



# **Kirklees Council**

## **Housing Allocations policy**

**August 2022**

# Kirklees Council: Housing Allocations policy 2022

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### 1. Introduction

Kirklees Council’s Housing Allocations Policy sets out the way in which we let social rented homes (i) owned by the council and (ii) those owned by housing associations<sup>1</sup> for which we have nomination rights.<sup>2</sup>

It takes account of the council’s statutory duties and ensures that priority is given to applicants in greatest housing need.

The allocations policy has regard to the Housing Act 1996, as amended, the Localism Act 2011, and the Statutory Code of Guidance on the Allocation of Accommodation (2022). It also takes account of four supplementary codes of guidance:

- Providing social housing for local people (2013)
- Right to move and social housing allocations (2015)
- Improving access to social housing for members of the armed forces (2020)
- Improving access to social housing for victims of domestic abuse (2022).

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<sup>1</sup> Housing associations are also referred to as registered providers (RPs)

<sup>2</sup> We may on occasions use our choice-based lettings system, choose ‘n’ move, to advertise homes on behalf of other providers. However, these providers will use their own allocations policies.

Non-statutory guidance has been considered, where appropriate, such as the joint protocol for care leavers (2020).

In addition, the allocations policy has regard to the regulations set by the Department of Health and Social Care (DHSC) on care and support as well as the Department for Levelling-Up, Housing and Communities (DLUHC) code of guidance on homelessness.

Elected councillors are not involved in assessing housing applications or the allocation of housing. However, this does not prevent them from seeking or providing information on behalf of their constituents. Their prime role, as outlined in statutory guidance, is developing and approving future policy, and holding officers of the authority to account for their actions.

In line with the council's scheme of delegations approved by cabinet, the relevant service director has the authority, in consultation with the cabinet portfolio holder, to make future minor amendments to the Housing Allocations Policy to comply with legislation, guidance and case law.

## **2. Limited availability of social housing**

There is a shortage of social housing: council housing and affordable rented housing owned by housing associations. This makes it extremely challenging for the council and its housing association partners to provide homes for applicants in need. The council's allocation policy, therefore, gives priority to applicants with the greatest housing needs.

At the end of 2021, there were only 21,000 council homes in Kirklees. This figure will continue to decline because of the national right to buy policy, despite our best efforts to develop new homes. Housing associations owned or managed nearly 6,500 homes at the end of 2021.

Approximately 1,750 homes are let each year by the council and by housing associations through nomination agreements. At the end of 2021, there were over 19,000 applications on the housing register.

The overall likelihood of applicants on the housing register being offered a property within 12 months at the end of 2021 was approximately 15 per cent or a 1 in 7 chance. This likelihood varies depending on the housing need band (see section 8) and the size of property. At the end of 2021, the figures were:

Band	Likelihood of being offered a property within 12 months (based on data at the end of 2021)
A	77%
B	59%

C	14%
D	2%
E	<1%

Property size	Likelihood of being offered a property within 12 months (based on data at the end of 2021)
1 bedroom	10%
2 bedrooms	10%
3 bedrooms	5%
4 or more bedrooms	3%

Because of the shortage of available social housing, the council considers that there is an onus on applicants on the housing register to actively follow the requirements set out in the allocations policy. This includes informing the council of any changes in circumstances, and regularly using the lettings system (known as ‘choose ‘n’ move’). Applicants that do not actively engage with the allocations policy and lettings system may find that their banding status is reduced or have their application suspended or cancelled (see section 10).

### **3. Aims and objectives**

The five key objectives of the allocations policy, as well as a broader equality aim, are:

*Help applicants in greatest need*

The council prioritises applications to the housing register through a banding system. Those with the greatest needs are placed in the higher bands. Our priority system takes account of legislative requirements and the codes of guidance (see section 1)

*Make the best use of social housing in Kirklees*

As we have already emphasised, there is a shortage of social housing. The council, therefore, operates a system whereby applicants on the housing register receive an assessment on the number of bedrooms they are entitled to when they use the ‘choose ‘n’ move’ lettings system.

For applications including medical and / or care and support requirements, support is available to ensure that suitable homes are considered (see section 11).

*Provide a person-centred service*

We provide advice to people seeking to join the housing register or already on the register. We make available a wide variety of information on, for instance, the

likelihood of different types of property in different neighbourhoods becoming available (see section two).

Advice and information are available both digitally and by telephone. Where the person does not have access to a telephone or the internet, face-to-face appointments can be arranged at appropriate council buildings. Some face-to-face appointments can occur in people's homes if this is appropriate.

#### *Provide a fair and transparent allocations and lettings system*

Our policies and processes take account of the relative needs of our applicants. We provide information to applicants on the decisions that we make on, for instance, banding and bedroom eligibility as well as on the outcomes of bidding for properties through the 'choose 'n' move' system. There are also processes that enable applicants to seek a review of decisions that affect them (see section 13).

#### *Make efficient use of our resources and those of our partner housing associations*

We aim to minimise the time that a council home is empty between lettings while ensuring that it meets our lettable standard. We have agreements with our housing association partners to maximise the number of homes available through the nominations system as well as to minimise the time taken to let a property.

As well as these five key objectives, we are committed to the council's equality, diversity and inclusivity aims. We ensure that the allocations and lettings systems are accessible to everyone irrespective of their age, racial origins, nationality, ethnic heritage, disability, gender, sexual orientation, marital status, and religion / belief.

By equality of access, we mean:

- Essential information necessary for people to understand their rights and responsibilities is available on request
- All processes that govern access to services should be accessible to people regardless of their equality characteristics
- Policies, procedures, and practices do not involve criteria that exclude any equality group from fair and equal treatment
- Attention to the needs of disabled individuals in the form of reasonable adjustments to ensure that they can gain full access to the allocation system.

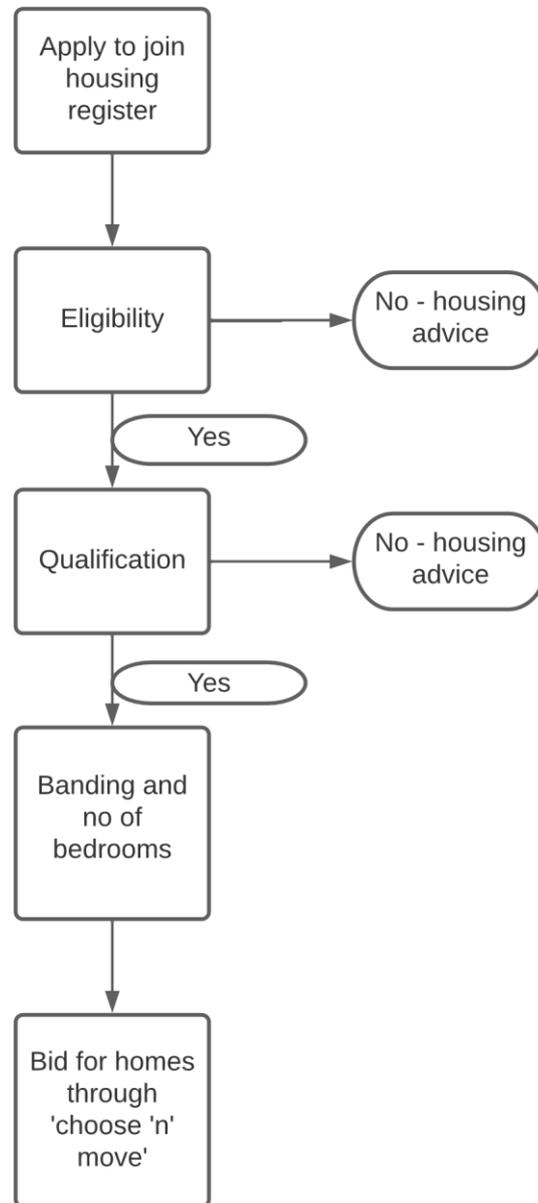
#### **4. Allocations process**

The diagram below sets out the allocations process. The key points are:

- Application to join the housing register (see section 5)
- Consideration of whether the applicant is eligible to join the register (see [section 6](#))
- Consideration of whether the applicant qualifies to join the register (see [section 7](#))

- Banding (see [section 8](#))
- Number of bedrooms eligibility (see [section 9](#))
- Bidding for a home through 'choose 'n' move' (see [section 10](#)).

It is important to appreciate that the diagram sets out the basic process.



## 5. Application to join the housing register

Information on how to apply for a council home use can be found at [www.kirklees.gov.uk/housingregister](http://www.kirklees.gov.uk/housingregister)

Applicants must complete a Kirklees Housing Register application online to join the housing register. The completed form is used to assess eligibility status, qualification status, banding, and bedroom eligibility.

We will accept applications from people 16 years of age or over and who have the right to live in the UK and / or who are already living here. Individuals can only be registered as a main or joint applicant or a 'person to be rehoused' on one active housing application. If you are under 18 years of age, your application will normally be put on hold until your 18<sup>th</sup> birthday<sup>3</sup>.

In addition, the application is designed to identify applicants' housing need. You will therefore need to provide information on (i) immigration status, (ii) names and dates of birth for everyone on the application, (iii) your national insurance (NI) number, (iv) details of all the places you have lived in over the last five years, and (v) details of any homes that you have owned or have an interest in.

We will also check if an applicant has any history of housing debt to the council and/or anti-social behaviour as this may affect the status of the application (see section 8).

Where an application has insufficient information to enable us to process it, it will be returned to the applicant/s and will remain inactive or unregistered pending receipt of the required information. The date of registration will be the date the fully completed application is received.

If the application contains information that requires clarification, we may contact the applicant/s to confirm details or provide additional information.

If you have provided information in your application about other agencies or individuals who are providing you with support, we may contact them to request further information if this would assist us in assessing your housing needs.

We will accept information from advocates acting on behalf of applicants. This information may be used when assessing housing need, although not necessarily considered as independent confirmation of circumstances.

The council verifies the information provided at the registration stage and, again, prior to any offer of accommodation being made. Evidence of deliberate incorrect provision of information may result in the cancellation of an application or offer as well as other actions.

To ensure that the council is treating all applicants fairly, any application for housing from councillors or employees of the council will be assessed in the normal way, but an offer of housing must be approved by the senior officer in the council with responsibility for administering the scheme. Housing associations apply their own

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<sup>3</sup> However, care leavers who are supported through the leaving care pathway / protocol and assessed as ready to move into independent accommodation for the first time may be offered a tenancy subject to having a trustee – see section eight band A.4.

rules in this respect. Canvassing is not allowed in any circumstances by or on behalf of members of staff.

In addition, any officer who knows an applicant personally or is related to the applicant will not be involved in the assessment of the application, in the allocation of a property to that applicant or in a nomination to a housing association. The officer will be required to notify their manager of the situation. Where an application is made from a member of Housing Services or Homes and Neighbourhoods staff, that application must be authorised by a senior manager within their service.

In relation to general data protection regulations (GDPR), all information in applications to join the register is confidential. It is stored and used in accordance with GDPR regulations (see also [section 14](#)).

Assistance to complete an application can be provided by the Housing Solutions Service (HSS) on 01484 221350 or for current council tenants from Homes and Neighbourhoods on 01484 414886.

## **6. Eligibility**

We are under a legal duty to only allocate housing to 'eligible persons' as set out in chapter three of the Government's 'Allocation of Accommodation – Guidance for Local Authorities'. As a rule, persons subject to immigration control are not eligible. Therefore, the Council does not accept applications for people currently living outside the UK except those serving in His Majesty's Forces overseas. There are, however, exceptions. The Government Guidance, for example, states that EEA citizens and their family members 'should be eligible provided they can demonstrate habitual residence in the Common Travel Area'<sup>4</sup>.

The Government's eligibility regulations are regularly updated to take account of new issues. For example, in autumn 2021 eligibility was extended to include certain categories of Afghan nationals and in June 2022 new regulations were introduced for Ukrainian nationals.

For people that are deemed to be ineligible, we will provide advice via our Housing Solutions Service (HSS).

Applicants have the right to review a decision by the council on eligibility (see [section 13](#)).

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<sup>4</sup> The Common Travel Area is the UK, the Channel Islands, the Isle of Man and the Republic of Ireland (as per s.1(3) Immigration Act 1971)

## 7. Qualification

The council maintains an open housing register. People that are assessed as eligible (see [section 6](#)) qualify to join the register.

However, certain categories of qualifying applicants such as (i) homeowners, (ii) applicants with no local connection, (iii) a history of unacceptable behaviour, or (iv) housing debts<sup>5</sup>, are initially placed in the lowest band (band E). They have little likelihood of being offered a home (see [section 2](#) and [section 8](#)).

## 8. Banding

We use a banding system to prioritise need. Applicants with the greatest needs are awarded the highest bands. There are five bands – A (highest need), B (high need), C (medium need), D (no particular need), and E (see [section 7](#)).

The banding system takes account of the statutory requirements of reasonable preference categories as well as the codes of guidance. The five reasonable preference categories are:

- People who are homeless as defined in the Housing Act, 1996, Part VII
- People who are owed a statutory duty under the provisions of the homelessness legislation
- People occupying insanitary or overcrowded housing or otherwise living in unsuitable housing conditions
- People needing to move because of medical or welfare need including issues of disability
- People needing to move to a particular locality where failure to do so would cause hardship to the applicant or others.

It is vital that applicants notify the council about changes in circumstances, as this may affect the banding decision. When a banding decision is re-assessed and subsequently changed, the new banding will show the date the circumstances changed (which is when the new banding decision became applicable).

Applicants will be notified of banding and re-banding decisions. Applicants have the right to a review of a decision by the council on banding. (see [section 13](#))

Decisions on banding provide eligible and qualifying applicants with an assessment of their relative needs. It does not provide a guarantee or certainty of being offered a social housing property. The process for being offered a property is set out in [section 10](#).

The tables below set out how qualifying applicants are banded.

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<sup>5</sup> Currently equivalent to more than 5 weeks' average rent (based on Council property rents)

Band	Group	Comment
A	A.1. Applicants with multiple housing needs	Applicants experiencing <u>at least two</u> of the following: <ul style="list-style-type: none"> <li>• High medical needs</li> <li>• Homelessness</li> <li>• High care / support needs as defined in the regulations set by the Department of Health and Social Care (DHSC)</li> </ul>
A	A.2. A tenant of the council or a housing association and <u>under occupying a property by two or more bedrooms</u>	Meets the objective of making best use of the social housing stock in Kirklees ( <a href="#">see section 3</a> )
A	A.3. Members of the Armed Forces and Reserve Forces as set out in the Code of Guidance (2020) and in a reasonable preference group and / or homeless	Code of Guidance: Improving access to social housing for members of the armed forces (2020)
A	A.4. Care leavers who are supported through the leaving care pathway / protocol and assessed as ready to move into independent accommodation for the first time may be offered a tenancy subject to having a trustee	DLUHC and DfE (2020) Joint housing protocols for care leavers – good practice advice
A	A.5. Retiring school caretakers who are living in Kirklees Council tied accommodation	Eligible to bid on properties one bedroom above their actual need, should they so wish

Band	Group	Comment
B	B.1. Homeless individuals owed a relief duty and are either in or are eligible for temporary accommodation	Homelessness assessment demonstrates that homelessness cannot be prevented
B	B.2. Unintentionally homeless individuals who are owed a full housing duty	DLUHC homelessness code of guidance (2022) – paragraph 15.39
B	B.3. <u>High</u> medical needs in the application	Criteria include: <ul style="list-style-type: none"> <li>• A person has severe mobility problems and cannot access basic facilities e.g., bedroom, bathroom or is housebound</li> <li>• A person has a diagnosed medical condition, and their current home does not meet their needs or cannot be adapted to meet those needs, presenting an obvious need for alternative adapted/adaptable</li> </ul>

		<p>property</p> <ul style="list-style-type: none"> <li>• A person's present accommodation is having such a significant negative impact on their mental health that urgent intervention is required from mental health services.</li> <li>• There may also be conditions e.g., behavioural problems, learning difficulties etc., which could be considered under this category.</li> </ul>
B	B.4. Need to move to give or receive <u>essential</u> care and support	<ul style="list-style-type: none"> <li>• As defined in the regulations set by the Department of Health and Social Care (DHSC)</li> </ul>
B	B.5. Hostel and supported housing residents	<ul style="list-style-type: none"> <li>• Are resident within one of the agreed hostels/move on accommodation that are part of the supported accommodation pathway protocol</li> <li>• Are ready and prepared to move on - there is normally an expectation that they have resided at the hostel for at least 6 months</li> <li>• Have a support plan that identifies that they have engaged with the plan, outcomes have been met, and they are now ready for independence</li> <li>• Are tenancy ready and willing, where it is deemed necessary, to engage with continuing floating support.</li> </ul>
B	B.6. Kirklees Council tenants who occupy an adapted property that they do not need	Meets the objective of making best use of the social housing stock in Kirklees (see <a href="#">section 3</a> )
B	B.7. Tenants of Kirklees Council or a housing association property in Kirklees classed as <u>severely</u> overcrowded	Reasonable preference category Applications must be lacking 2 or more bedrooms
B	B.8. Victim of domestic abuse	Code of Guidance: Improving access to social housing for victims of domestic abuse (updated in January 2022)
B	B.9. Home Loss (Kirklees Council tenants)	Where a Kirklees Council tenant is required to move out of their home to allow for major regeneration or demolition works.

Band	Group	Comment
C	C.1. Homelessness prevention	Individuals threatened with homelessness irrespective of priority need

C	C.2. Homelessness relief	Individuals where homelessness cannot be prevented and there is no duty to provide temporary accommodation
C	C.3. Intentionally homeless applicants	Individuals assessed as being statutory homeless and in priority need but have become homeless intentionally
C	C.4. Statutory homeless applicants from outside of Kirklees	Reasonable preference category
C	C.5. Low medical needs	<p>Awarded after an assessment where we consider that there are low medical needs e.g.</p> <ul style="list-style-type: none"> <li>• problems getting upstairs or getting to facilities in the home, but the applicants still have full use of their home</li> <li>• circumstances within the home are worsening mental health condition due to problems that cannot be improved within the home or environment</li> </ul>
C	C.6. Overcrowded licensees	Applicant/s who live in overcrowded accommodation in someone else's house with permission and who do not have a rented or other property
C	C.7. Applicant/s living in insanitary or unsatisfactory housing conditions	<p>Reasonable preference category</p> <p>The council defines this as where it has confirmed that an applicant in the private sector is experiencing the following significant disrepair:</p> <ul style="list-style-type: none"> <li>• Lacking a bathroom or kitchen</li> <li>• Lacking an inside WC</li> <li>• Lacking cold/ hot water, electricity/ gas or heating</li> </ul> <p>AND these issues of disrepair cannot be rectified by the owner/landlord due to lack of resources or work would require significant re-design and rebuild</p> <p>OR where the disrepair has resulted in the Council issuing/serving an Emergency Prohibition order due to imminent risk of serious harm.</p>
C	C.8. Need to move to give or receive care and support	<p>Reasonable preference category</p> <p>Awarded after an assessment when, it is confirmed that it is a desire and would be beneficial for the applicant/s to move to receive or give care and support. This</p>

		contrasts with an essential need in band B.4.
C	C.9. Social housing tenants needing to move for work or apprenticeship purposes	Code of guidance: Right to move and social housing allocations (2015)
C	C.10. A tenant of the council or a housing association and <u>under occupying a property by one bedroom</u>	Meets the objective of making best use of the social housing stock in Kirklees (see <a href="#">section 3</a> ) – see also band A.2.
C	C.11. Permanent decant moves for Kirklees Council tenants	Where it is necessary for a Kirklees Council tenant to move out of their home for essential work to be carried out and there is little prospect of returning within a reasonable timeframe. Temporary decant moves are not included in the allocations scheme and are arranged as necessity dictates.
C	C.12. Kirklees Council tenants requesting a move from a general needs property to a retired living scheme	Meets the objective of making best use of the social housing stock in Kirklees (see <a href="#">section 3</a> )
C	C.13. Approved foster carers	Approved by Kirklees Council and able to bid for homes that also include number of bedrooms equivalent to number of children able to be fostered
C	C.14 Tenants of Kirklees Council or a housing association property in Kirklees classed as overcrowded	Applications lacking 1 bedroom

Band	Group	Comment
D	No particular housing need	Applicant/s who do not fall into bands A, B, C or E will be awarded band D.  Applicant/s whose housing circumstances change can ask for their situation to be re-assessed and their banding may be altered as appropriate after investigation

Band	Group	Comment
E	E.1. No local connection to Kirklees	Applicants do not have a local connection if they: <ul style="list-style-type: none"> <li>• Have not lived in Kirklees for at least two of the last three years and / or</li> </ul>

		<ul style="list-style-type: none"> <li>• Are not in permanent paid employment in Kirklees for at least 16 hours per week and / or</li> <li>• Want to live near to an immediate family member who has lived in Kirklees for less than 3 years</li> </ul> <p>These criteria do not apply to groups that are expressly excluded from 'no local connection' rules in statutory guidance. This includes members of the armed forces or reserved forces<sup>6</sup>; people suffering domestic abuse<sup>7</sup> and social housing tenants needing to move to Kirklees for work or apprenticeship opportunities<sup>8</sup>.</p>
E	E.2. Homeowners	Applications to join the housing register which include people who own property are awarded band E unless, following an assessment of their housing need, it is accepted that they are unable to live in the property they own e.g., high medical needs and the property cannot be adapted.
E	E.3. Housing debt	<p>Current and former tenants of the council with evidenced housing debt of more than 5 weeks average current rent are normally awarded band E</p> <p>This will not apply in certain circumstances where they are engaging with money / debt advice services and have an agreed repayment plan in place. These circumstances are (i) high medical needs, (ii) current tenants under-occupying a property and (iii) tenants occupying council temporary accommodation because they have been assessed as statutory homeless and in priority need or are waiting for the outcome of a homeless assessment</p>
E	E.4. Anti-social behaviour (ASB)	The main applicant/s or any member of the application who has an evidenced history of anti-social or unacceptable behaviour that is linked to their current or

<sup>6</sup> As set out in the code of guidance in 2020 on 'improving access to social housing for members of the armed forces'

<sup>7</sup> As set out in the code of guidance in 2022 on 'improving access to social housing for victims of domestic abuse'

<sup>8</sup> As set out in the code of guidance in 2015 on 'right to move and social housing allocations'

		former tenancy and this behaviour has had an impact on other residents' quiet enjoyment of their property within the previous twelve months
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## 9. Bedroom eligibility

We match the size and type of properties to the people included in the housing register application and any medical and care-related needs they may have. These criteria aim to make best use of stock.

The property size eligibility criteria allow one bedroom for each of the following:

- a couple (married or unmarried)
- a person who is not a child (aged 16 or over)
- any two children of the same sex aged under 16
- any two children aged under 10
- any other child, (other than a child whose main home is elsewhere)
- a carer (or team of carers) who do not live at the property but provide overnight care<sup>9</sup>
- applicants who are approved as foster carers are eligible for one bedroom for each child they have approval for.

We may vary this in exceptional circumstances.

Larger properties may sometimes be offered to applicants depending on the level of housing demand and the applicant/s' individual circumstances.

If the applicant/s request that their application should be considered for a property type above or below the 'standard', an assessment of their circumstances will be made to determine if variation from the standard is warranted.

Requests for property larger than standard permits may be agreed if:

- A proven medical need exists for an adult/child to have a separate bedroom.

Requests for property smaller than standard permits can only be agreed if:

- Properties of a larger size either do not exist in the area requested or the rate of turnover is such that it would be unreasonable to expect the applicant/s to wait until a vacant property of a larger size became available.

and

- There is an element of housing need that makes it essential that the applicant/s should be rehoused in the area requested, e.g. a person on the application may have a medical need that requires intensive support from other family members who already live in the area
- Children sharing a bedroom are under 10 years of age.

<sup>9</sup> A person who receives overnight care and is in receipt of Attendance Allowance (AA) or receives the middle or highest rate care component of Disability Living Allowance (DLA), or if they do not receive either of the above, has provided the local authority (LA) with sufficient evidence to show that this type of care is required.

The council, in reaching a decision on a request for a smaller property also take account of potential future overcrowding issues.

Qualifying applicants will be notified of bedroom eligibility decisions. Applicants have the right to a review of a decision by the council on bedroom eligibility (see [section 13](#)).

## **10. 'Choose 'n' move'**

This is the process that we use to let homes.

### *Properties*

Available council properties and housing association nominated properties are normally advertised and let through 'choose 'n' move.' This includes general needs properties, adapted properties, and any properties with a specific lettings policy, such as Retirement Living Schemes for people over 60.

Exceptions to this are where a vacant property is required for a specific purpose. Each case will be looked at individually on an exception basis, but reasons include:

- For emergency decant purposes e.g., flood or fire
- Other exceptional circumstances e.g., police surveillance
- To help the council meet its corporate objectives. For example someone leaving the care system in need of urgent accommodation which could not be achieved by awarding a higher banding alone, such as, multi-systemic therapy – family integrated transitions (MST-FIT)<sup>10</sup>
- Temporary accommodation
- Management lets.

A management let approach is used on an exceptions basis and in order to meet corporate objectives. For example, supported housing schemes including extra care schemes (see [section 11](#)).

One bedroomed bungalows are advertised on 'choose 'n' move for:

- People who are 60 years or over; or
- People with an assessed medical need for level access accommodation; or
- People who are a tenant of Kirklees Council and are under-occupying their current home by two 2 or more bedrooms.

Where there is no demand for a one-bedroom bungalow from those listed above, the bungalow is re-advertised as being available to any age but let in accordance with the 'sensitive letting' policy (see [section 12](#)).

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<sup>10</sup> This is a nationally important innovative project in Kirklees to support young people in care and plan for them to return to the family home

## *Process*

Available properties are advertised weekly and applicants who want to be considered for a particular property express their interest by placing a 'bid'.

Applicants who are eligible to bid can express an interest in any property that meets their needs (including bedroom eligibility). At the end of each bid cycle, a shortlist is created that orders bids according to priority. The shortlist will have any eligible band A applicants at the top of the list. Within the band applicants are prioritised according to their waiting time in that band, then by the effective date of registration. Bids from applicants in bands B, C, D and E are ordered in the same way.

An offer of a tenancy will be made to the applicant who is at the top of the shortlist. (See also [section 11](#) 'adapted properties')

An exception to this is where the property being advertised is a ground floor unit. In this case, consideration is given to those within each band who have been assessed and awarded 'a need for a ground floor property' (See also [section 11](#) 'adapted properties').

## *Offers*

Applicants in bands A, B and three band C sub-categories (C.1. homeless prevention, C.2. homeless relief, and C.3. intentionally homeless individuals) are considered to have urgent housing need. They are restricted to one reasonable and suitable offer/nomination.

Other band C applications and applicants in bands D and E have lower housing need. They are restricted to three offers/nominations. If three reasonable offers are refused within a twelve-month period, the application will be cancelled, and the applicant/s will not be allowed to reapply for six months.

Applicants with the following bandings may have bids placed for them if they are not proactive in placing realistic bids for themselves.

- Band A
- Band B
- Band C.1. - Prevention of homelessness
- Band C.2. - Relief Band where there is not a duty to provide temporary accommodation
- Band C.3. - Intentionally homeless if they are occupying or eligible for temporary accommodation.

Officers will work with these applicants to select suitable and reasonable areas within Kirklees in which they wish to be considered.

Kirklees Council may fully discharge any housing duty by way of the private rented

sector.

## **11. Specialist and supported accommodation**

The council wants to make sure that it makes best use of the limited amount of specialist and supported accommodation while, at the same time, taking account of the needs of people with care and support requirements as well as those with medical issues.

This section of the allocations policy provides more detailed coverage of:

- Adapted properties
- Unadapted properties and applicants with a specialist property requirement
- Supported living accommodation.

### *Adapted properties<sup>11</sup>*

When a property, which has undergone substantial alterations to make it suitable for a disabled person, becomes empty, we use the property shortlists alongside information held about possible suitable applicants to try and identify a potential tenant whose needs will be met by the adapted property.

When no suitable applicants can be found for an adapted property, we will consider if it would be appropriate to use the property as temporary accommodation. The Housing Act, 1985, allows the council to let to three types of customers - homeless persons, persons taking up employment, and temporary accommodation whilst works are being carried out.

Whilst the property is being let temporarily, we will continue to search for a suitable applicant/s with medical needs. If, at the end of the temporary letting, or if no temporary letting was suitable, the council will decide whether to continue to look for a suitable applicant/s with needs for the adapted property, or if the property can be allocated to an applicant/s with no special medical needs on a permanent basis.

A temporary occupant will be advised of the limited nature of the accommodation in writing and be required to sign a declaration that they understand that they may be required to seek rehousing if the property is subsequently required for a disabled person. The council will assist in finding alternative accommodation if these circumstances arrive, and a package of assistance will be negotiated (see [section 8](#), band B.6.).

In cases, where a disabled person ceases to occupy an adapted property and leaves a non-disabled occupier, the council will discuss with the occupier possible rehousing

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<sup>11</sup> For the purposes of clarity, the council does not unadapt adapted properties.

options. An applicant will be awarded band B.6. status in these circumstances.

### *Unadapted properties and applicants with a specialist property requirement*

Where, by virtue of an applicant's disability or condition they are restricted from bidding on houses or flats above ground floor, they may be awarded a 'specialist property requirement' tag to their band. This is known as SPE and can be added to a band B.3. or C.5. medical award. This may give the applicant/s a higher priority within that band when bidding on ground floor properties with level access or easily adapted access. In such cases once a shortlist has closed the applicants needs will be matched to the property attributes prior to offers being considered.

### *Supported living accommodation*

#### *Overview*

The purpose of this sub-section is to set out the policy for the allocation of supported living accommodation in Kirklees.

Supported living accommodation, for the purpose of this policy, is accommodation for adults who need care and/or support in a safe environment. A fundamental feature is that it is a housing model with a focus on independence and inclusion where the individual has a tenancy agreement, and where personal care and/or support provision is an integral part.

It includes housing with care (extra care) provision in Kirklees.

It does not include general needs housing, retirement living schemes, adapted properties (see above) and accessible properties.

#### *Supported living accommodation register*

A Supported Living Allocations Panel oversees all applications for supported living accommodation in Kirklees. Its role includes determining the eligibility of applicants against the supported living accommodation eligibility criteria.

The Supported Living Allocations Panel includes representatives from Social Care, Housing Services and where appropriate, scheme/care providers.

Applicants must meet the basic eligibility criteria:

- Eligible care needs under the Care Act 2014 as determined by the council
- Housing needs as determined by the council e.g.
  - Need to move out of residential accommodation due to closure or change in registration
  - Prevention of a crisis and their current situation breaking down

- Part of planned pathway step approach that will lead to better outcomes for the individual and a potentially cost-effective solution for the council
- Safeguarding considerations
- Improving mental health and wellbeing including tackling social isolation.

In addition to the basic criteria, each supported living accommodation scheme may have additional requirements dependent on what on-site care and support each scheme will provide or specialise in. These additional eligibility criteria for each scheme (and the reasons for this) are agreed and documented by the council. This may include for example where accommodation is provided specifically for certain groups of people, for example those in need of more specialist dementia care.

To facilitate the assessment of basic and additional eligibility requirements, the council uses a single form to assess housing and care / support needs.

Applicants who do not meet the basic criteria for supported living accommodation will not be added to the supported living accommodation register. They will be notified by the council of the decision in writing and reasons why will be recorded by the Supported Living Allocations Panel.

Applicants who do not meet some of the additional requirements that are scheme specific, will only be considered for other schemes.

Applicants can request a review against a decision not to add their names to the supported living accommodation register (see [section 13](#)).

#### *Supported living accommodation vacancy*

Where a vacancy in a scheme occurs, the Supported Living Accommodation Panel will be responsible for working with the scheme providers to minimise any void periods and to ensure vacancies are appropriately considered

The following considerations, in order of priority, will be considered when prioritising individuals for vacancies:

- Specialist nature of the accommodation provided
- Consideration of the mix of tenants including level of care / support needs
- Statutory duty
- Consideration of alternative cost-effective options
- Individual risks
- Length of time on the supported living accommodation register.

Where an existing tenant of supported living accommodation no longer meets the

eligibility criteria for the scheme<sup>12</sup>, the council will work with scheme providers, the tenant, and their family to support and incentivise a move to more suitable accommodation. This will ensure best use of supported living accommodation in Kirklees.

Incentivising a no longer eligible tenant to move out of supported living accommodation could include:

- Providing help and support to find alternative more suitable accommodation
- Helping the tenant to apply to the council's housing register - consideration will be given to awarding band B.4. or C.8. status (care and support) to assist their move to more independent accommodation with support, if appropriate.

## **12. Local lettings framework**

The statutory basis and guidance on local lettings policies set out that they can be used to meet certain needs. Their provisions must be justified in relation to meeting these needs and issues.

The council has a [local lettings framework](#). This enables a number of homes within a block, street/s or neighbourhoods which, for example have been subject to evidenced behaviour affecting the quiet enjoyment of other residents, to have a local lettings plan developed and approved for that area. This can be a problem where for example mixing different age groups of people can cause difficulties. Consideration, approval and implementation of local lettings plans in these circumstances will be necessary.

The council will consider, where appropriate, the adoption of further local lettings plans. These may include local lettings plans covering a new housing development to help achieve a balanced and sustainable neighbourhood. Where local lettings plans are considered for areas experiencing anti-social behaviour, clear evidence must be gathered to demonstrate risks and impacts and all other housing management tools must have been tried and exhausted.

Agreed local lettings plans will be published on the council's website.

The council also has a sensitive lettings approach as part of the [local lettings framework](#) which is applied to one property only for that instance of letting. It focuses on the lettings of properties following serious cases of anti-social behaviour or neighbour nuisance. An evaluation of the pilot scheme demonstrated that it contributed to achieving safe and cohesive communities. This sensitive letting approach will continue.

## **13. Reviewing decisions**

### *Overview*

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<sup>12</sup> This might include, for instance, cases where (i) a tenant now requires a higher level of care than can be provided in the scheme, or (ii) where after a death, the remaining spouse requires a different level of care than can be provided

Applicants can use our review procedure to challenge our decisions. At their request we will review decisions about placing their name on the housing register, eligible status, qualification, banding (and re-banding), and bedroom eligibility. It may include requests from applicants for a review of a decision made by the Supported Living Accommodation Panel on a decision not to add their names to the supported living accommodation register.

Kirklees Council's Allocations Policy involves a two-stage review procedure. It includes provision for applicants to (i) request a review by a Housing Services Manager or a Homes and Neighbourhoods Manager (not involved in the original decision) and (ii) an Officer Review Panel. Applicants must request reviews in writing within 21 days of receiving the council's decision. The council must review its decisions when required to do so.

The council will give reasons for its decisions where these are against the interests of the applicant/s. It will also inform them of their right to appeal to the county court on a point of law.

### *Review process*

#### *Stage (i) manager's review*

Where an applicant asks for a review of a housing register or allocation decision, a Housing Services Manager or a Homes and Neighbourhoods Manager (not involved in the original decision) will review the decision to ensure that it was taken considering all legal requirements, council policy, and all relevant information.

In the case of supported living accommodation, there is a single review stage with appeals dealt with by at least two senior managers not involved with the Supported Living Accommodation Panel. These would be from Social Care and Housing Services.

The reviewers will also consider any further information from the applicant/s or other agencies since the date of the original decision. If the decision is upheld the applicant/s can request a review of the decision by the Officer Review Panel. An appeal to Officer Review Panel should be instigated by a written request from the applicant/s. If the request to appeal to Officer Review Panel includes new information, a stage one review should be considered before submitting to Officer Review Panel and any amendments made accordingly.

#### *Stage (ii) Officer Review Panel*

The Officer Review Panel meets regularly, led by a Housing Services Manager together with a Team Leader & Senior Manager from Homes & Neighbourhoods.

The Panel considers all relevant information provided to the panel. Applicants, or their representatives are not normally entitled to attend the Officer Review Panel hearings. However, consideration is given when communication barriers require a face-to-face or verbal submission of evidence.

The Panel may uphold or revise decisions. It may also defer its decision pending additional information.

#### *Timescales*

Applicants must request reviews in writing within 21 days of receiving the decision.

Following all stages of the review process, applicants are informed of the decision in writing within 28 days of the latest review decision.

### **14. Additional sources of information**

There are a wide range of additional sources of information linked to the allocations system. These are available online and in paper form. They are set out in the table below:

<b>Document</b>	<b>Content</b>	<b>Relevance</b>
<a href="#">Local housing strategy</a>	Sets out overall housing policy for Kirklees	Provides the context for the allocations policy
<a href="#">Discharging statutory homelessness duties into the private rented sector</a>	Covers Parts 6 and 7 of the Housing Act, 1996	Alternative to allocations and lettings for homeless individuals
Mutual exchange See <a href="#">Appendix 15.1</a>	Sets out the law and processes for existing tenants to exchange their properties	Alternative to the allocations process for existing tenants in low or no need who wish to move home
<a href="#">Preventing homelessness and rough sleeping strategy 2018-2023</a>	Sets out key policies on tackling homelessness and rough sleeping	Provides the broader context on allocations policies in relation to homelessness
<a href="#">Housing services – privacy notice</a>	Covers how the council uses information provided by applicants	Links to GDPR requirements
<a href="#">Strategic tenancy policy</a>	Type of tenancies that the council and housing associations offer	Provides details of the types of tenancies offered through 'choose 'n' move'
Succession See <a href="#">appendix 15.2</a>	Process for the succession of a tenancy	May be applicable for current tenancies and sits alongside the allocations

		policy
Temporary accommodation placement approach	Council approach to placements into temporary accommodation	Describes how the Council determines how/where placements are made

## 15. Appendices

### 15.1 Mutual Exchange

Mutual exchange is essentially a permanent house swap between two social housing tenants. It occurs where two or more qualifying social housing tenants exchange tenancies and move permanently into each other's homes.

Mutual Exchanges of tenanted properties are encouraged by Kirklees Council as they make better use of housing stock, develop tenant satisfaction, and resolve rehousing requests. Exchanges can take place between:

- A Kirklees Council tenant and a Kirklees Council tenant
- A Kirklees Council tenant and a Council tenant from another Local Authority
- A Kirklees Council tenant and a Registered Provider tenant

Kirklees Council does not permit assignments of the whole of a property other than by way of mutual exchange.

Exchanges can only take place with the written consent of Kirklees Council and the other landlord (if appropriate) in accordance with the Council's Housing Allocation Policy. Such consent may be conditional on, for example, the payment of rent arrears or the remedy of some other breach of tenancy. Such conditions will be made explicit in the letter of consent.

Kirklees Council will not accept liability for the condition of the property other than to carry out repairs which are necessary to and due to fair wear and tear, of the Council's own fixtures and fittings. Any other necessary repairs will be recharged to the outgoing tenant.

Tenancies will be assigned in their original form; that is if the tenant was a sole tenant at the previous address, the tenant should be a sole tenant at the new address.

#### **A) Mutual Exchange with Rent Arrears (introduced 2015)**

Kirklees Council will approve a mutual exchange with outstanding debt that is either:

- in line with the Allocations debt policy, i.e., less than 5 weeks rent arrears
- or
- equal to or less than the total amount for under occupation charge for tenants who are under occupying
- and
- are engaging with money/debt advice
- and
- have a payment plan in place and is making regular payments.

Mutual Exchange is normally managed by Deed of Assignment however, a request to exchange from a tenant with rent arrears will not be by Deed of Assignment but will provide the tenant with a new tenancy.

The following conditions will also need to be met before approving an exchange:

- There must be no other tenancy breaches
- The tenant must agree to a new tenancy being created rather than Deed of Assignment
- Any outstanding rent arrears will be added to the new tenancy as a starting balance (any non-occupier accounts i.e., recharge, court cost etc. will become former tenant debt). All will be recoverable as part of the agreement to exchange.

The difference between Deed of Assignment and a new tenancy will mean that the tenant will lose any time accrued towards right to buy as they will be given a new tenancy with a new tenancy start date. They will however gain new succession rights. If a tenant is not in agreement, the exchange should be declined, and the tenant advised that an exchange can be considered once the account is clear and can then go ahead by Deed of Assignment.

If only one party of an exchange has outstanding debt, the party with debt will sign a new tenancy agreement and the party without debt will sign a Deed of Assignment.

#### ***B) Mutual Exchanges - Bedroom Entitlement***

A mutual exchange should fall in line with the allocations property size criteria policy. See [section 9](#) (Bedroom Eligibility).

However, in exceptional circumstances Kirklees Council will consider the best use of stock and if the mutual exchange will improve one or more of the customer's circumstances.

If the mutual exchange worsens any parties housing circumstances the request should be declined.

Where a tenant is moving into a property that is bigger than they need according to the bedroom eligibility criteria, they must understand that they will be required to pay any rent amount due otherwise in accordance with the debt policy action will be taken.

All tenants will be required to acknowledge this by signing the declaration on the mutual exchange visit form.

### *15.2 Succession*

Succession is a legal term used when a person takes over a tenancy when the tenant dies.

The Localism Act 2011<sup>13</sup> introduced new legislation in relation to the succession of a secure tenancy and the Housing Act 1985 was amended to reflect those changes<sup>14</sup>.

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<sup>13</sup> The Localism Act 2011, Section 160

<sup>14</sup> The Housing Act 1985 as amended.

From April 2012, there is one statutory right of succession to a spouse or partner. There is no statutory right of succession for other family members. This change did not affect secure tenants whose tenancy began before 1st April 2012.

However, in December 2012 Kirklees Council agreed that the right to succession should, where the property is not occupied by a surviving spouse or civil partner, be extended to another person who has lived with the tenant as long as qualifying conditions are met. This change applies to tenancies that began after April 2012; tenancies that began before April 2012 already had this right.

***A) Death of sole secure tenant where a person is entitled to a succession and the tenancy began before 1st April 2012.***

A person is qualified to succeed the tenant under a secure tenancy if they occupy the property as their only or main home at the time of the tenant's death and either:

- they are the tenant's spouse or civil partner, (regardless of how long they have lived there)

or

- they are another member of the tenant's family <sup>15</sup>(including cohabitee) and has lived with the tenant throughout the period of 12 months ending with the tenant's death.

This provision only applies where the deceased tenant were not themselves a successor.

There can only be one successor, joint successions are not allowed.

Where there has already been a succession, and therefore no further successions are allowed, if there is a surviving spouse or civil partner a management let will be considered via the management let process (see [section 10](#)).

***B) Death of a joint secure tenant.***

Where a joint tenancy is created and one-party dies, the survivor automatically becomes the sole tenant.

***C) Death of a sole secure tenant where the tenancy began after 1st April 2012***

On the death of a sole secure tenant whose tenancy began after 1st April 2012 their spouse or civil partner who was living with them at the time of their death is automatically entitled to succeed to the tenancy.

***D) Death of a sole secure tenant where the tenancy began after 1st April 2012 where there is no surviving spouse or partner (extended succession rights.)*** <sup>16</sup>

The one statutory right of succession to a secure tenancy is extended when at the time of the tenant's death the dwelling-house is not occupied by a spouse or civil partner of the tenant.

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<sup>15</sup> The people classed as members of the family are defined under Section 113 of the Housing Act 1985. It includes parent, grandparent, brother, sister, child, niece, nephew, aunt, uncle – blood relations and relationship by marriage

<sup>16</sup> Section 86A(2) Housing Act 1985 as amended

Where there is no surviving spouse or partner, and another person has lived with the tenant as their sole or principal home they would succeed to the tenancy if:

- They have lived at the property as their sole or principal home for a minimum of 1 year prior to the tenant's death

and

- The property does not provide specialist services (such as being fully adapted for a wheelchair user)

and

- The accommodation meets their housing needs, in accordance with the Allocations Policy e.g., is not too big for their needs as defined in section 9 (bedroom eligibility).

***E) Death of a sole secure tenant where the tenancy began after 1st April 2012 and there is no successor***

- If the conditions for succession are not met and the household member has lived continuously in the property as their principal home for a minimum of 1 year before the death of the tenant

and

- They are a close relative of the tenant, or someone who had to live with the tenant in order to provide them with care, without which the tenant could not have maintained their tenancy

and

- The property is too big for their needs as defined in section 9 (bedroom eligibility).

and

- They would qualify for a property under the council's Allocations Policy.

They will be awarded Band B and supported to bid for suitable properties in order to obtain alternative accommodation.

If they have not bid for suitable properties within 16 weeks, bids will be placed on their behalf.

If they refuse three offers of suitable accommodation the Council will seek possession of the property. During this period, they will be given a 'Use and Occupation' account and expected to pay a weekly charge for use and occupation of the property.