Applicants in priority need who actually become homeless and a relief duty is owed or when a full housing duty is owed are placed into Band 1.
- Applicants in priority need who are faced with homelessness and a prevention duty is owed are placed into Band 2.
- Non-priority homeless applicants, who are owed a prevention or relief duty, be placed into Band 3.
- Applicants awaiting a homelessness assessment are placed into Band 3

2.2.7 The Allocation Policy rules regarding applicants who are excluded from joining the housing register will remain in place. This includes applicants who have previously been evicted from a Council or Housing Association secure tenancy in the last 5 years due to breaches of their tenancy conditions will remain ineligible to join the housing register. However, individual cases for vulnerable homeless applicants will continue be considered by the Housing Assessment Panel or under delegated powers of the Head of Housing Options.

2.2.8 With the introduction of the Homelessness Reduction Act, the number of people who present to the local authority due to being faced with homelessness is rising. In April 2018, the Homelessness team's case load was 132 cases, this increased to 321 on 31st August 2018 and 354 cases as at 30 September 2018.

2.2.9 There are currently 577 households who are actually homeless or faced with homelessness on the housing register. These policy changes will help to prevent homelessness sooner as the applicants will receive a higher banding status, which in turn means that there will be less people progressing to actually becoming homeless. The impact would however be monitored on an ongoing basis to ensure the balance is met between assisting those facing homelessness, and not affecting adversely the allocation scheme at the expense of all other types of housing need such as overcrowding or medical and welfare need.

2.2.10 **The table below shows the total numbers of applications in each band (excluding the Transfer band) and the number of homeless applicants in each band as at 1st August 2018.**

Homelessness category	Total number of applications in each Band	Number of homeless applications	Percentage of homelessness applications as a percentage of the total in that Band
<ul style="list-style-type: none"> Band 1 Homeless households who are both homeless and also have a medical need 	246	61	24.80%
<ul style="list-style-type: none"> Band 2 Unintentionally homeless households who are in priority need 	1668	19	1.14%
<ul style="list-style-type: none"> Band 3 Unintentionally homeless but not in priority need 	1783	280	15.70%
<ul style="list-style-type: none"> Band 4 Threatened with homelessness awaiting assessment 	1755	217	12.36%
TOTAL	5452	577	10.58%

a. Changes to ensure that there is equality and fairness

Recommendation 2 - Amend the downsizing policy to award Band 2 status to Council or Housing Association tenants who are under occupying their home to move to a property with at least 1 less bedroom (a ground floor flat or a bungalow will require a medical assessment).

2.3.1 It is proposed to amend the Downsizing Policy so that all tenants wishing to move to a smaller home are offered the same options. The issue is that the current policy for tenants wishing to downsize offers inconsistent choices. Applicants who are under occupying their home are all currently awarded Band 1 status, but are offered different choices as follows:

- Tenants under occupying a 4 bedroom house can move to a 2 bedroom house.
- Tenants who are affected by the bedroom tax can move to any type of property with 1 less bedroom.
- Tenants who are not affected financially can only move to a flat or a bungalow.

2.3.2 The proposed option is to award Band 2 status to Council or Housing Association tenants who are under occupying their home to move to a property with at least 1 less bedroom, for a flat or a bungalow (a medical assessment will be required for bungalows.) The current policy can be confusing to existing tenants, but, moreover by offering bungalows to under occupied tenants with no medical need via a Band 1 status impacts on the waiting time for applicants who have been assessed for a bungalow due to their health needs. This is because properties are offered to Band 1 applicants ahead of other bands.

2.3.3 If this recommendation is agreed it is proposed that all under occupied housing applications will be reviewed to apply this approach. Existing applicants will retain their banding date and remain in Band 1 but any new applications from the policy implementation date will be placed into Band 2.

2.4 Changes to reduce the waiting time for applicants in urgent housing need.

Recommendation 3 - Amend the quota of advertised properties in Band 2 from 50% to 60%, reduce the quota of advertised properties in Band 3 from 40% to 30%, and retain the 10% quota for Transfers.

2.4.1 There are currently 1280 households who have been assessed for Band 2 status due to living in unsuitable housing due to a medical reason. The waiting time is extremely long as outlined below, especially for ground floor accommodation.

2.4.2 **The table below shows a sample of lettings and the waiting times for households living in unsuitable housing due to medical reasons.**

Property type	Date of the advert	Number of requests made for the property	Date of the application of the successful applicant	Successful applicant reason for the band status
2 bedroom bungalow with a level access shower.	16/03/2018	42	29/11/2016	Band 2 medical reasons
2 Bed Bungalow with ramped access and an over bath shower	11/04/2018	88	04/12/2017	Band 1 terminally ill
1 Bed Bungalow with over bath shower	25/05/2017	45	23/03/2006	Band 2 medical reasons
2 Bed Bungalow with over bath shower	13/12/2017	81	18/05/2007	Band 2 medical reasons
2 bedroom bungalow with over bath shower	15/01/2018	76	12/03/2010	Band 2 medical reasons

2.4.3 It is proposed to increase the quota of advertised properties in Band 2 from 50% to 60%, reduce the quota of advertised properties in Band 3 from 40% to 30% and retain the 10% quota for Transfers.

2.4.4 The proposed change would increase the number of properties that are advertised to people in Band 2 in urgent housing need. The reason why this quota has been increased is that Band 2 contains an extremely high volume of applications in urgent housing need and the waiting times are lengthy.

	Old Quota	Proposed New Quota
Band 2	50 %	60%
Band 3	40%	30%
Transfer	10%	10%

2.4.5 Properties are initially offered to Band 1 applicants, and then to the advertised group, where there are no suitable bidders from the advertised band the next band in the sequence is selected and so on. All applicants can bid for any advertised group but as Band 4 applicants have no housing need they will always be the lowest priority in shortlisting. Properties will be advertised and the shortlist will be sorted as follows:

- **Advertised to Band 2 (60%):** Offered to Band 1, then Band 2, then Band 3, then Transfers, then Band 4
- **Advertised to Band Three (30%):** Offered to Band 1, then Band 3, Transfer Band, Band 2 and Band 4
- **Advertised to Transfer (10%):** Offered to Band 1, then Transfers, Band 2, then Band 3 and then Band 4

2.4.6 The letting results for 1st April 2017 to 31st March 2018 detailed below show how many Council properties have been let to each Band. As mentioned above although the advert might prioritise a certain band if they don't make requests another banded applicant maybe successful.

Band 1	Band 2	Band 3	Band 4	Transfer Band
267	570	479	108	90

2.4.7 The table below shows all properties which were let between 1st April 2017 and 31st March 2018. All of these properties were advertised in the Key Choices letting scheme.

Council Houses	Council Bungalows	Council Flats	Council Bedsits
531	355	616	12

2.5 Changes to ensure that there is equality and fairness

Recommendation 4 - Amend the rule for single people who are Council or Housing Association tenants living in a flat who are expecting their first child to be eligible for family accommodation on the production of the MATB1 form.

2.5.1. The current policy is that Council or Housing Association single tenants living in a flat who are expecting their first child will become eligible for family housing when their baby is born. An applicant who is in the same situation living with parents or in private rented accommodation becomes eligible for family accommodation whilst they are pregnant when a MATB1 form has been provided. It is proposed that all single applicants become eligible for family accommodation when the MATB1 form has been produced. This will reduce the waiting time for Council tenants wanting to move into more suitable family accommodation.

Changes to ensure that there is equality and fairness

Recommendation 5 - Amend the local connection rule to give a person a local connection if their Grandparents or Primary Carer live in Rotherham and have done so for the last 3 years. There will be a validation process asking the applicant to provide proof of the Grandparent's address and confirmation that they are in contact with them.

2.6.1 A revised Allocation Policy was adopted in December 2013 which incorporated a Local Connection Criteria so that a person qualifies to go on the Housing Register if they have a local connection to Rotherham for a minimum of 3 years. A person has a local connection where:

- They have lived for the last 3 years in Rotherham through their own choice.
- They are currently employed in Rotherham and have been for the last 3 years.
- They have direct family who live in Rotherham and they have done so for the last three years. Direct family members include spouses, civil partners, parents, sons, daughters, brother and sisters.

2.6.2 There are applicants who have no parents and have been brought up by their grandparents or a carer. It is therefore proposed that grandparents or primary carers are included as direct family members. There will be a validation process asking the applicant to provide proof of the grandparent's address and confirmation that they are in contact with them.

3. Summary of options considered and recommended proposals

3.1 There are no alternative options being considered and the recommendation is that the proposed changes to the Allocation Policy are implemented to meet the statutory requirements of the Housing Act 1996 Part VI and VII.

4. Consultation

4.1 Extensive consultation has taken place via an online survey, at the Tenant Conference, at the Tenant Involvement Panel, with Rotherham Federation, the Quality Standards and Challenge Group and at the Rotherham Show.

4.2 Members were consulted via the Improving Places Select Commission who received the report on 1 November 2018. Overview and Scrutiny Management Board will formally receive the report in December 2018.

4.3 Improving Places Select Commission supported all five recommendations, but also requested that recommendation 5 be extended to also include primary carers.

4.4 If the proposals are agreed, the Housing Allocation Policy and Summary Guide will be updated to reflect the changes.

The cost of printing is a minimum as all policy documents are available electronically. Any postage costs for the housing register reviews will be contained within existing budgets.

- 4.5 If the recommendations are approved, existing tenants will also be informed of the policy changes through articles published in “Home Matters” which is the Council’s Tenants’ Newsletter.

5. Timetable and Accountability for Implementing this Decision

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|---|---------------|
| 5.1. Improving Places Select Commission | November 2018 |
| OSMB (pre-Cabinet) | December 2018 |
| Cabinet | January 2019 |

- 5.2 If Cabinet approves these recommendations the policy will be implemented from the 1st day of the following month. The Council’s Housing Allocation Policy will be formally amended to reflect the changes, the new version published on the website.

- 5.3 There will be a timetable of staff training and briefing sessions for Members.

- 5.4 A progress report to monitor the impact of the policy changes will be presented back to Cabinet in 12 months’ time.

6. Financial and Procurement Implications

- 6.1 Implementation of the changes proposed in this report will help the Council to house homeless people more expediently and therefore reduce the cost by reducing the usage of temporary accommodation.

- 6.2 Following the completion of the revised Allocation Policy, a summary booklet will be amended and issued to existing and new applicants. This will incur no printing or postage costs as the document is electronic.

- 6.3 Most of the changes needed to the ICT system can be undertaken in-house at no extra cost, however there may be some more complex changes required which will incur a cost of £140 per day. There is a budget in place to cover this cost and the work is envisaged to take no more than 5 days. The costs will cover amendments to the Housing Register and choice based letting module rules which ensure applicants are placed in the correct bidding queue position.

- 6.4 Changes to the Allocations Policy will need to be effectively communicated to staff. This training will be undertaken in-house by the Housing Options Manager.

7. Legal Implications

- 7.1 The proposed changes to the Allocations Policy covered by this report are in keeping with the overall aims and purpose of housing allocation policies and are lawful. Further the proposed amendments to the Allocation Policy implement the two new duties imposed on the Council by the Homelessness Reduction Act 2017, namely the duty to prevent homelessness and the duty to relieve homelessness.

8. Human Resources Implications

- 8.1 If the recommendations are agreed the policy will be delivered within existing resources.

9. Implications for Children, Young People and Vulnerable Adults

- 9.1 The recommendation will help to prevent homelessness and will help people to secure and sustain a home. This is of paramount importance to ensuring a stable home for families, the best start in life for children, and vulnerable adults. Good quality, stable homes also help people to avoid financial hardship and can have a significant impact on people's health and wellbeing.

10. Equalities and Human Rights Implications

- 10.1 The policy will ensure that as far as possible tenants are able to sustain independent living in their homes. The Allocation Policy helps to prevent homelessness across the borough, but especially helps those households on low incomes. An initial equalities screening has been carried out to assess the impact of the proposed amendments. Due to the nature of the Council Housing Allocation Policy and its impact on some of our most vulnerable households gaining access to social housing it is proposed to refresh and update the existing Equality Impact Assessment within the next month.

11. Implications for Partners and Other Directorates

- 11.1 The proposals in the report have been produced in conjunction with officers engaged in Allocations, Housing Management and Tenancy Support. The Council is working with partner agencies, specifically around homelessness prevention, and proposals have been developed in conjunction with these organisations.
- 11.2 The proposals are likely to bring indirect benefits for other directorates and partners, particularly in reducing homelessness for families with children and contributing to local targets on homelessness prevention and financial inclusion / capability.

12. Risks and Mitigation

12.1 There are no anticipated risks associated with approving the recommendations in this report.

12.2 The main risks associated with not approving the report are that:

- New vulnerable applicants will be waiting for a property longer.
- Homeless households will remain living longer in temporary accommodation

13. Accountable Officers

Anne Marie Lubanski, Strategic Director of Adult Care, Housing and Public Health

Tom Bell, Assistant Director of Housing

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/01/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Julie Copley	17/09/18
Assistant Director of Legal Services (Monitoring Officer)	Stuart Fletcher	21/12/18
Assistant Director of Human Resources (if appropriate)	N/A	N/A
Head of Human Procurement (if appropriate)	N/A	N/A

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