

**NORTH LINCOLNSHIRE COUNCIL**

**ASSET MANAGEMENT, CULTURE AND  
HOUSING CABINET MEMBER**

**AMENDMENT OF THE HOME CHOICE LINCS  
ALLOCATION POLICY FOR SOCIAL HOUSING**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

1.1 To seek approval to amend the Home Choice Lincs allocations policy.

1.2 The key points of the report are:

1.2.1 The council helps allocate social housing as a member of the Home Choice Lincs partnership.

1.2.2 The Localism Act makes changes to the social housing system that the government hopes will make it fairer.

1.2.3 The council has consulted the public and housing providers about changing the allocations policy.

**2. BACKGROUND INFORMATION**

2.1 The council allocates social housing as a member of the Home Choice Lincs (HCL) partnership. Other members of the partnership are: North Lincolnshire Homes, Shoreline Housing Partnership, Longhurst Group, and North East Lincolnshire Council.

2.2 The Cabinet Member received a report proposing changes to the HCL allocations policy in September 2012.

2.3 The council asked 2,500 individuals and organisations to express their views.

The proposals and a questionnaire were posted on the HCL website for the public to join in. The council's website carried information and links to the consultation page.

2.4 Appendix 1 contains proposed amendments to the allocations policy.

2.5 The key amendments are:

- Removing the requirement for former members of the armed forces to have a "local connection"
- Introducing a new priority band for households who need to "downsize" due to welfare reforms

- Temporary suspension of the 10% preference given to households with low levels of need
  - Mutual exchanges to be made via the national Home Swapper service
  - Measures to discourage people bidding for homes that they do not want to live in
- 2.6 The response to the proposals was favourable. Details of the responses are in Appendix 2.
- 2.7 The Cabinet Member is asked to approve the HCL allocations policy in Appendix 1.
- 2.8 All members of the HCL partnership must agree before the policy can be changed.
- 2.9 The aim is to approve the new allocations policy by January 2013 in order to help households likely to be affected by welfare benefit reforms.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 Option 1 – to approve the amended allocations policy.
- 3.2 Option 2 – to make further amendments to the policy.

### **4. ANALYSIS OF OPTIONS**

- 4.1 Option one is the preferred option as it will allow the HCL allocations policy to be changed in January 2013 as planned.
- 4.2 Option two would require further consultation and may delay the introduction of the new policy. Delay may disadvantage households that need to downsize due to welfare benefit changes.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 5.1 There are no resource implications for the council.

### **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 CRIME AND DISORDER, RISK AND OTHER)**

- 6.1 No environmental implications arise from this report.
- 6.2 The Localism Act changes the way in which access to social housing can be restricted on grounds of behaviour.

### **7. OUTCOMES OF CONSULTATION**

- 7.1 People responding to the consultation were in agreement with the proposals.

7.2 The proposal to suspend the 10% Band 4 preference was least popular. However the HCL partners regard this as essential in order to help households who need to downsize.

7.3 The HCL partnership will review the impact of the policy changes on a monthly basis. The 10% Band 4 preference will be re-instated when the demand for downsizing allows.

## **8. RECOMMENDATIONS**

8.1 The Cabinet Member approves the amendments to the HCL allocations policy as set out in appendix 1.

### **DIRECTOR OF PLACES**

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Date: 1 November 2012

#### **Background papers used in the preparation of this report**

- Allocation of accommodation: guidance for local housing authorities in England –Department of Communities & Local Government 29 June 2012.  
<http://www.communities.gov.uk/documents/housing/pdf/2171391.pdf>



## **Section 1 – Introduction and Background**

### **1.1 The Northern Lincolnshire Sub-Regional Choice Based Lettings Partnership**

1.1.1 This document sets out the housing allocation policy for the Northern Lincolnshire CBL Partnership. This represents a completely new approach to letting social housing. It also offers applicants other options for meeting their housing needs, if they do not have sufficient priority to be rehoused quickly. The new policy, which will be shared by the partners, will transform the way housing is let making it more responsive to applicants' needs by letting them choose from those properties available for letting. As well as offering improved choice the new policy will also:

- Provide a more efficient single access route for housing applicants in Northern Lincolnshire
- Ensure consistency and transparency in the way applicants are treated by all the partners
- Help to tackle homelessness and community stability
- Give help to people needing to move within the area to another landlord if necessary or from one local authority area to another

1.1.2 This policy has been developed by the Northern Lincolnshire CBL Partnership (referred to as 'the partnership' throughout this document). The partnership is made up of 2 local authorities and their partner stock-owning landlords who, in some cases, manage the housing register on behalf of the local authorities. The following partners have all signed up to the Northern Lincolnshire Sub-Regional CBL scheme (which is to be known for operational purposes as Homechoicelincs) and have agreed to allocate and let vacant properties in accordance with the policy set out in this document.

- North East Lincolnshire Council
- North Lincolnshire Council
- Longhurst and Havelok Homes Ltd
- Shoreline Housing Partnership Ltd
- North Lincolnshire Homes Ltd

- Sanctuary Housing Association

1.1.3 The contact details for all of these organisations are listed in Appendix 1

1.1.4 As well as the landlords of transferred council housing there are other housing associations and housing companies (sometimes referred to as Registered Providers) operating in the region. These registered providers have been consulted throughout the development of the policy to ensure their views could be taken into consideration.

1.1.5 If not all, then a proportion of their vacant housing stock will also be advertised through the scheme in accordance with this policy and in line with the nomination agreements, which exist between them and their local authority partners.

1.1.6 These traditional registered providers may provide a proportion of their housing vacancies that are not subject to nomination agreements for the scheme, and the partnership will continue to work with them to improve and develop the scheme so as to maximise the number of properties that are advertised to applicants in the future. We also aspire to offer properties made available by private landlords under this scheme.

## **1.2 Our Vision for the Service**

“To help create sustainable mixed communities where people choose to live by providing increased choice”

1.2.1 The partnership aims to ensure that new applicants, and existing tenants applying to transfer to a new home, are provided with an efficient housing service, which gives them an active role in choosing a home which best suits their long-term housing needs and aspirations.

1.2.2 We will achieve this through the provision of a comprehensive housing advice service, covering a whole range of housing options across Northern Lincolnshire. Local authorities and housing providers will work in partnership to widen the housing choice that they are able to offer and to support all applicants, especially those who are vulnerable, to choose where they want to live.

1.2.3 The partnership is committed to tackling homelessness across the sub-region and will continue to review all policies and practise to ensure that they contribute to meeting this aim. The partnership will work together with other voluntary and statutory organisations to share good practise and develop initiatives that will help people find solutions to their housing problems and prevent homelessness wherever possible.

1.2.4 We believe this policy will have a positive impact in the creation of thriving, mixed, safe and sustainable communities across Northern Lincolnshire, through a consistent, co-ordinated and joined-up approach to delivering a high quality lettings service.

## **1.3 Aims and Objectives**

1.3.1 The shared aims and objectives of this policy are:

- To meet the legal requirements for the allocation of social housing set out in the Housing Act 1996 as amended by the Localism Act 2011 and the Homelessness Act 2002 ensuring that the prescribed categories of person (see paragraph 3.1.2 below) receive a reasonable preference.
- To let our homes in a fair and transparent way through empowering applicants and supporting them to make informed choices about where they want to live,
- To provide improved services for vulnerable people who may find it difficult to apply for housing and offer continuing assistance to them in maintaining a successful tenancy,
- To recognise the contribution made by Armed Forces personnel to this country
- To improve local, regional and national mobility where this encourages balanced and sustainable communities,
- To make efficient use of the social housing stock in meeting housing needs and aspirations
- To assist local authorities in preventing and reducing homelessness.

## **1.4 The Northern Lincolnshire Common Housing Register**

- 1.4.1. The Common Housing Register (referred to as ‘the register’ throughout this document) is a key part of the scheme. The register is a single list of all the applicants who have applied for and been accepted on to the scheme. People who apply to join the Register will have the benefit of applying to all the partner landlords within the partnership, unless they make clear otherwise. This means applicants need only register once to be considered for vacancies across the whole of the Northern Lincolnshire sub-region. Section 2 sets out who is eligible to join the Common Housing Register.

## **1.5 Statement on Choice**

- 1.5.1 The policy has been drawn up to offer a choice of housing options to the widest number of housing applicants, including those with specialist needs. Applicants will be given the opportunity to express their choice of accommodation and this choice will be maximised to cover a wide range of housing options, including registered providers’ vacancies, private rented vacancies, mutual exchanges and low cost home ownership options.
- 1.5.2 The policy meets the statutory requirements for all allocation of social housing by ensuring that reasonable preference is given to those in the prescribed categories (see paragraph 3.1.2).
- 1.5.3 The partnership will advertise their vacant stock through the scheme and advice and assistance will be given to applicants to allow them to make informed choices about the type of accommodation which best meets their housing needs and aspirations.
- 1.5.4 The partnership is committed to ensuring that its approach to letting properties is fair, accountable, provides equality of opportunity and maximises the potential for making best use of all the available housing.

- 1.5.5 The property adverts will include good quality information about the property's attributes, together with information about the local neighbourhood, to enable applicants to make informed decisions about which accommodation they want to bid for. The information on the website will also include links to other useful websites.

## **1.6 Our Commitment to Sustainable Communities**

- 1.6.1 A key aim of the partnership is to create communities that are balanced, safe, inclusive and sustainable, whilst encouraging community cohesion. To achieve this aim, a proactive approach will be adopted where areas have the potential to fail. If the sustainability of a particular location is threatened, the relevant partner landlord will consider all evidence, which may come from a variety of sources including sustainability assessments and concern from housing staff, residents and other key stakeholders.
- 1.6.2 Where local lettings policies are to be applied these will be published as part of the CBL scheme and on individual property advertisements as appropriate.
- 1.6.3 It is important that the partnership has the ability to operate the policy in a way that supports the long-term needs of communities to have balanced and sustainable populations. This will mean that some property adverts may be limited to specific categories of applicants, where a sensitive letting is needed or where the balance in a particular area needs to be redressed. This action will only be taken in exceptional circumstances and only when there is clear and convincing evidence.
- 1.6.4 However, dependent on the scale and nature of the issue, one or several properties may be advertised in this way. The relevant partner landlord will retain the evidence as to why this action was taken and the outcomes will be made available when letting results are published to ensure openness and transparency.

## **1.7 New Housing Developments**

- 1.7.1 The partnership is committed to providing high quality homes where people want to live and will continue to provide new housing developments where the financial resources are available. The partnership recognises that newly built properties that are a product of regeneration or restructure schemes may have certain restrictions placed on them when they are let for the first time. This may be dictated by targets set for the development by funders of the scheme and will mean that the property adverts may be targeted at specific groups of tenants e.g. where displaced residents have priority for new housing stock in a particular regeneration area.
- 1.7.2 Some rural affordable housing developments have planning conditions attached to them that limit the allocation of these homes to people who are not able to afford to buy a home that meets their needs on the open market and who have a local connection to the community. For these schemes people's income and savings will be assessed according to their ability to buy a home on the open market. This may include consideration of whether members of the household are in low paid employment or employment related training.

1.73 All lettings in these circumstances will be published to ensure openness and transparency.

## **1.8 Equality and Fairness**

1.8.1 The partnership will ensure its policies and practises are non-discriminatory and will aim to promote equal opportunity by preventing and eliminating discrimination on the ground of gender, colour, race, religion or belief, nationality, ethnic origin, disability, age, pregnancy and maternity sexual orientation, gender reassignment or marital status. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals and staff will be trained in valuing and promoting equality and diversity in the delivery of the lettings service. The partnership will ensure that people with disabilities have equal access to housing opportunity with the population as a whole.

1.8.2 The impact of the policy will be monitored, to ensure that it promotes equality of opportunity to individuals and minority groups. In order to achieve this, all applicants will be asked to provide details of their ethnic origins and other personal information. This will be collected when they register to join the scheme. The partnership will ensure that all potential applicants have equality of information about the services and equal opportunity to apply, bid for and receive offers of accommodation. We will do this by:

- Actively working with community and voluntary organisations to raise awareness of the policy and the procedures.
- Advertising the service widely in a variety of accessible media
- Providing practical assistance to those who may have difficulty in understanding how the system works
- Providing practical assistance, in the applicant's preferred way, where the applicant may have difficulty making their registration
- Providing tailored assistance to those who may have difficulty bidding for properties, including placing bids on their behalf, if that is necessary
- Monitoring the profile of those who register and bid to ensure that minority and hard to reach groups are actively engaged in the service
- Monitoring the outcome of bids/profile of communities

## **1.9 Meeting our obligations**

1.9.1 This policy has been developed with regard to the Codes of Guidance issued to local housing authorities in England, in exercising the functions under 167(1A) and 167(2E) of the Housing Act 1996 as amended by the Localism act 2011.

1.9.2 The partnership will ensure that the policy is compatible with obligations imposed by other existing legislation, in addition to Part 6 of the Housing Act 1996 as detailed below; this list is not exhaustive.

- The Race Relation (Amendment) Act 2000
- The Disability Discrimination Act 1995 (as amended 2006)
- The Human Rights Act 1998
- The Freedom of Information Act 2000



- Children Act 1989
- Data Protection Act 1998
- Crime & Disorder Act 1998
- Homelessness Act 2002
- The Equality Act 2006
- Planning and Compulsory Purchase Act 2004
- Localism Act 2011

1.9.3 This policy also takes into consideration the following guidance:

- Audit Commission – KLOE7: Allocations and lettings
- Commission for Racial Equality – Code of Practice on Racial Equality in Housing
- The Housing Green Paper – Quality and Choice: A Decent Home For All (2000)
- Allocation of Accommodation: Guidance for local housing authorities in England 2012.

1.9.4 In addition, the partnership will ensure that the policy is compatible with sub-regional and regional housing strategies, together with existing homeless strategies across the sub region.

1.9.5 Decisions regarding operation of this policy will be made by officers acting under delegated authority.

1.9.6 Responsibility for operating the housing register is delegated to officers employed by North East Lincolnshire Council as the lead authority for HomechoiceLincs. They are responsible for verifying the applications to join the register and reviewing decisions taken in accordance with section 2 of this policy. Complaints regarding these matters will be dealt with under North East Lincolnshire Council's internal complaints procedures set out in appendix 5.

1.9.7 Each local authority is responsible for assessing the housing need of applicants residing in their area and helping determine their priority under this scheme. Complaints about the assessment of need and level of priority awarded will be dealt with by through the internal complaints procedures for North East Lincolnshire Council or North Lincolnshire Council depending on where the applicant resides. In the event that the applicant lives outside the area of these two councils, complaints will be dealt with by North East Lincolnshire Council on behalf of the partnership.

1.9.8 Issues about the operation of the Choice Based Lettings Scheme as set out in section 4 of this policy should be raised with the landlord concerned. Complaints about the allocation of individual properties should be made to the landlord of the property concerned and they will be dealt with in accordance with that organisation's internal complaints procedures.

1.9.9 Only in the event that issues or complaints cannot be resolved by the relevant partner organisation as set out above should complaints be made to the Housing Ombudsman.

## **1.10 Advice and Information**

- 1.10.1 A clear summary of the scheme will be made available to all applicants on registration. A full copy of this policy is available by downloading it from the website [www.homechoicelincs.org.uk](http://www.homechoicelincs.org.uk) or on request from any of the Principal Officers at the partners.
- 1.10.2 Information about the scheme will be provided in a range of formats and languages to applicants upon request, to ensure that all have equality of opportunity in accessing the service. To ensure that everyone can access the service easily, advice and information will also be provided to applicants through a variety of means, including telephone, interactive website, scheme guide, targeted mail-shots and in person at any one of the partners' housing services reception points.
- 1.10.3 Our staff will at all times give impartial advice to all applicants, their authorised representatives and support agencies needing help with how to use the service. Staff will also offer a sensitive service to those who are personally vulnerable and may need additional help. We also aim to provide targeted support to those applicants in the top bands (1\*, 1 and 2) to help them resolve their housing needs.
- 1.10.4 For those applicants that may have to wait a considerable time before being successful in bidding for accommodation, information and advice about other affordable housing options will be provided within the sub-region e.g. other social landlords, mutual exchanges, private sector renting and low cost home ownership options.
- 1.10.5 Where appropriate, applicants will be put in touch with other agencies or departments offering a wide range of housing solutions to those in need e.g. 'Staying Put' services for elderly or disabled people wanting help to remain in their current home, Disabled Adaptations and other Housing Options Services across the sub-region.

## **1.11 Monitoring**

- 1.11.1 To ensure that the aims and objectives of this policy are met and that overall priority is given to those in the reasonable preference categories, the partnership will ensure that robust monitoring arrangements are in place to monitor lettings outcomes. Information from the register will be analysed to assess housing need and demand across the sub-region. This will help determine where new social housing is both needed and created.
- 1.11.2 Applicants' satisfaction levels will also be monitored in order to identify any improvements to the scheme in terms of ease of access to the service and the quality of the information and advice they receive. This will include measuring the satisfaction of minority groups and others who are considered hard to reach, and taking action where necessary to ensure good levels of satisfaction with services are achieved.
- 1.11.3 The outcomes of registration and lettings will also be monitored to ensure that all minority or hard to reach groups have equality of opportunity in accessing the scheme and that lettings are broadly proportionate to the profile of communities. This information may be used by the partnership to inform reviews of this policy and the scheme procedures.

## **1.12 Information Sharing, Confidentiality and Data Protection**

- 1.12.1 The partners will continue to build upon the existing information sharing protocols that are in place within their local authority boundaries and, where appropriate, these protocols will be developed further across the sub-region to ensure consistency in sharing information with other statutory and voluntary organisations.
- 1.12.2 All information received relating to an applicant's housing application will be treated as confidential in accordance with the Data Protection Act 1998. Information will only be shared in accordance with each partner's Data Protection registration and the consent given by applicants as part of the application process. Information will not be given to third parties unless consent has been given by the applicant. However consent will not be required where there is a sufficient public interest in disclosure including fraud investigation and serious anti social behaviour.
- 1.12.3 Where an applicant has difficulty communicating directly unaided, reasonable efforts will be made to secure their informed consent before using advocates or interpreters to communicate on their behalf.

## **Section 2 – Joining the Common Housing Register**

### **2.1 Who can register?**

- 2.1.1 Anyone over the age of 16 years can register to have their housing need registered provided they are eligible (see section 2.2). They do not have to have an existing connection with Northern Lincolnshire although in most cases priority for lettings will be given to local applicants (see section 4.8).
- 2.1.2. Applicants aged 16 and 17 years will once registered have their housing and support needs assessed jointly with other agencies. This is to assist them and to ensure they understand and can access the scheme without disadvantage. This will allow the nature and extent of their housing and related support needs to be determined before an allocation is made. This process helps ensure that 16 and 17 year olds are offered accommodation and support that is appropriate to their needs.
- 2.1.3 Applicants aged 16 and 17 years old will be allowed to register in the same way as other applicants. However young people are not able in property law to take on a tenancy in the same way as a person over 18. Accordingly offers to young people will usually be subject to a requirement that third party trustees are appointed on their behalf in respect of their tenancies. Third parties may be relatives or representatives from statutory or voluntary sector bodies. As an alternative under eighteens may be offered licences where landlords reserve rights of entry for themselves or other support agencies either to inspect or provide attention and services. Under both of these arrangements normal full tenancies are granted when young applicants reach 18 years.

## **2.2 Applicants not eligible due to immigration status**

- 2.2.1 Applicants who wish to bid for council owned properties or be nominated by a council to be a tenant of a housing association need to meet the requirement of section 160Z of the Housing Act 1996. This deals with the immigration status of people who have come to the United Kingdom from abroad. The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 set out who is eligible for housing assistance.
- 2.2.2 People who are not eligible to apply for housing under section 160Z of the Housing Act 1996 (and any subsequent legislation) will not be considered for vacancies under the scheme. Further information on immigration status is set out in Appendix 3.

## **2.3 Applications not accepted due to behaviour**

- 2.3.1 Any applicant (or a member of their household) who is guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant can be refused registration. In most circumstances this means anti-social behaviour. [This can include cases where applicants have given false or misleading information in connection with their applications]. Applicants in these circumstances will be assessed according to the current legislation and statutory guidance and case law. The full policy for dealing with applicants who have a history of unacceptable behaviour is attached as Appendix 2.

## **2.4 Joint Applications**

- 2.4.1 Joint applicants will be accepted provided both applicants are eligible aged 16 or over and intend to occupy the property together as their only or main home. If there is no accommodation that the joint applicants can occupy together the joint application will be assessed and placed in a priority band using the details of the household member with the greatest housing need.
- 2.4.2 Lettings to applicants under 18 years of age are subject to paragraph 2.1.3. above.

## **2.5 Multiple applications**

- 2.5.1 Multiple registrations are not allowed. If an applicant is already registered, the applicant must decide which registration they want to keep. The other registration will be deleted.

## **2.6 Request to transfer to another home**

- 2.6.1 Existing social housing tenants can apply to move and will have their priority assessed in the same way as other applicants. However, some transfer moves and other allocations are exempt from the requirements of Part 6 of the Housing Act 1996 and will be dealt with separately. This includes assignment or succession by a relative and mutual exchanges (i.e. assignment by way of an exchange of tenancies).

## **2.7 Applications from Employees / Members and their close relatives**

2.7.1 Registrations can be accepted from employees, elected members, board members and their close relatives, provided they are eligible to apply and subject to the rules in Schedule 1 of Housing Act 1996 or subsequent regulations/regulatory framework. Applicants must disclose any such relationship at the time of applying. In order to ensure transparency and impartiality, employees, elected and board members must not attempt to apply any undue influence in the handling of an application from friends or close relatives. In these circumstances approval must be given prior to an offer of accommodation within the procedures of the relevant partner landlord.

## **2.8 How to register**

2.8.1 Applicants will only need to register once to join the Register and be considered for housing by all the partner landlords. We shall ensure that the scheme is fully accessible and support will be provided for those that need it.

2.8.2 Advice and support in completing registrations will be provided on request, particularly for those who would have difficulty in registering or bidding . A member of staff will work through the questions on the registration with the applicant and if necessary enter the answers they give.

2.8.3 Applicants will also be asked to make a declaration of consent to allow enquires to be made about their eligibility for housing and level of priority.

2.8.4 Landlords may also ask for two original forms of identification before a bid for a property is accepted.

2.8.5 Where applicants are unable to provide identification information, then their named advocates or support agency will be contacted.

2.8.6 Existing or previous tenants may be asked to provide a reference from their current or previous landlord. Alternatively, a character reference may be requested, if the applicant has not previously held a tenancy.

2.8.7 The purpose of the application process is to correctly identify the priority band and establish whether the applicant has any needs that require additional support and help in applying for housing.

2.8.8 On registration, applicants will be written to and given:

- The Date they were registered
- The Priority Band they have been awarded
- Their Username and Password

2.8.9 Applicants must check the accuracy of this information, as it will be used to decide their priority for receiving an offer of housing.

2.8.10 All applicants will be sent a summary of the scheme and information about other housing options available to them. The scheme summary includes:

- How to find out about available homes
- How registrations are banded
- How to bid for advertised properties
- How the selection process works
- Who to contact for advice and information
- What checks will be made before an offer is confirmed
- The right to request a review of decisions
- An outline of tenancy conditions that may apply

## **2.9 Changes to Circumstances**

2.9.1 It is the responsibility of the applicant or their advocate to notify the Register of any change in circumstance that could affect their application. The application will be re-assessed on the basis of their changed circumstances and placed in the Band, which reflects their current housing need.

2.9.2 Failure to disclose relevant changes in circumstances may affect whether a bid for a property can be accepted or if accepted whether any subsequent offer is withdrawn. In the event that a tenancy is granted following an applicant's failure to disclose a relevant change in circumstances the partner landlord may seek to terminate the tenancy and recover possession of the property.

## **2.10 Keeping the Register up to date**

2.10.1 All applicants who have not bid for any property within a 12 month period will be contacted and asked if they want to remain on the Register. Applicants in bands 1\*, 1 and 2 will be reviewed on a more regular basis to ensure they are not having difficulties with the scheme and to check that they are bidding for suitable properties as they come up. (Refer also to section 3.4 – Review of Reasonable Preference Bands).

## **2.11 Cancelling Applications**

2.11.1 If an applicant does not respond to the review letter within 28 days of its date, they will be notified in writing that their application has been cancelled. The application will be reinstated provided the applicant makes contact with the relevant partner landlord within 28 days of being notified that their application has been cancelled.

2.11.2 Applications will only be cancelled in the following circumstances:

- A request has been received from the applicant (or their named advocate)
- There is no reply to the review letter within 28 days of its date
- The applicant has been rehoused

- Notification has been received from an executor or personal representative that the applicant is deceased and s/he was the sole applicant
- The applicant has been assessed as ineligible (including cases where an applicant has given false or misleading information in the application).

2.11.3 Applicants will be informed of the reason/s why their application has been cancelled and informed of their right to request a review of the decision. Where a sole applicant is deceased the executor or personal representative will be contacted where this is known.

## **2.12 Deliberately Giving False Information or Withholding Information**

2.12.1 It is a criminal offence for anyone applying for housing from a housing authority to knowingly or recklessly give false information or knowingly withhold information, which he has been reasonably required to give. (Section 171 of the Housing Act 1996).

2.12.2 Anyone found guilty of such an offence may be fined up to £5,000 and could lose the tenancy if they have been rehoused as a result of providing false information or deliberately withholding information.

2.12.3 Applicants who are found to have made fraudulent claims in this way, are liable to be suspended from the scheme for 12 months.

## **2.13 Deliberate Worsening of Circumstances**

2.13.1 Whilst this policy is intended to make sure that those with urgent housing needs are rehoused more quickly, it is not intended to reward applicants who deliberately worsen their housing circumstances in order to get into a higher band.

2.13.2 Any applicant who deliberately worsens their housing circumstances in this way will be given a lower priority than other applicants with a similar banding. This means that an applicant will be overlooked for an offer of accommodation if there are other applicants within the same Priority Band with a similar level of need but who have not deliberately worsened their housing situation regardless of their registration date. Any applicant overlooked for an allocation of accommodation in this way will be notified that their priority within the Band has been reduced for 12 months, after which time the application will be reassessed on the basis of their then current housing circumstances.

2.13.3 In the case of people who make themselves intentionally homeless their applications may be reassessed every 6 months as set out in appendix 4.

## **2.14 Notifications about Decisions and the Right to review of a Decision**

2.14.1 Procedures to allow applicants to request a review of a decision made under the Homechoice/Incs scheme are set out in appendix 6.

2.14.2 Applicants have the following rights concerning decisions about their housing applications:

- The right to be notified in writing of any decisions not to be registered on the scheme or not to give them preference on grounds of unacceptable behaviour.
- The right, on request, to be informed of a decision about any information, which is being taken into account in considering whether to make an offer of accommodation.
- The right, on request, for a review of a decision in respect of any of the above. The applicant will also be informed of the decision in respect of the review and the grounds for that decision.
- The right to request a review of any decision to cancel an application or have their priority reduced where they have deliberately worsened their housing circumstances in order to get into a higher band [see para 2.13.1 above].

2.14.2 Applicants will be notified of these rights in writing whenever a decision is made that affects their registration or status to receive offers of accommodation.

## **Section 3 – Assessing Housing Need**

### **3.1 Legal Background**

3.1.1 In framing this policy and to ensure that those in greatest housing need are given preference for an allocation of accommodation, the partnership has considered the categories of people that must be given reasonable preference by local authorities, set out in s166A of the Housing Act 1996 as amended by the Localism Act 2011 .

3.1.2 Those who should be given reasonable preference are

- (a) People who are homeless within the meaning of Part 7 of the Housing Act 1996 as amended.
- (b) People who are owed a duty by any housing authority under section 190(2), the duty to secure temporary housing for intentionally homeless people to give them chance to find a home for themselves,
- (c) 193(2) the duty to secure accommodation for those unintentionally homeless and in priority need until they are secured permanent housing
- (d) 195(2) the duty to take reasonable steps to make sure accommodation is available for people in priority need and threatened with homelessness unintentionally
- (e) or who are being assisted by any housing authority under section 192(3) the power to secure accommodation for unintentionally homeless people who are not in priority need
- (f) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- (g) People who need to move on medical or welfare grounds, including grounds relating to disability
- (h) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)

3.1.3 In addition, section s166A gives housing authorities the power to frame their allocation schemes so as to give additional preference to particular descriptions of people who fall within the reasonable preference categories and who have particularly urgent housing needs.



- 3.1.4 To ensure that local priorities are met, the scheme may provide for factors other than those in section s166A of the Housing Act 1996 in determining which categories of people are to be given preference for an allocation of accommodation within the scheme, providing they do not dominate the scheme at the expense of those listed in the statutory preference categories in s166A This will include quotas to ensure that those with lesser housing needs have some chance of being housed.
- 3.1.5 The partnership will ensure that monitoring arrangements are in place in order to monitor lettings outcomes and will review the policy in order to ensure that it meets our key aims and our legal duties.

### **3.2 Assessing Housing Need and Determining Priorities**

- 3.2.1 The scheme has been drawn up in accordance with government guidance and to reflect the pattern of housing need in Northern Lincolnshire.

The scheme has 5 Priority Bands to assess the housing needs of applicants. All eligible applicants will have their housing needs assessed and will be placed in the relevant Band, according to their level of housing need. The applicants' date of registration will be recorded and in the case of those in bands 1\*, 1, 2 and 3, the date they entered into the relevant Band (the effective registration date, see section 4.8). To select an eligible applicant to receive an offer of accommodation, the following factors will be taken into account in the order in which they are set out:

1. Unacceptable behaviour as set out in appendix 2
2. Whether they have a local connection to the local authority area where the property is or are members of the Armed Forces and former Service personnel whose application is within 5 years of their discharge from service  
(See section 4.9)
3. The Effective Registration Date (See section 4.8))
4. Efficient use of the housing stock (see section 4.8)

### **3.3 The Priority Bands**

- 3.3.1 Applicants will be assessed and given a priority band in accordance with the following categories of housing need:

*Additional information on priorities and the selection process is given in Appendix 4.*

**Band 1\*: Existing partner landlords' under-occupying tenants, who need to transfer because their current accommodation is unaffordable due to Housing Benefit changes.**

- 3.3.2 Transfer applicants of the Partner landlords, under-occupying by one or more bedrooms, whose current accommodation will become unaffordable to them following Housing Benefit changes introduced by the Welfare Reform Act.

Applicants will have had a financial assessment undertaken by their landlord and be willing to move to a smaller property. The property that they vacate will then be advertised on Home Choice Lincs.

See Appendix 4 (“How Priority will be Assessed”)

## **Band 1: Urgent Housing Need**

### **3.3.3 A) People losing their home due to a recognised regeneration scheme within any one of the local authorities within the sub-region.**

- This includes registered social landlord tenants, private tenants and owner-occupiers living within the boundary of a defined regeneration area who are required to move home
- People living-in with the main householder/s who require their own accommodation, provided they have lived there, as their sole or main home, for at least 12 months

### **3.3.4 B) People assessed as statutorily homeless and in priority need.**

- People who have been accepted as statutorily homeless or threatened with homelessness within 28 days and in priority housing need and where the main homeless duty is owed (Part 7 of the Housing Act 1996). Where there is an urgent need because of an imminent risk of violence, a direct offer may be made without advertising as part of this scheme.

### **3.3.5 C) People who need to move on urgent medical grounds**

Examples include:

- People in hospital who cannot be discharged because no suitable accommodation is available
- People with a physical or sensory disability who are unable to access their home or essential facilities within it and who have requested a move as an alternative to home adaptation

### **3.3.6 D) People who need to move on urgent welfare grounds**

- Applicants with care or support needs, or other social needs, which may not require ongoing care and / or support.

Examples include:

- People ready to move on, leaving supported housing as part of an agreed plan to re-integrate into the community.

- People with learning disabilities who are assessed as having to move in order to receive care and support or where their current housing is having a detrimental affect on their quality of life and ability to live independently.
- A householder with a child in need (as defined in the Children Act 1989), where a formal referral has been made by Social Services with the aim of safeguarding the welfare of the child.
- Children leaving the care of the local authority under the Children (Leaving Care) Act 2000.
- Adoptive parents or prospective adoptive parents who need to move due to their current accommodation being unsuitable or who need to move to a different location to safeguard or promote the well-being of the child or children they have adopted or are planning to adopt.
- People who are fostering children as part of a long-term arrangement and who need a larger home.
- People leaving local authority care following a referral from social services e.g. people leaving rehabilitative care to return to independent living.

*Please note: It may be necessary to defer offers where a suitable care and support package needs to be put in place or until the applicant's support needs have been assessed. The partners reserve the right to use discretion in the range of choice permitted to people in this category, where this is in the interests of sustainable and balanced communities.*

## **Band 2: High Housing Need**

### **3.3.7 A) People living in overcrowded conditions who are 3 or more bed spaces short of requirements.**

- Overcrowding is assessed on the number of people within the household and according to the best use of bedrooms and sleeping spaces available.

(See Appendix 4)

### **3.3.8 B) People assessed as being in priority need and at risk of losing their home**

- Households at serious risk of losing their home through no fault of their own with no legal redress and likely to be in priority need if actually homeless.
- Bereaved spouses and civil partners of members of the Armed Forces leaving service family accommodation following the death of their spouse or partner

*Please note: In some cases, where applicants have made themselves homeless as a result of unacceptable behaviour, which make them unsuitable to be a tenant as defined by legislation, they will be suspended from the scheme until there evidence of a change in behaviour. (See Appendix 2)*

### **3.3.9 C) People assessed as being unintentionally homeless but not in priority need**

- People who are roofless or have no fixed abode and have been assessed by one of the council's housing advice teams as being unintentionally homeless.

**3.3.10 D) People who need to move due to a high medical need**

- People who have been assessed as having a medical condition or a disability where a move to suitable alternative accommodation would significantly improve their health. For example, frail elderly people who need single level accommodation, or need the support of a resident or mobile warden service.
- People with a medical condition or disability who are assessed as having to move in order to receive care or support will be allowed to bid for homes with an additional bedroom in order to provide sleep-in for a carer, providing the property is not needed to meet the needs of a larger household.
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition, or disability sustained as a result of their service

**3.3.11 E) Social housing tenants of the partner landlords that are under-occupying a property by 1 or more bedrooms**

*Applicants can only bid for properties that fit their household's identified housing need. (See Appendix 4)*

**3.3.12 F) People living in an adapted property where the adaptations are no longer required by any member of the household. For the purpose of the policy an adapted property is one where significant alterations or additions have been made to a property and/or the facilities within it for a disabled person.**

**3.3.13 G) People with a child or children under the age of 10 or women who are 28+ weeks pregnant, occupying accommodation above 3<sup>rd</sup> floor level**

- Households with a child or children under the age of 10 living in the multi-storey flats, provided that the flat is the child's sole or principal home, and where the living accommodation is on the 4<sup>th</sup> floor or above. Households with women who are at least 28 weeks pregnant are included.

**Band 3: Other Housing Needs & Efficient Use of the Housing Stock**

**3.3.14 A) People who need to relocate**

- People who apply to move to a particular locality within the sub region in order to take up an offer of employment, education or training, or to be nearer to family or friends in order to give or receive support.
- Members of the Armed Forces and former Service personnel where their application is made within 5 years of discharge

Applicants will need to provide evidence of their housing needs.

**3.3.15 B) People who have succeeded to a tenancy and who have a need or expressed wish to move to alternative accommodation**

- People who have succeeded to or have been assigned a tenancy but have expressed a wish to move to alternative accommodation as the property is not suitable for their needs because of its size or type.

**3.3.16 C) Relationship breakdown or divorced Partners with shared child care**

- Those requiring housing following a relationship breakdown and others who have shared access to children (involving two or more overnight stays in a week on average) who are occupying accommodation, which is insufficient for looking after the children.
- An applicant with access to children will normally only be considered eligible for a suitably sized flat, unless a house becomes available for which there is no demand.

**3.3.17 D) People who are 1 or 2 bed spaces short of requirements**

- Applicants who are 1 or 2 bed spaces short of requirements. The calculation will use the rules detailed in Appendix 4.

**3.3.18 E) People sharing facilities**

- Applicants who are sharing facilities with another household. For example a young couple expecting a baby who are living with parents

**3.3.19 F) Intentionally homeless households**

- People who have been assessed by one of the councils' housing advice teams as being intentionally homeless and in priority need.
- People previously assessed as homeless who have refused offers of suitable accommodation and have been notified that the relevant council has discharged its statutory duty.

**3.3.20 G) People not in priority need but threatened with homelessness**

- People who have been assessed by the relevant council as being threatened with homelessness unintentionally and with a local connection, but who are not in priority need

### **3.3.21 H) People occupying insanitary housing or otherwise living in unsatisfactory housing conditions**

- Determination of insanitary or unsatisfactory conditions as assessed by the relevant local authority for the area in which the property is situated.

### **Band 4: No or Low Level Housing Need**

- People assessed as having no identified housing need or only a low level of need. For example, a person whose current home is adequate to meet their basic needs.
- Any applicant who is a home owner or has an asset of significant value pending determination of their ability to resolve their own housing needs. Applicants may be requested to provide evidence of financial circumstances, medical or other care needs in order that their level of housing need can be reassessed.

### **3.4 Reviewing Bands 1\*, 1 and 2**

- 3.4.1 Applicants in the reasonable preference bands (1\*, 1 and 2), with the exception of those who are statutorily homeless, will have their application reviewed periodically to check whether their circumstances have changed and they are still entitled to be in this Band. This review will also identify which applicants are not bidding on available properties and the reasons why, in case they need more support in accessing the scheme.
- 3.4.2 If no additional support with bidding is needed, the partnership reserves the right to place any applicant failing to apply for suitable accommodation or any applicant refusing an offer of suitable accommodation, into a lower priority band.
- 3.4.3 Applicants who are statutorily homeless will be reviewed by the local authority that has accepted a duty to secure accommodation for them on a more frequent basis to ensure they are bidding for available properties advertised on the scheme. If applicants have not been bidding on the scheme, their homeless officer will contact them after a suitable period of time to encourage the applicant to start bidding. The partnership reserve the right to bid on behalf of the applicant where they have not been actively bidding on the scheme or are unable to do so. The partnership also reserve the right to issue a direct offer of suitable housing, in order to discharge the homelessness duty, if the applicant has not been successful in bidding for properties after 2 weeks. The two week period commences from the date the homeless person has been registered and banded on the system as being statutorily homeless. Statutorily homeless applicants will be expected not to unreasonably refuse a suitable direct offer.

### **3.5 Making Direct Offers without Advertising**

- 3.5.1 As well as applicants bidding for advertised properties there will also be circumstances in which some applicants will receive direct offers. Examples includes cases where a sensitive letting is required because of the applicant's previous history or where there is a particular urgent housing problem, including hate crime, which is having a serious detrimental effect on the applicant's health or well being.
- 3.5.2 Applicants needing a direct offer will usually be given a Priority Band that reflects their housing need and encouraged to bid for advertised properties. The exception will be where particularly vulnerable people need to be integrated into the community working alongside other statutory and/or voluntary organisations. There will still be an aim to provide choice where this is possible.
- 3.5.3 Applicants eligible for a direct offer will receive an offer of accommodation, which will either be in their expressed area of choice or an adjacent area. However, this will be subject to availability, particularly in areas of high demand and low turnover. The offer of accommodation will in most cases be made in date order of approval being given for a direct offer. However, where there are particularly urgent housing needs, an offer may be made outside of this order, for example, in the event of an emergency due to a fire or flood.
- 3.5.4 In order to ensure a transparent lettings process, feedback will be provided to the general public when the lettings results are published to show that a letting has resulted from a direct offer without an advertisement. Examples of cases where a direct offer may be made include:
- Social housing tenants who have lost their home as a result of a fire or flood and require housing on a temporary basis to allow major repairs to be carried out to their home.
  - Ex-offenders subject to Multi Agency Public Protection Arrangements (MAPPA), where a full support package is in place with other relevant statutory and voluntary organisations to enable them to be returned to the community.
  - People who are at an imminent risk of violence or a threat of violence e.g. victims of domestic violence, hate crime or through a witness protection scheme.
  - Homeless people who have not been successful in bidding for accommodation after a 2 week period
  - Elderly people in need of specialist accommodation, such as extra care facilities to enable them to remain independent in their home.

## **Section 4 - The Choice Based Lettings Scheme**

### **4.1 Advertising Properties on the Choice Based lettings Scheme**

- 4.1.1 Choice Based Lettings works by allowing applicants to express interest in available properties that are advertised each week. From those applicants responding (bidding), the successful applicant will be decided in line with the priority scheme set out in section 3 above and section 4.7 below.

- 4.1.2 The partnership will advertise the majority of their vacant properties as part of the scheme, including properties that have been designed or adapted to meet the needs of disabled or older people.
- 4.1.3 Each of the partner landlords will have responsibility for preparing the property description and advertising their vacancies on the scheme. Adverts will be clearly labelled to show the property features, local neighbourhood information and the types and applicant Band of household that can bid for it. Where possible, properties will be advertised during the previous tenant's 4 week notice period and will be withdrawn from the scheme if the tenant changes their mind about moving.
- 4.1.4 Applicants will be informed at registration what types of property they will be able to bid for. There will sometimes be other restrictions in the advert. For instance affordable rural housing schemes may specify local connections and income levels. Bids from applicants will only be accepted if they can match the requirements in the advert.

#### **4.2 Accessible Properties for People with Disabilities**

- 4.2.1 Accessible properties are homes that have been designed for or significantly adapted to meet the needs of people with physical or sensory disabilities. Accessible homes will be advertised as part of the scheme to ensure that applicants assessed as needing this type of accommodation are given the widest possible choice.
- 4.2.2 Applicants with an assessed need for accessible accommodation will be given priority for accessible accommodation over others in the same Priority Band without that need and the property advert will make this clear. The advert will also describe the accessible features together with local neighbourhood information to help people choose whether to bid for that property or not.
- 4.2.3 In selecting an applicant for an accessible property from the short-list of qualifying applicants, the full circumstances of each case will be considered when deciding who will be offered the property. In some circumstances priority may be given outside of date order, if the vacancy is particularly suitable for the needs of an applicant.

#### **4.3 Housing with Care Schemes**

- 4.3.1 Properties which provide extra care facilities or support services under the Supporting People Programme, may be advertised as part of the scheme. Vacant properties may also be directly matched to qualifying applicants who meet the eligibility criteria, following a detailed assessment of their housing needs by their service providers in order to ensure that an appropriate mix of residents is maintained.

#### **4.4 Other Specialist Support Schemes**

- 4.4.1 Specialist support schemes may be advertised such as Build Your Future schemes where accommodation is made available as part of a training initiative. Other schemes



may be provided for certain client groups such as those with learning difficulties or mental health problems.

- 4.4.2 In these cases, vacant properties may be directly matched to qualifying applicants who meet the eligibility criteria, following a detailed assessment into their housing needs by their service providers.

#### **4.5 The Bidding Cycle**

- 4.5.1 Available properties will be advertised weekly on the scheme's interactive website and in the window and other displays at the partner landlords' publicly accessible offices. Other ways of advertising available properties will also be used.

- 4.5.2 Applicants (or their advocates) wanting to bid can do so directly by accessing the website at anytime at home or by visiting locations with internet access such as publicly accessible landlords' offices, libraries, council contact centres ('Local Links'), community groups and support organisations. Telephone and text bids can also be made.

- 4.5.3 Advice and support will be provided to applicants who need it, to ensure they are able to use the scheme to bid for properties.

- 4.5.4 Applicants can bid for up to 3 properties per week. The scheme website will tell applicants their position on the list at the time they bid, together with the total number of bids already placed against the property. This will enable applicants to test their chances of being successful when placing bids against properties they are interested in.

#### **4.6 Advertising Similar Properties in the Same Week**

- 4.6.1 Where there is more than one property of the same description in the same location, only one of the properties may be advertised. The remaining empty properties will be offered to qualifying applicants that have also replied to the original advert. The property advert will show the number of properties of the same type that are available at the same time. An example is where there are a number of flats with a similar description available in a multi-storey block or where a new estate has several identical properties on offer.

#### **4.7 Property of the Week**

- 4.7.1 If a property has been advertised at least once and there have been no bids from suitable applicants, the property may be advertised again as 'Property of the Week' with suitable incentives, to encourage applicants to bid for it. The property will be offered to the first eligible applicant that bids for the property on a first come, first served basis, regardless of the Band in which they are placed.

#### **4.8 Short-listing and Selection**

- 4.8.1 Short listing and selection will be based on the banding system. However the partnership reserves the right to operate a quota system to offer 10% of homes to applicants in Band

4 when the demand from Band 1\* (existing tenants who need to move due to Welfare Benefit changes) has abated.

Applicants in Band 1\* will be ranked first, followed by those in Bands 1, 2, 3 and 4. If there are two or more applicants with a similar level of need qualifying for a property and local connection, the effective date of registration will be used as a tie breaker. Members of the Armed Forces and former Service personnel will be treated as having a local connection if their application is made within 5 years of discharge. Bereaved spouses and civil partners of members of the Armed Forces leaving service family accommodation following the death of their spouse or partner will also be treated as having a local connection.

- 4.8.2 The effective date of registration is the date the homeseeker is first registered on the scheme except that if the homeseekers level of need increases, for example from band 3 to band 2, it will be the date on which the level of need changed to the higher band.

If the effective registration dates are the same and the level of need is similar, the deciding factor will be to give preference for the allocation to the applicant whose household best fits the property attributes. This may include consideration of their financial circumstances with preference for those in low paid employment or work related training.

- 4.8.3 A local connection to the local authority and the behaviour of applicants (see appendix 2) will also be taken into account in deciding priority for an offer of accommodation. Where properties are targeted at specific applicants, they will be given priority for that type of accommodation e.g. accessible accommodation for people with disabilities or new build properties where certain eligibility rules apply for first lets or where there are sustainability issues.
- 4.8.4 Applicants who are fleeing domestic abuse in another area and have either been accepted as statutorily homeless by one of the councils or are ready to move on from supported housing will not be required to have a local connection.
- 4.8.5 In order to make the most effective use of the housing stock it may be appropriate to consider whether the property could be offered to an applicant in order to release another property for which there is a higher demand. For example a single elderly person moving into a smaller property to make a family house available.
- 4.8.6 If an applicant is ranked first for more than one property and provided the eligibility criteria is met, they will be contacted to make a decision about which property they wish to accept.

#### 4.9 **Local Connection**

- 4.9.1 Applicants will be counted as having a local connection to a local authority area if they fit one or more of the following categories:

- They live in the local authority area and have lived there for 6 out of the past 12 months or 3 out of the past 5 years.
- They previously lived in the local authority area and lived there for 5 years or longer.
- They have close family connections with someone living in the local authority area. A close family connection is defined as parent, child, grandparent, grandchild or sibling who has lived in that area for 6 out of the past 12 months or 3 out of the past 5 years.
- They were members of the Armed Forces or are former Service personnel discharged within the last 5 years. Bereaved spouses and civil partners of members of the Armed Forces leaving service family accommodation following the death of their spouse or partner.
- Their regular place of work is located within North or North East Lincolnshire. Casual work does not qualify. Applicants will only be considered to have a local connection in these circumstances, if it is unreasonable to expect them to commute to their place of work from their existing home.

4.9.2 In the event that any particular scheme has more specific local connection criteria attached under the terms of the planning approval granted then these will be stated on the advertisement.

4.9.3 However, applicants in the reasonable preference categories who do not have a local connection to the local authority will be considered for an offer of accommodation before applicants who do have a local connection, but who are in a lower Band.

4.9.4 Applicants in Bands 3 and 4 who have a local connection to the local authority area will be considered for an allocation before applicants who do not have a local connection to the local authority regardless of whether they are in Band 3 or 4.

#### 4.10 **Viewing Properties and Receiving Offers**

4.10.1 When an applicant has been short-listed or selected for an offer, the landlord will arrange an opportunity to view the property. In some circumstances, more than one applicant may be invited to view, particularly in areas of low demand or in the case of properties that are frequently refused by applicants.

#### 4.11 **Time Allowed for Accepting an Offer**

4.11.1 Applicants will be allowed 2 working days after the viewing to make a decision about whether to accept. If there are extenuating circumstances longer may be allowed. Individual circumstances will be taken into account and applicants with specific needs will be given more time. For example, if an assessment for adaptation works is needed or someone with a disability needs more time to consider the move.

Applicants failing to attend viewings without informing the relevant landlord may be suspended from bidding for further properties.

4.11.2 Applicants failing to respond to any form of communication from HomechoiceLincoln or members of the partnership, may be suspended from bidding for properties. All

reasonable steps will be taken to contact applicants before such action is taken. The responsibility for ensuring that applicants' contact details on the housing register are up to date rests with the individual applicant.

#### **4.12 Publishing Feedback on Lettings Made**

4.12.1 Lettings results will be published openly on the website and will include the following information:

- The property type and neighbourhood
- The total number of bids made for the property
- The successful applicant's registration date and/or priority date and band
- Properties where a direct offer was made and the property was not advertised.

#### **4.13 Nominations**

4.13.1 The aim of the partnership is for 100% of all social housing vacancies to be processed through the scheme, Housing Associations operating within the sub-region will provide at least 50% of their vacancies (excluding transfers) for nomination via the scheme. The local authorities (or their partners) will monitor to ensure compliance with the nomination agreements in their area.

#### **4.14 Future Development of the Scheme**

4.14.1 The Partnership will continue to collaborate in the future development of the scheme with the aim of sharing best practice and introducing further incentives for existing tenants who have an excellent track record in conducting their tenancy, whilst continuing to have regard to all statutory and regulatory requirements.

4.14.2 The Partnership is committed to continually review its practices and procedures associated with this policy, to ensure a consistent and joined up approach in the delivery of a first class lettings service for the Northern Lincolnshire sub-region.

### **Section 5 – Other Housing Options**

#### **5.1 Private Landlords**

Private landlords who comply with criteria agreed by the Home Choice Lincs partnership may be invited to advertise their properties via the scheme in order to provide a wider range of choice for applicants. The partnership retains the right to determine the criteria and whether or not individual landlords or properties meet those criteria.

The criteria for private landlords and their properties will be published on the Home Choice Lincs website.

#### **5.2 Registered Providers of Social Housing**

Housing Associations will be encouraged to increase the number of vacant properties they advertise on the scheme to 100%, over and above nomination agreements.

### **5.3 Low Cost Home Ownership**

The scheme may advertise or provide links to Government backed initiatives to promote low cost home ownership. These include shared ownership, rent to buy, and deposit assistance schemes. Other suitable Government backed products designed to help low income households become home owners may also be advertised as they become available.

### **5.4 Mutual Exchanges**

The scheme allows for mutual exchanges to encourage existing tenants to take up opportunities to move throughout the sub region and nationally as required by the Government outside of the priority scheme.

In order to meet the Government's aspirations to help tenants to arrange mutual exchanges nationally the scheme may provide links to approved national exchange services rather than advertise them directly.

## Appendix 1

### Head Office Contacts for Partner Local Authorities

#### North East Lincolnshire Council

Municipal Offices,  
Town Hall Square,  
Grimsby,  
North East Lincolnshire  
DN31 1HU

Tel: 01472 313131     [www.nelincs.gov.uk](http://www.nelincs.gov.uk)     Email: [homelessness@nelincs.gov.uk](mailto:homelessness@nelincs.gov.uk)

#### North Lincolnshire Council

Civic Centre,  
Ashby Road,  
Scunthorpe  
North Lincolnshire  
DN16 1AB

Tel: 01724 296296     [www.northlincs.gov.uk](http://www.northlincs.gov.uk)     Email: [housingadvice@northlincs.gov.uk](mailto:housingadvice@northlincs.gov.uk)

### Head Office Contacts for Partner Landlords

#### Shoreline Housing Partnership Ltd

Shoreline House  
Westgate Park  
Charlton Street  
Grimsby  
North East Lincolnshire  
DN31 1SQ

Tel: 0845 849 2000 (Option 2)     [www.shorelinehp.com](http://www.shorelinehp.com)     Email: [info@shorelinehp.com](mailto:info@shorelinehp.com)

#### Longhurst & Havelok Homes,

Leverett House,  
Gilbert Drive,  
Endeavour Park,  
Boston,  
Lincolnshire,  
PE2 7TQ

Tel : 0800 111 4013  
[www.landh.org.uk](http://www.landh.org.uk)     email: [service.centre@longhurst-group.org.uk](mailto:service.centre@longhurst-group.org.uk)

#### North Lincolnshire Homes Ltd

Meridian House  
Normanby Road  
Scunthorpe  
North Lincolnshire  
DN15 8QZ

Tel: 01724 279900     [www.nlhomes.org.uk](http://www.nlhomes.org.uk)     E mail: [lettingsenquiries@nlhomes.org.uk](mailto:lettingsenquiries@nlhomes.org.uk).

**Sanctuary Group**

Sanctuary House  
Chamber Court  
Castle Street  
Worcester  
WR1 3ZQ

Tel: 0800 781 0401

(mobiles) 0300 123 3510

Email/ [contactus@sanctuary-housing.co.uk](mailto:contactus@sanctuary-housing.co.uk)

website: [www.sanctuary-housing.co.uk](http://www.sanctuary-housing.co.uk)

## **Appendix 2**

### **Policy on behaviour affecting priority within a band and or suspension from the scheme**

#### **1. Introduction**

- 1.1 The partnership recognises the Government's commitment to encouraging inclusion and social stability and will use its suspension policy to encourage access for all applicants, including those that are socially disadvantaged. This will be achieved by ensuring that each application is treated on its individual merits and by making available mutually agreed programmes of support to vulnerable applicants in conjunction with other statutory and/or voluntary organisations.

#### **2. Statutory and Regulatory Guidance**

- 2.1 The Code of Guidance (allocation of accommodation) explains in detail how local housing authorities should apply the 'Unacceptable Behaviour Test.' In summary, the test states that to make someone ineligible for an allocation of accommodation, the local authority must be satisfied that the applicant, or a member of his/her household has been guilty of unacceptable behaviour that is serious enough to make him/her unsuitable to be a tenant at the time the application is being considered. The 'test' is whether the behaviour would have entitled the housing authority to an outright possession order if, whether actually or notionally, the applicant had been a secure tenant.
- 2.2 The partnership will also have regard to regulatory guidance published by the Tenant Services Authority, which requires that applicants are only excluded from consideration for housing, when their behaviour is serious enough to make them unsuitable to be a tenant, in circumstances that are not unlawfully discriminating. The partners in this scheme will not operate blanket exclusion policies for housing applicants for rent arrears or previous convictions. Previous tenancy action for anti-social behaviour will not be taken into account if it occurred two or more years prior to the date of application and the tenant's household has conducted a satisfactory tenancy in the mean time.
- 2.3 Officers dealing with the assessment of housing applications will observe the Code of Good Practice as recommended by SHELTER and will be fully trained in the application of the statutory Unacceptable Behaviour Test.

#### **3. How the policy will be applied**

- 3.1 The partnership recognises that whilst it wishes to promote balanced and sustainable neighbourhoods, denying access to social housing might result in broader social exclusion for the households involved. Therefore, applicants will not be suspended automatically from the Register if their circumstances 'fit' a defined category; each case will be judged on its own merits and efforts will be made to resolve any issues preventing applicants from being considered for offers.



For the purpose of this document, suspension means that an applicant has been assessed as ineligible to bid for properties and is unable to participate in the choice based lettings scheme on the grounds of their (or a member of their household's) unacceptable behaviour.

This applies to existing as well as new applications to register on the scheme.

- 3.2 The partnership will allow an applicant to join the Register where a history of unacceptable behaviour is proved, and the applicant is attempting to modify that behaviour with the help of a recognised support body and that agency will continue the support if/when the applicant is housed.
- 3.3 The partnership will ensure that the process for suspending applicants is both fair and effective in the management of the housing stock. In reaching a decision on whether or not to suspend an applicant on the grounds of unacceptable behaviour, all relevant information will be taken into account, including whether the behaviour could have been due to physical or learning disability or mental health problem.
- 3.4 Where an applicant's behaviour is not serious enough to suspend them from bidding, it can still be considered in deciding the level of priority received within the Priority Band. For example, where there are low or moderate rent arrears the applicant may be overlooked for offers of accommodation where there are other competing applicants with the same level of need that have a clear record as tenants.
- 3.5 This policy applies to existing tenants applying to transfer and to new applicants joining Register.

#### **4. Examples of Unacceptable Behaviour affecting eligibility to join the register**

- 4.1 For the purpose of this document, examples of the type of unacceptable behaviour that will be considered in deciding whether or not to allow an applicant access to the Register include domestic abuse, racial harassment, drug dealing, serious noise nuisance, intimidation and any other acts of unacceptable behaviour or serious breaches in tenancy conditions e.g. serious rent arrears or a history of persistent high arrears, which would make the applicant unsuitable to be a tenant.

#### **Criminal Convictions**

- 4.2 Applicants who have relevant convictions for serious criminal offences, which may threaten the stability of a community will have their housing needs assessed and all factors will be taken into account before a decision is made regarding their eligibility to join the Register. The partnership will work collaboratively with the police, probation and prison service in an effort to resolve an applicant's ineligibility and improve their chances of being integrated back into the community through a planned and managed approach.

## **Anti-social behaviour**

4.3 Where an applicant (or a member of the household) has a history of anti-social behaviour or has breached their tenancy conditions, all relevant facts will be considered before a decision is made. Where anti-social behaviour has been committed by a person who was, but is no longer a member of the applicant's household, the behaviour will be disregarded provided the applicant is not guilty themselves of unacceptable behaviour. The partnership will collaborate with other agencies to try to resolve an applicant's ineligibility e.g. social services, health services, etc.

4.4 If a person's circumstances change after they have been deemed ineligible they may apply again to be registered and their application will be considered afresh.

## **5. Examples of Unacceptable Behaviour affecting Priority with a Band or suspension from the scheme**

5.1 Rent arrears amounting to less than £250 or four weeks rent or other unpaid housing related debts, such as the failure to pay for repairs that are the tenant's responsibility may lead to applicants' priority within a band being reduced. In such circumstances applicants may be offered the opportunity to pay off the arrears concerned prior to being offered a property on which they have bid.

5.2 Where applicants' circumstances do not match those set out in their registration under this scheme or who have given false or misleading information may have their priority reduced or any offers that have been made withdrawn. Applicants who are found to have made fraudulent claims in this way are liable to be suspended for 12 months.

5.3 Low level anti social behaviour may also lead to either a reduction in priority within a band whilst unacceptable behaviour that is more serious may lead to suspension from the scheme for up to 24 months. This will depend on whether the behaviour was isolated or persistent in nature, when it occurred, what impact it had on other residents and the extent of support which the applicant is receiving. Generally the types of unacceptable behaviour will be similar to those examples in 4.1 above but where they do not amount to acts which would make the applicant ineligible. Reduced priority in a band may be appropriate for an applicant where there is evidence of occasional small breaches of tenancy conditions, such as failing to keep a garden tidy and free from rubbish. An example where a suspension might be appropriate might be where complaints of regular noise nuisance and disturbance arise.

## **6. Periods of Suspension**

6.1 The period of suspension will depend on what action the applicant has taken to demonstrate a change in behaviour. Applicants will initially be suspended for a 12 month period, after which the onus will be on them to provide evidence that their behaviour has improved, or that they have taken action to help improve their chances of being accepted. If an applicant can demonstrate a change in behaviour before the 12 month period has elapsed, consideration will be given to allowing them to join the Register sooner.

- 6.2 All suspensions will be reviewed after 24 months. If the applicant's behaviour has not improved or no evidence of improvement has been provided within that 24 months the applicant may be deemed ineligible.
- 6.3 A fresh application will need to be made by the applicant where they have been previously suspended and feel that their behaviour should no longer be held against them as a result of changed circumstances.

## **7. Notifying the Applicant of the Decision**

- 7.1 All applicants will be notified of any decision concerning their application, the reasons for it and their right to request a review of the decision. Applicants will also be notified of what actions they can take to remedy their ineligibility and a signposting/referral service to other support or independent advice agencies will be offered.

## **Appendix 3**

### **Applicants not eligible due to immigration status**

#### **Overview**

The law governing eligibility, on the basis of immigration status, for an allocation of social housing is complicated and too complex to be fully set out in this document. It is also subject to change by regulation and there has been a significant number of changes since eligibility was introduced as a pre-requisite for housing in the Housing Act 1996 (as amended). All current and future regulations must be taken into account in assessing the eligibility of applicants.

#### **Summary**

The law defines who is and is not eligible, in terms of immigration status and habitual residence. The law is different for people from within the European Economic Area (EEA) and the UK and those from elsewhere. The following gives a broad overview of the current situation but is not a definitive statement of the law.

#### **EEA Nationals**

To be eligible for social housing, EEA nationals must have a right to reside in the UK:

- A right to reside can be gained by EEA workers, including those who are self-employed
- Special rules apply to Bulgarian and Rumanian (A2) nationals
- In certain situations, EEA nationals who are temporarily not in work can still be eligible
- EEA nationals who are not working but who are studying or are self-sufficient will be eligible in some circumstances if they pass the habitual residence test
- Family members of eligible EEA nationals are normally eligible even if they themselves are not EEA nationals

#### **People who are not EEA nationals**

People from outside the EEA are usually subject to immigration control and so need permission to enter and/or remain in the UK. Only some people subject to immigration control are eligible:

- Refugees and people granted discretionary leave, humanitarian protection or exceptional leave are eligible if their leave does not include a clause barring them from recourse to public funds
- People with indefinite leave to remain are usually eligible, subject to passing the habitual residence test
- Most people with other forms of limited leave to remain will not be eligible

Most other people from outside the EEA are not eligible for social housing.

#### **Further information**

The Chartered Institute of Housing website at [www.housing-rights.info](http://www.housing-rights.info) is widely considered to be the most useful resource, for both advisers and applicants, for establishing eligibility.

Information is also available from other websites including:

Communities and Local Government website – [www.communities.gov.uk/housing](http://www.communities.gov.uk/housing)

Shelter website – [www.england.shelter.org.uk](http://www.england.shelter.org.uk)

## Appendix 4

### How Priority will be Assessed

1. **Band 1\*: Existing partner landlords' under-occupying tenants, who need to transfer because their current accommodation is unaffordable due to Housing Benefit changes.**

Tenants of the partner landlords who are underoccupying their current home by 1 or more bedrooms and on housing benefit will be assessed using a common 'Tenancy Affordability Assessment' as agreed by the partnership to determine whether or not they can afford to remain in their current home.

If they are placed in Band 1\* they will be monitored periodically by the partner landlord to ensure they are bidding for suitable properties advertised through the scheme.

1. **Band 1: Home Loss through a Regeneration Scheme (Decants)**

Advice and help with moving will be given to all social housing tenants, private tenants and owner-occupiers who live in a regeneration area, as defined by any one of the partners.

Applicants will be given priority for accommodation in their area of choice, whenever possible. To this end they will be given a Priority Date, which will relate to the phasing requirements in the regeneration area.

Bids will be accepted on the basis of a suitable property size and type to meet the needs of the applicant's size of family. However, where necessary, and at the discretion of the partners listed above, bids may be accepted for properties of a similar type and size to the one in which the household lives, where this is larger.

#### **Priority order for bids**

Offers will be made in order of the priority date. If the priority date is the same, then the date of application will be used as the tie-breaker. Where the priority and application date is the same, the current tenancy start date or commencement of current owner occupation will be used as the tie-breaker. Where the above criteria fail to prioritise one or more bids, selection will be based on the most efficient use of the housing stock.

## **2. Calculating Bedroom Shortage/Surplus**

Overcrowding will be assessed based upon the number of people within the household and according to best use of the bedrooms and sleeping spaces available. This assessment does not include living room space unless there is a second living room, which can be used as a bedroom. Where a bedroom is being used for another purpose e.g. study or toy room, its original function as a bedroom will be used in assessing the level of overcrowding.

The following rules will be used to calculate the number of bedrooms needed:

- Bedrooms 110 square feet or 10 square metres or larger will be considered suitable for 2 people and will be classed as accommodating at least a double bed or 2 bed spaces.
- Bedrooms less than 110 square feet or 10 square metres will be considered suitable for a single person and will be classed as accommodating a single bed space.
- The main householder/s will be assessed as requiring their own bedroom, even if s/he is a single parent and the property occupied only has bedrooms 110 square feet or 10 square metres or larger.
- Children aged 10 and over will be assessed as requiring a separate bedroom if they are sharing with the opposite sex regardless of that individuals age.
- Children aged 16 and under will be assessed on the basis that they will share a bedroom with another child of the same sex.
- Persons aged 17 and older will be assessed as requiring their own bedroom.

## **3. Band 3: Intentionally Homeless**

The assessment will be on an individual and as a result applicants may be given a lower priority than other applicants in Band 3 if they have been found to have deliberately worsened their housing needs. This means that an applicant can be overlooked for an offer of accommodation if there are other qualifying applicants within the same Band with a similar level of need but who have not made themselves intentionally homeless.

An applicant overlooked for an offer of accommodation in these circumstances will be told that their priority within the Band has been reduced for a period of 6 months, after which the applicant will be re-assessed. If the behaviour was related to anti-social behaviour or non payment of rent then the onus will be upon the applicant to demonstrate a change in their behaviour. For example, keeping up with an agreement to pay off outstanding rent arrears. If the applicant cannot show a change in behaviour after the 6 month period, they may continue to be given lower priority until such time as they can show an improvement.

However, if the applicant qualifies for an offer of accommodation because there is no interest from other applicants with a similar level of need, the applicant may receive the offer provided support is put in place and the applicant agrees to accept these arrangements. If the applicant does not accept the support offered then the applicant will be overlooked and the property offered to the next qualifying household.

## **Appendix 5**

North East Lincolnshire Council complaints procedure

# **Encouraging Feedback, Improving Services Compliments, Suggestions, Complaints Corporate Feedback Policy**

April 2005

## **North East Lincolnshire Council “Encouraging Feedback, Improving Services”**

### **Our customer feedback policy**

We value feedback about our services and recognise the right of all our customers to complain, compliment or make a suggestion about our services. We are committed to making sure that we use customer feedback to help us improve our services and focus on the needs of our customers.

### **Our key aims**

We will record all complaints, compliments and suggestions to help us analyse customer feedback

We will encourage easy access to the customer feedback process - customers can give feedback in writing, in person, by fax, by Minicom, over the phone and by e-mail

We will use plain language in all communications

We will have response targets for responding to feedback

Where we cannot resolve a complaint straight away, we will contact the customer giving them a named contact officer, phone number, and a date for a full response

We will monitor the progress of outstanding complaints to make sure customers receive a response in time

We will keep customers informed when we cannot send them a full response in time

We will tell all customers about their right to escalate a complaint when they are dissatisfied with our response

We will conform to the principles of natural justice and treat all customers with dignity and respect

We will reflect at all times other Council policies covering issues such as data protection, and human rights and equalities



### **How do we publicise the customer feedback scheme?**

We will publicise our customer feedback scheme by making information available:

In all of our Customer Access Points and customer reception areas  
In libraries, leisure centres and Cleethorpes Tourist Information Centre  
To local Citizen Advice Bureaux (CAB), law centres and other advice agencies  
On our web site ([www.nelincs.gov.uk](http://www.nelincs.gov.uk))

We will make sure that all our reception areas display posters and leaflets advertising our customer feedback scheme.

### **How do we promote equality of access?**

We are committed to ensuring that people with disabilities, older and young people, and people from black and ethnic minority communities are given full and equal access to the customer feedback scheme.

We will make customer information available on request in Braille, large print, community languages, on audiotape and pictorially  
We will monitor customer feedback to make sure all community groups have easy access to the process and an appropriate resolution  
We will make sure that all complaints involving a racist incident are recorded, investigated and monitored

### **Who are our customers?**

Our customers include local residents and businesses, visitors, suppliers of services, community groups and any other group or individual that uses or is affected by our services.

### **Who can advise customers on how to feedback about our services?**

A customer can get advice, at any time, from an employee or any of our Feedback Officers. We can advise a customer on how to contact a local councillor, Member of Parliament, Local Government Ombudsman, Citizen's Advice Bureau (CAB) or other advice agency.

### **Who can advise employees on the operation of the customer feedback scheme?**

We have produced customer feedback handling procedures for use by all Directorates.

An employee can get advice, at any time, from any of our Feedback Officers. Our Feedback Officers can advise an employee on how to resolve a complaint, complaint trends and so on.

### **Local Resolution**

We aim to deal with all feedback (compliments, suggestions and complaints) at the point of service delivery (local resolution).

### **What is a compliment?**

A compliment is when a customer gives us feedback about how well we deliver a service or how helpful an employee has been to them.

*How will we deal with a compliment?*

We will log details of the feedback and acknowledge receipt of the customer's compliments within 2 working days.

The relevant Head of Service will write to the local service manager or individual employee to thank them for providing an excellent service to the customer.

### **What is a suggestion?**

A suggestion is when a customer gives us feedback on how we can improve our delivery of a service.

*How will we deal with a suggestion?*

We will log details of the suggestion and acknowledge receipt of the customer's comments within 2 working days.

We will ask the local service manager to consider the suggestion and send a response to the customer within 15 working days.

*How will we respond to a suggestion?*

We will either explain to the customer how we will implement their suggestion or explain why we are unable to implement the suggestion.

We will thank the customer for taking an interest in our services.

### **What is a complaint?**

*"Any expression of dissatisfaction, whether justified or not, which requires a response".*

This definition could include one or more of the following situations:

We **delay** in providing a service to a customer

We **fail to provide** a service to a customer

We provide a **poor quality** service to a customer or make a mistake

We provide an **inappropriate** service to a customer

We **remove** or withdraw a service from a customer

We charge an inappropriate **cost** for a service

An **employee's behaviour** causes upset to a customer

A **policy** unreasonably disadvantages a customer

We unfairly **discriminate** against a customer

### **Local resolution of complaints**

*How will we deal with a customer's first complaint?*

The employee receiving the complaint will:

- Make every effort to resolve the problem straight away
- Record details of the complaint **on every occasion**

If we cannot resolve the complaint straight away, the service manager will:

- Arrange for someone to contact the customer, by phone or in writing, within the next 2 working days
- Inform the customer about who is dealing with the complaint and give them a date for our response
- Arrange an investigation of the complaint
- Aim to send a full response to the customer within 10 working days
- Keep the customer informed about any delays in dealing with the complaint

*How will we respond to a customer's first complaint?*

- We will tell the customer about their right to complain to the Directorate's Feedback Officer if they are dissatisfied with our response
- We will enclose a customer satisfaction monitoring form with our response
- When we find a need for improvement, we will prepare an action plan to make sure we take action to put things right
- We will make sure that a copy of our response is passed to the Directorate's Feedback Officer so that we can monitor the quality of our responses

## **Service Investigations**

*When do we escalate a complaint?*

- A customer complains when they are dissatisfied with our local resolution response.
- We unreasonably fail to reply at the local resolution stage.
- A senior manager or a Feedback Officer requests a special investigation.

*Who will carry out a service investigation?*

A senior manager, who was not involved at local resolution, will arrange a full investigation of the complaint.

*How will we handle a service investigation?*

The Directorate's Feedback Officer will:

- Log and acknowledge the complaint within 2 working days
- Contact the customer to clarify the outcome they expect
- Arrange an investigation of the complaint
- Inform the Directorate's Director of the complaint

The senior manager will:

Make sure that the investigation has access to original documents and records, relevant employees and the customer

Aim to send a full response to the customer within 15 working days

Keep the customer informed about any delays in investigating the complaint

Inform the Directorate's Director of the response

*How will we respond to the customer?*

We will tell the customer about their right to complain to the Chief Executive if they are dissatisfied with our response

When we find a need for improvement, we will prepare an action plan to make sure we take action to put things right

### **Review by Director or Deputy Director of PPD on behalf of the Chief Executive**

*When do we carry out an independent review of a complaint?*

A customer complains when they are dissatisfied with a service investigation

We unreasonably fail to carry out a service investigation

A senior manager requests an independent review

*Who will independently review a complaint?*

Our Corporate Complaints Co-ordinator, independent of the service department, will arrange a review of the complaint by the **Director or Deputy Director of PPD on behalf of the Chief Executive**

*How will we handle an independent review?*

The Corporate Complaints Co-ordinator will:

Log and acknowledge the complaint within 2 working days

Contact the customer to clarify the outcome they expect

Arrange a review of the complaint by the **Director or Deputy Director of PPD on behalf of the Chief Executive** The Directorate Feedback Officer shall inform the service's Director that the complainant is dissatisfied with the outcome of the Service Investigation and that a review is to take place.

Send a full response to the customer within 25 working days

*How will we respond to the customer?*

We will tell the customer about their right to complain to the Local Government Ombudsman if they are dissatisfied with our response

When we find a need for improvement, we will prepare an action plan to make sure we take action to put things right

### **What action can we take to put things right when things go wrong?**

We will try to take some practical action to put things right. We will ask the customer to suggest what they would like us to do.

We will always try to put the customer back to the position that he or she would have been in but for our mistake.

We may decide that one or more of the following can be done to put things right:

- Apologise to the customer
- Provide a service to the customer
- Provide information to the customer
- Review customer information (leaflets, poster etc )
- Review our working procedures
- Request members to review a policy
- Arrange training or guidance for employees
- Employee action (such as standards setting or change of key worker)

### **How do we deal with customers who remain dissatisfied after we have fully responded to their complaint?**

We will advise any customer who has been through the whole of our customer feedback scheme to contact the Local Government Ombudsman.

If the customer makes a further complaint about the same issue, our Chief Executive may write to them informing them that we will not respond to future correspondence about the complaint unless the customer provides new evidence or makes a complaint about a different issue.

### **How do we deal with feedback about our contractors?**

We require any organisation that provides services on our behalf to comply with this scheme.

We require our contractors to:

- record and respond to customer feedback;
- provide us with information when requested;
- and assist us with complaint investigations as appropriate.

### **How do we deal with complaints made by elected representatives?**

Local councillors and MPs can make a complaint on behalf of a constituent. We will ask the service manager to deal with the enquiry within 10 working days.

### **How do we deal with persistent or vexatious complaints?**

We will respond sympathetically and patiently to the needs of all complainants, but sometimes we may be unable to do any more to assist them, or resolve a real or perceived problem. In extreme cases, the Leader and Chief Executive will be asked to authorise a special course of action, dependent upon the circumstances of the individual case. We will keep the complainant fully informed of the details.

### **How do we monitor and learn from feedback?**

We will monitor trends and performance in our handling of customer feedback by producing regular reports for service managers. We will encourage and assist service managers to define their information requirements.

We will develop performance indicators to track the performance of the scheme in each Directorate on a monthly basis:

- Number of complaints resolved straight away
- Number of escalated complaints
- Performance in acknowledging and responding to escalated complaints
- Number of compliments and suggestions
- Number of complaints involving a racist incident
- Customer satisfaction with complaint handling

We will monitor:

- Number by type of contact (complaints, compliments, suggestions)
- Methods used to contact us (by phone, in writing, email and so on)
- Time taken to acknowledge and respond to customer feedback
- Number of responses completed and volume of outstanding feedback
- Complaint types and outcomes
- Complaint remedies
- Action taken to improve services (complaints and suggestions)
- Customer satisfaction with the process and outcome
- Quality of complaint responses
- Customer profiles (age, gender, ethnicity and disability)

We will learn lessons and improve our services by making sure that action plans are produced and implemented whenever necessary.

### **How do we review the operation of the customer feedback policy?**

Our Feedback Officers Group (made up of representatives from all Directorates) will review the effectiveness of the policy on a regular basis. The Group will get feedback from those that have experienced our customer feedback process at first hand – customers, employees, members, advice agencies and similar organisations.

### **What feedback is excluded from our policy?**

We recognise that some complaints are more appropriately dealt with through other processes, including:

- A complaint that is being dealt with or was previously dealt with by legal proceedings
- An employee's complaint about personnel matters including pay, pensions, and disciplinary grievance issues
- A complaint that is more appropriate for the NHS and Community Care Act or Children's Act complaint procedures
- A complaint that is more appropriate for our "Whistle Blowing" procedure
- A complaint about a service where we have no responsibility
- Matters where a statutory appeal body or tribunal has been established, for example, planning applications, parking representations, school admission appeals, Special Educational Needs Tribunal, Benefit Reviews and so on
- A complaint about an actual policy decision taken by Elected Members (or an officer under delegated powers).
- Any complaint which is being dealt with by the Shoreline Housing Partnership

## **Diversity Policy Statement**

The Council is fully committed to the broad principles of social justice and is opposed to any form of discrimination or oppression. It therefore willingly accepts not only its legal responsibilities but also wishes to embrace best practice in all areas of its work in order to secure equality of both treatment and outcome for all. The Council is therefore committed to ensuring that no-one is treated in any way less favourably on the grounds of personal differences such as race; colour; national, ethnic or social origin; gender (including reassigned gender); sexual orientation; religious belief; age; disability; marital status; caring responsibilities or political or other personal beliefs. The Council will implement all necessary action and training to ensure its commitments with regard to equality of treatment and outcome are fulfilled and will regularly monitor and review progress made in this respect.

**If you would like this information to be provided in another language or in a different format such as large print, Braille or audio tape, please contact the Corporate Complaints Co-ordinator on 01472-326135.**

## **Appendix 6**

### **Homechoicelincs Review Procedure**

Applicants to the Homechoicelincs choice based lettings scheme have a right to request a review if they are unhappy with any decision including -

- decisions to exclude them from registering with the scheme,
- the level of priority awarded,
- decisions to suspend them from being able to bid for properties
- shortlisting for advertised properties or offers made.

Applicants may feel that there has been a failure to take into account all relevant matters when making a decision or that a decision was unfair. This procedure enables applicants to request that a decision is looked at again.

In certain circumstances the matter about which the applicant is concerned may be dealt with either by a statutory appeal procedure or more properly as a complaint.

### **Statutory Rights of Appeal or Review**

This review process is open to all applicants and those registered with Homechoicelincs but in certain circumstances other appeal or review procedures can be used.

Some decisions are subject to procedures laid down by Parliament. These are called statutory procedures. They include the right of appeal to, or review by, the courts, a tribunal or within the relevant local council, for example:

- homelessness reviews
- suitability of an offer of housing to a homeless person

If a decision is subject to a statutory right of appeal or review, we will notify the applicant of their legal rights at the time of the decision and the procedures and timescales that apply.

If the decision is dependent on assessment under the law regarding homelessness the review will be carried out in the first instance by the housing advice or options team for the local authority that first received the homeless enquiry. That is to say if the applicant first approached North Lincolnshire Council that council will undertake the review whereas if the applicant first approached North East Lincolnshire Council they will carry out the review.

### **Matters that are about to go to Court or Tribunal**

The Homechoicelincs appeal procedure will not deal with issues that are about to go to court or tribunal (or have already done so).



## **Complaints**

If an applicant is unhappy about the Homechoicelincs scheme, or about the standard of service then it would be more appropriate to deal with the matter under the relevant partner organisation's complaints procedure. Information and formal complaints forms are available direct from the partner organisations.

If applicants are unsure who to complain to they can make their complaint to Homechoicelincs ([www.homechoicelincs.org.uk](http://www.homechoicelincs.org.uk)) and it will be directed to the appropriate partner organisation.

## **Reviewing Body for particular matters**

Requests to review decisions to exclude an applicant from registering with the scheme should be made to North East Lincolnshire Council as the lead authority for the Homechoicelincs choice based lettings scheme. Information relevant to the review request may be obtained from North Lincolnshire Council or any of the partner landlords as necessary.

Requests to review decisions regarding banding and the level of priority awarded should also be made in the first instance to North East Lincolnshire Council.

Requests for reviews of decisions regarding shortlisting of bids for advertised properties or offers made as a result of shortlisting should be made to the partner landlord of the property concerned.

## **Review procedure**

All requests for a decision to be reviewed must be made in writing within 21 days of the date of the letter setting out the original decision. The request must include the reason or reasons why the applicant considers the original decision to have been incorrect, together with any additional information the applicant believes is relevant.

Applicants can appoint an advocate to help them with their appeal. Once appointed, the Homechoicelincs partner organisation will deal directly with the appointed advocate. Applicants should give their permission in writing for the advocate to act on their behalf and provide a copy of this permission to the Homechoicelincs partner dealing with the appeal.

The request for a review will be acknowledged in writing to the applicant and their advocate, if they have appointed one, within five working days. Applicants will be invited to submit written information to support their appeal if they have not already done so.

If the applicant provides new information that was not available at the time the original decision was made, the officer making the original assessment may take it into account and change their decision. The applicant will be advised of this and the outcome in writing. If the original decision is not changed, the case will be formally reviewed.

Reviews will be carried out by an officer not involved in making the original decision and will be senior to the original decision maker. Reviews will usually be completed within eight weeks

In conducting the review, the reviewing officer will take into consideration all relevant matters and information including the facts of the case, representations received, the law, regulations and guidance, and the contents of this policy.

All documentation to be considered in the review will be sent to the applicant at least five working days before the review takes place. Usually reviews will be conducted on the basis of written representations but any applicant or advocate will have the right to make oral representations to the reviewer. A request for oral representations must be made in writing within five working days of the receipt of acknowledgement of the request for a review

The outcome of a review will be confirmed in writing to the applicant and their advocate, if they have appointed one. Full reasons will be given for all decisions. Decision letters will be sent to the applicant's last known address or, if that is not possible, retained at the office to which the applicant submitted their review request for 12 months.

If a review decision is not in an applicant's favour, there is no right to a further internal review. The only legal challenge to an adverse decision is by way of judicial review.

Applicants who are not satisfied with the outcome of a review can make a complaint to the relevant partner organisation using their formal complaint procedure if they are still dissatisfied with the decision.

After such a formal complaint procedure has been completed the applicant has the right of complaint to the Housing Ombudsman or the Local Government Ombudsman if it relates to a council duty. The Housing and Local Government Ombudsmen will not normally accept complaints that have not been through every stage of an organisation's complaints procedure.

## **Home Choice Lincs Allocations Policy Amendment: Consultation Response.**

### **Purpose**

This report summarises the response to the consultation carried out concerning proposals to amend the Home Choice Lincs allocations policy in response to the Localism Act, and changes to the welfare benefits regime. The opportunity is also been taken to improve the efficiency of the scheme.

### **Consultation**

A public consultation exercise was carried out via an online questionnaire on the Home Choice Lincs website from 25 September to 26 October.

Emails were sent to over 2,000 applicants on the housing register as well as to support organisations, statutory bodies and other stakeholders across North and North East Lincolnshire inviting them to take part in the consultation.

Press releases were issued to the local media and HCL partners publicised the consultation on their websites with links back to the questionnaire.

A total of 151 responses were received.

78% of the responses were from people already registered on HCL or residents. Approximately 7% of responses came from support agencies. 54% of the respondents were in the 25 to 54 age group with over 55s accounting for 36% of replies. 60% of those completing the questionnaire were female and 88% of respondents were white British.

The HCL policy and operations group (POG) were satisfied that the responses were representative of North & North East Lincolnshire.

The questionnaire gave people the option of answering:

- Strongly agree
- Agree more
- Agree
- Disagree
- Disagree more
- Strongly disagree

In addition comments boxes were provided to allow people to be able to make any other remarks that they wanted to. These comments are set out at the end of this report.

## Responses to individual questions

*Q1.1 HCL should enable tenants of larger houses to “downsize” because they are in financial difficulty.*

The response was overwhelmingly in favour of this proposal, the top answer being: “strongly agree” 55%. Less than 10% of responses were negative.

*Q1.2 HCL should allow people who have 1 spare bedroom to be placed in Band 2 to make larger family homes available.*

The response was in favour of this proposal, the top answer being: “strongly agree” 42%. Approximately 18% of responses were negative.

*Q2.1 HCL should be accessible to Armed Forces personnel who don’t have a local connection to our area.*

Whilst over 60% of the responses were in agreement with this proposal 40% were against it. “Strongly disagree” was the third most popular response. However, as this proposal is a legislative requirement under the Localism Act regulations, it is recommended this proposed amendment goes ahead as drafted.

*Q2.2 HCL should give Band 3 priority to Armed Forces personnel for up to 5 years from their discharge date.*

The top 3 responses were all positive, accounting for approximately 65% of the responses but 33% objected to it. Once again this is a requirement under the Localism Act regulations.

*Q3.1 HCL should allow people who don’t need a disabled property to move by giving them Band 2 priority to free up a property for someone who really needs it.*

The top 3 responses were all positive, with “strongly agree” being given by 54% of respondents. Less than 10% disagreed.

*Q4.1 HCL should down-band homeless people who are in Band 1, down to Band 3, if they refuse a suitable offer of accommodation.*

Over 80% of responses were in agreement with this proposal, the top answer being “strongly agree” (43%).

*Q4.2 HCL should place people who can prove they are threatened with homelessness into Band 3.*

81% of responses were positive for this proposal, the top answer was “strongly agree” (30%).

*Q5.1 HCL should ensure that people who own their own home provide evidence that cannot meet their own housing needs or resolve their housing problems with the money/assets they already have.*

85% of responses were in agreement with this proposal, the top answer being “strongly agree” (53%).

*Q6.1 HCL should, investigating the circumstances, down-band any applicants in the highest bands who are not bidding for suitable properties.*

81% of the responses were in agreement with this proposal, the top answer being “strongly agree” (43%).

*Q 7.1 HCL should suspend the allocation of 10% of properties to people in Band 4 whilst Band 1\* is in operation to help people affected by the welfare benefit changes.*

The top answer to this proposal was “strongly disagree” (26%), though the second most common response was “strongly agree” (21%). Overall 53% of the responses were in agreement with the proposal and 45% were against it.

The majority view of the partners was that the suspension of the 10% band 4 preference was essential to free up properties for those in Band 1\* affected by the welfare changes. Over 20% of all allocations are currently going to Band 4 applicants. It was noted that Shoreline HP does not support this proposal.

*Q8.1 HCL should waive the need to have a local connection for people proven to be homeless due to fleeing domestic violence.*

Over 86% of respondents were in favour of this proposal.

*Q9.1 HCL should be able to suspend applicants from further bidding who fail to attend viewings without good reason.*

Over 95% of respondents supported this proposal. The NLC portfolio holder was keen that the threshold for when this sanction was to be applied should be clearly spelt out. Applicants could be suspended on the first occasion that they failed to respond to an invitation to a viewing. Suspension from bidding was to be used as a trigger for discussion with applicant about their use of HCL. As soon as the applicant contacted the RP or HCL team their suspension can be lifted.

Mark Sherwood

31.10.12