

Hackney Council Lettings Policy

How we let our homes

March 2009



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1. Meeting Housing Needs in Hackney

Introduction and scope

The Council has a duty under the Housing Act 1996 (Part 6), as amended in the Housing Act 2002, to consider housing need when we decide how we let our homes. We must also give reasonable preference to certain key groups of housing applicants. The Council must publish the rules we follow in deciding who to offer housing to and how offers are made and we must follow these rules. We can be legally challenged if we do not do so. This document explains our scheme. We provide a summary of this free of charge for all those joining our register and for tenants looking for a transfer.

Scope of the policy

This policy applies to all permanent lettings of social housing made by the Council (or its agents including our Arms Length Management Organisation 'Hackney Homes' and our tenant management organizations or tenant co-operatives). The policy covers offers of its own stock and to housing association homes made available to Council nominees through nomination agreements.

Its scope specifically excludes:

- lettings made as a result of assignments, including through mutual exchanges
- lettings made as a result of statutory succession rights
- any temporary lettings made e.g. to statutory homeless households or to support regeneration activity

There are other lettings where there are additional relevant criteria that may apply, these specifically include the letting of homes:

- that are adapted or capable of significant adaptation to meet the needs of people with physical disabilities. Such homes will be offered to households where this type of home is considered to be essential
- where residents receive both support and accommodation, including sheltered housing. These will be targeted on those residents who need the support that is being provided
- Which has been specifically provided to meet the needs of vulnerable groups, such as adults with learning difficulties? Such lettings will be restricted to those groups

Sheltered Housing

The Council is working with its housing association partners to improve the arrangements made for housing and support for older people in the borough, including making sure that existing sheltered housing meets current and future needs. Over time this will involve some changes to the existing provision both to improve the physical condition of the sheltered stock and to enhance and improve the support provided to older people, whether in their own home, or within specialist schemes for older people.

Hackney Homes and Tenant Management Organisations

'Hackney Homes' is the Arms Length Management organisation (ALMO) that manages the contracts with our housing management partners on behalf of the Council. Where references are made in this document to 'neighbourhood' or 'local' housing manager (or similar) this usually refers to our housing management partners or to Tenant Management Organisations (TMOs) staff where these exist.

Key Facts

Our lettings policy gives priority according to the time spent in housing need within broad bands of similar need.

The mismatch between supply and demand means that there are significant waiting times for all property types and sizes. The longest waits are for those who need larger homes. For such households waiting times, regardless of priority, are generally much longer than for those needing smaller homes.

The proportion of homes that are likely to be let to statutory homeless households will remain very significant unless the supply of homes significantly improves.

We will provide an opportunity for everyone to express preferences and make choices but these may be limited for some households.

Choice Based Lettings (Hackney Choice)

The Council introduced Choice Based Lettings (CBL) in September 2006. The Hackney CBL scheme is known as "Hackney Choice".

This is a very major change in the way people and properties are 'matched' together.

Most applicants are now expected to 'bid' for advertised vacancies. Council officers do not usually select people for properties any longer.

Under CBL an assessment of housing need will continue to place people into bands and the bids made for each property will be ranked by bands and date order.

Full details of the Hackney Choice (CBL) scheme are contained in Section 5 of this policy.

2. How to apply for housing in Hackney

We will seek to ensure that the process whereby housing needs are assessed and homes are let is easily understood and is fair and transparent.

Eligibility: Who can apply for housing?

The law says that we cannot allocate housing to people who are subject to immigration control. These include asylum seekers, people who have been refused leave to remain in this country and those with no recourse to public funds. Details of the rules are very complex and change from time to time, please ask for more information on the current rules.

The law also allows the Council to exclude from access to social housing, people whose behaviour has been so unacceptable as to provide grounds (were they existing tenants) for an outright court order for possession. Examples of unacceptable behaviour include rent arrears and anti social behaviour.

In addition whilst it is not necessary for any person seeking housing through the Council to live in Hackney, we do apply a reduced priority rule (see below) to ensure people with a local connection in Hackney are given preferential access to housing.

'Reduced Priority': When is this applied?

There are some circumstances when the Council gives less priority to people applying to be housed. The decision to award the reduced priority is likely to affect those:

- who have no local connection with the borough
- where there has been unacceptable behaviour in a tenancy (usually current or former rent arrears or anti-social behaviour)
- who have sufficient income to rent privately or purchase housing

No Local Connection

Applicants without a local connection will be registered in the usual way, but if they make the highest priority bid for a property they will only be offered the tenancy in specific circumstances. An applicant with no local connection will only be offered a tenancy when they are the highest priority bidder willing to accept the property AND when no other person (in their priority band) has made a bid for the property.

For cases in the Urgent Band this rule will not apply. However only the Senior Officer Review Panel may authorise urgent cases without a local connection for either an offer, a bid or a nomination.

A local connection is as defined by the Housing Act 1996 and includes:

- Usual residency of own choice in Hackney
- Permanent employment in Hackney

- Close family living in the borough (parents, grandparents or brothers and sisters) for at least 5 years
- Where the Council agrees that there are special circumstances

Tenants in Rent Arrears

Where existing Council or housing association tenants (including those in any temporary accommodation provided by the Council) are in arrears of rent sufficient to merit action (e.g. notice to be served) then no bid for (or offer of) housing will be valid until/unless an arrangement is made and kept to clear the debt. Any arrangement made must usually be kept for at least 6 months.

The housing application will be dealt with in the usual way, but ‘bypassed’ for any offer until the relevant housing manager (including housing association manager) confirms that arrears have been cleared or an arrangement to clear the debt made with the landlord has been kept as agreed. In exceptional or unique circumstances (e.g. of hardship) the local manager at their discretion may decide to authorise a transfer despite the tenant’s being in arrears with their rent. However, in an emergency where life and limb are at risk, the existence of rent arrears will not prevent emergency/temporary housing being provided.

Other unsatisfactory behaviour

The Council may decide to limit the priority given to a rehousing applicant where there is evidence of other ‘unsatisfactory behaviour’ (such as antisocial behaviour). This is likely to be relevant to existing Council or housing association tenants or to homeless households in temporary accommodation made available through the Council. The local housing manager is responsible for deciding whether an applicants priority should be reduced and for notifying the applicant of this. Applicants may request a review of any decision in respect of eligibility.

Joining the Housing Waiting List

In order to meet our statutory duties to consider housing need we:

- have forms to collect the information we need
- where necessary obtain additional information
- make checks to see that applications are honest
- have rules that cover what size of home we will allow people to bid for
- decide how many points each application should have
- tell everyone which of our letting groups or “Bands” they are in and the priority date they have been awarded
- say whether we likely to be able to help them with housing and if so, how long it may take
- do our best to make sure that everyone understands how the choices they make will affect their chances of housing

Everyone must complete the housing waiting list form in full. We cannot register anyone without all the information and will return the form if questions are left unanswered.

We have asked lots of questions on the form in order to:

- ensure that everyone we have on our register is eligible to be considered for an social housing tenancy
- decide what their priority ought to be
- identify and deter fraudulent applications
- provide appropriate assistance according to individual circumstances

We may share any information provided on housing application forms with another social landlord (usually a housing association) if we believe they can help the applicant with housing. We ask about ethnicity and disability in particular so that we can check that our policies and practices are not discriminating either directly or indirectly, in favour of or against any specific ethnic minority or against people because of their disability.

Checking applications are honest

We will ask for confirmation of identity and of household members and their relationship to the main applicant. We will need to confirm that any children included on the form live with the applicant and are in their long-term care. We usually do this by checking child benefit payments or income support documents, although other documents may be required in certain circumstances. We will ask for documents to confirm residency over the past five years. This is to ensure we have details of any previous tenancies held or properties owned which may be relevant in our assessment of need or eligibility.

This checking is sometimes known as “verification”. Applicants receiving Housing Benefit or Council Tax Benefit, can agree to let us collect the information we need direct from our Revenues and Benefits Service. Otherwise, we will ask for copies of certain documents now and for the originals at a later date. We will verify applications for those people who we judge are likely to receive an offer of housing before too long.

The housing application form describes exactly which documents we will need to verify an application and allows an applicant to tell us if they want us to share the information they have already provided in support of a claim for housing or council tax benefit. Until we have all the necessary documentation we will not accept an application. In these circumstances an applicant will not be able to make a bid for a property under Hackney Choice.

What happens next?

When we have received all the necessary documentation we will send each applicant a copy of the information we have recorded, based upon the application form. We ask applicants to check this and to tell us straight away if anything is wrong. We will indicate which letting “Band” the applicant has joined as well as the band date of the application. There is more information about our letting bands on Chapter 4.

Our bands are date ordered and new applicants will usually join the band at the bottom, Although there are exceptions for agreed multiple need cases -see page 14.

Applicants will be offered the opportunity of accepting a home that is one bedroom smaller than we consider is needed in order to speed up their housing prospects. If applicants willing to bid for a property size smaller than their assessment are in the Priority/Homeless Band they will join the bottom of our Urgent Band for consideration for that smaller size home.

In order to attract increased priority under “Hackney Choice” we will need to know in advance if a priority applicant intends to bid for a smaller home to improve their prospects of housing. There will be information on bids made and outcomes that will help to inform applicants published regularly in the “Choice Homes” magazine and on the East London Lettings Company website.

Keeping our register and transfer lists up to date.

In order to be sure we continue to apply these rules fairly we need to review applications and transfer requests regularly. This is likely to take place on an annual basis although there will be different procedures for particular groups such as homeless households and those tenants we are encouraging to consider moving out of larger homes. At the time of a review information will be sought to check that the occupants registered for a move are the same and that the eligibility issues (primarily around immigration status and tenancy breaches like rent arrears) are kept up to date.

Applicants, including council tenants applying for a transfer, who wish to include additional household members as part of their application and to have these additional household members included in the priority their application attracts (usually on the basis of overcrowding) will need to demonstrate;

- that the additional persons need to be cared for and are dependant upon the tenant (this would usually be children or vulnerable adults)
- that no other satisfactory arrangements can reasonably be made for their care
- that the arrangement is ‘permanent’ (i.e. not short term to cover a stay in hospital or similar).

As a result of these rules adult, non-dependant friends or relatives cannot usually be included on housing application unless they have continuously remained part of the same household since childhood. Non-dependant adults, whether related or unrelated, are generally expected to make their own housing applications.

During the review process reasonable enquiries will be made and the usual documentary confirmation of actual residency will be required. Where appropriate, advice may be sought from colleagues in health and social care.

We will ensure that we do not consider more than one application from the same household and that individuals are not considered within two households at the same time.

For existing tenants this review process will be completed by staff at their local housing office as a part of their wider housing management activities. For other applicants this review will be carried out by staff within the Housing Needs Division.

Where relevant we will also review preferences for areas and provide information about any new initiatives that might be available.

3. The supply and demand for housing in Hackney

The Council expects to have about 2,000 homes (including housing association properties) to let each year. Around 50% of these are one bedroom or studio homes.

Supply

The supply of property becoming available to let is not evenly spread across the Borough and demand is high for some areas, noticeably for the north of the borough. New Government policies to build additional new homes mean that some of the homes we have to let will be in surrounding areas in East London.

Under the Fresh Start Scheme (see Chapter 13) we are sometimes able to help those wishing or able to move to some parts of northern England and the Midlands. A significant number of families have moved into houses with gardens in these areas over the past few years.

The shortage of homes is most acute in the supply of homes with three or more bedrooms. Only 53 homes with 4 or more bedrooms were expected to be available for offer during 2005/06. The Letting Plan provides a full picture of the anticipated supply of homes each year.

Demand

The demand for housing from the housing list (including tenants waiting for transfer) and the statutory homeless queue remains high. We have over 2,000 households in temporary homes and although these are mostly self contained and provide adequate housing, they are temporary solutions only. We remain committed to reducing the amount of time families spend in temporary homes, in line with Government targets.

In addition regeneration work being done to achieve the Government's Decent Homes target, including on our Woodberry Down Estate in the north of the borough, is likely to both reduce the available supply of homes (as some homes are no longer available to let) and to increase demand as we will need to help to empty some of these homes ready for demolition. Although these homes will be replaced, this will be over a long period.

The mismatch between supply and demand means that waiting time for those who need larger homes, regardless of their priority, are much longer than for those needing smaller homes. This is true even though we are using some of the smaller homes as temporary accommodation.

4. Lettings: Points, bands and plans

The general principle of giving priority according to the time spent in housing need within broad bands of similar need is central to the system.

Housing points and bands

Everyone applying to the Council for housing will initially have their housing needs priority assessed within a very simple points scheme:

- 250 points for authorized emergencies
- 100 points for most authorized 'Council Interest' moves, including decant tenants, tenants we want to move into smaller homes, and for "A" Social, "A" Health, "A" overcrowding cases (two or more bedrooms short) and "A" Disrepair
- 40 points for agreed "A" Carer, "A" Insecurity, Quota "move on" offers, agreed mobility cases and statutorily homeless households
- 10 points for "B" Health, "B" Social, "B" Carer, "B" Insecurity, "B" Disrepair, less severe (B) overcrowding (one bedroom short), lacking a basic facility and children on high floors.

Having calculated the total points the application attracts, each application will be placed within one of the bands, within a date order. The 'priority' or 'band' date used will usually be either the application date or the date on which the current level of housing need began, whichever is the later. There are some specific groups for whom other rules will apply including tenants who must be decanted and people moving on into independent housing from 'care' or from 'supported' housing.

Who is in the letting bands?

Every applicant will be placed in one of the following bands based upon their points:

Bands and Points: Bands/Points Cases in each band

Emergency Band (250 + points)

- Emergency Hospital Discharge cases, unable to accept temporary housing
- Emergency maladministration or legal remedy where the Council is found liable
- Fires and flood in Council homes
- Emergency re-housing for police witnesses under threat
- Emergency cases agreed by Senior Officer Review Panel

Urgent Band (100 – 240 points)

- Urgent maladministration or legal remedy where the Council is found or likely to be found, liable
- Urgent health needs - 'A' Medical
- Urgent domestic violence or serious harassment – A Social

- Overcrowded households - needing two or more extra bedrooms
- Severe disrepair/unsanitary conditions – “A” Disrepair
- Residents in temporary homes after emergency hospital discharge
- Council Interest -Tenants requiring smaller homes
- Council Interest - Tenants being moved to allow for redevelopment
- Other authorised “Council Interest” moves
- Urgent cases agreed by Senior Officer Review Panel

Priority(Non Homeless)/Homeless Band (40 – 90 points)

- A Special Needs cases - with recommendations from Social Services
- Single young people leaving ‘care’ or others leaving supported housing
- Households accepted under mobility schemes
- Authorised single ex-tenants leaving institutions
- Priority cases agreed by Senior Officer Review Panel
- Statutory homeless households

General Band (10 – 30 points)

- Agreed ‘non priority homeless’ households – “B” Insecurity
- People with serious health needs – “B” Medical
- Disrepair/unsanitary conditions – “B” Disrepair
- Older people recommended for sheltered housing
- “B” Special Needs cases - recommended by social services
- Overcrowded households - needing one extra bedroom
- Homes lacking a basic facility (e.g. inside W.C.)
- Households with young children on high floors (above 3rd floor unlifted)

Reserve Band (0 points)

- Households with no significant housing need

An example

A tenant in a one bedroom property applies for a transfer and is assessed as needing two bedrooms (one extra bedroom) when they apply will attract 10 points and join the General Band from the date of their application on the transfer scheme.

If later they become more overcrowded (by being assessed as needing three bedrooms i.e. two extra bedrooms), they will join the Urgent Band from the date we confirmed the additional overcrowding. Offers will be made in date order within each band except for “Council Interest” lettings where offers may be required to meet specific deadlines, see Chapter 10 for details of Council Interest priorities.

Multiple or Composite Needs

1. We recognise that there will be circumstances in which an applicant falls within more than one of the categories of reasonable preference dealt with in this Policy. The categories that are dealt with include those listed in section 4 of this policy by reference to the various bands. So, for example, an applicant may have both 'A' Social need and 'A' Medical need. There are multiple possible combinations. Applicants who fall within more than one of the categories are referred to as having multiple or composite needs.
2. We take the view that priority for housing accommodation should go to those with greater housing need. To this end, we will not treat the reasonable preference categories identified in this Policy in isolation from one another. Consideration will be given to whether additional preference should be given to an applicant with multiple or composite needs.
3. Under this Policy, we allocate points to the categories of reasonable preference which determine the band in which an applicant is placed. Applicants are allocated to bands with a priority date, which determines priority within the bands. If we determine that an applicant should be given additional preference by reason of multiple or composite need, then we will do that by one of the following mechanisms –
 - (1) Allocation of additional points sufficient to take the applicant into the appropriate higher band.
 - (2) Adjustment of the applicant's priority date within the appropriate band.
 - (3) A combination of both (1) and (2).
4. Additional preference will not be awarded to all applicants who fall into multiple categories. The determination of whether to accord additional preference to an applicant and, if so, to what extent is a discretionary matter that we will determine by reference to the following considerations –
 - (1) The applicant's overall housing need in all the circumstances of the applicant's case. In considering this, regard will be had to:
 - (a) how the applicant's needs interact and whether the applicant's multiple needs are cumulative. There will be cases in which an applicant falls into multiple categories, but the various categories do not relate in a way that increases the applicant's need for housing. It will generally be the case that it is not appropriate to simply aggregate the points of the applicant's various needs and see whether that results in a higher banding;
 - (b) whether any accumulation of the applicant's needs is significant. For example, it may be that an applicant has multiple low level needs that when taken together would not elevate the applicant to the priority of a person with a single high-level need;
 - (c) whether the applicant's need should remain defined by one principal or primary need. For example, a person with 'A' Medical need may also be subject to a number of other relatively minor factors. There may be a 'B' social need. In such a case it may be that the social need does not make the applicant's need for housing appreciably greater than others with 'A' Medical needs. If so, then the applicant in the example would not be granted additional preference.

- (2) The needs of other applicants. There necessarily must be some comparison between the person under consideration and others in the scheme to determine whether the multiple needs of the subject applicant warrant additional preference.
 - (3) The time spent by other applicants in the scheme. Housing need or reasonable preference will be determined to some extent by the length of time that a person has been waiting in the scheme.
5. Where an applicant attracts priority as a result of both severe overcrowding and 'A' Medical, we will generally reflect this in the priority date. Where a person with an existing 'A' Medical priority becomes overcrowded by two or more bedrooms, then the authorised manager will generally backdate the priority date by one year. Before this happens checks will be made to ensure that any additional household members are eligible to be considered as a part of the household for the purposes of the assessment (see Chapter 2 for details on eligibility).
 6. We will seek information and guidance from health and social care professionals where there are relevant health and social care factors that need to be considered.
 7. The determination of whether to give additional preference by reason of multiple need will take place at the time of initial assessment, albeit after banding and priority date have otherwise been determined. If an applicant's initial assessment was made without consideration of multiple needs, then a determination of multiple needs will be made as soon as possible.
 8. A determination of whether to give additional preference by reason of multiple needs will be reconsidered upon the receipt of new information that demonstrates a relevant addition to the applicant's housing needs.
 9. There is a Senior Officer Review Panel (SORP), which is able to consider very urgent cases and other cases that are considered by reason of their complexity to need attention by the Panel. The Panel will make its determinations in accordance with this Policy.
 10. The final determination of whether to give additional preference by reason of multiple needs will generally be made by the Housing Demand Manager in the Council's Housing Needs Division.

How much housing will go to each Band each year?

The critical decision in planning our lettings is deciding how much housing should go to each group and band each year. Our plan starts with an estimate of the supply of homes, including their anticipated size, that we expect to get during the year. This projection of supply is made up of an estimate of:

- our own likely vacancies
- existing and new build homes that we expect to be made available to us under nomination agreements with our housing association partners
- the new homes expected through the regional and sub-regional nomination agreements.

We then use this estimate of supply to set targets for the main categories of housing applicants. The result is a Lettings Plan. This is published each year and you can pick one up from any housing office or download it from the Council's website. The plan sets out letting targets for each of the main categories of housing need within their band. In agreeing these targets we have considered what we have done in the past, our best estimates of future demand and where relevant, the Council's own plans.

We have also made allowances for some of our property to be used as temporary housing. The next section below describes how we reach targets for each of the main categories of need.

Emergencies

We cannot predict exactly how many homes we will need for emergencies - we rely on past experience to predict the number of homes we will need during the year ahead and we know there are likely to be very few.

Urgent Band

- Tenants in homes larger than they need

We will transfer as many tenants as we can to release larger homes that they no longer need. We are limited however by the type and quality of home that we can offer to persuade these tenants to move. Some wish to move to other parts of London or surrounding areas. We may not be able to arrange this. We estimate how many of these moves we will do within a year.

- Tenants being moved to allow for redevelopment

Once we have decided to improve or redevelop an area or estate, we may need to move some tenants to suitable alternative accommodation. These 'decant' needs are often urgent and always a high priority for the Council.

- Council Interest Applicants

Lettings made to non-tenants that benefit the Council, for example a long standing authorised occupant of a family size council home where there are no succession rights remaining and who is facing homelessness after the death of a tenant - see Chapter 11.

- "A" Social Transfers

We will have to house some tenants each year because they are in danger and have been awarded "A" Social priority - see Chapter 9.

- Severe Unsanitary/Disrepair – “A” Disrepair

We have to house households occupying severe unsanitary housing.

- Urgent health needs - “A” Medical

We know that we have a backlog of approximately 250 residents (both tenants and housing applicants) who need to move urgently because of a severe health problem. We know we cannot clear this backlog within one year. We agree a target number of properties for this group each year. These properties will be low floor and heated and some will need to be suitable for people with physical disabilities including wheelchair users. We will consider these cases in date order from the date the “A” Medical was awarded.

- Severe Overcrowding – “A” Overcrowded

We know we have over 500 households who are short of two bedrooms or more. We have rules to decide who we consider to be a household and how many bedrooms we think they need (see Chapter 6 for bedroom rules). We know we cannot meet all this need in any one year, so we decide how many of these households we can try to help each year.

Priority/Homeless Band

Non Homeless Priority Band cases

- We will offer some small homes to young people leaving the care of the Council and to an agreed number of mostly young single people, who have been referred by agencies providing short term ‘supported’ housing. We decide each year how many of these ‘move on’ cases we will aim to assist.
- We have agreed to assist households who have been assessed by Social Services as needing care at home to avoid residential care and who need to be moved to make this possible or who need adaptations to their homes which cannot be provided and so must be moved. We do not expect that there will be very many of these cases so we estimate a small number of lettings in addition to the homes we already provide for adults with learning difficulties. Many of those requiring a home under this Special Needs or Carers Priority will be elderly or need a specifically adapted property – see Chapter 8.
- We are committed to offer some homes (mostly small homes for older people) through mobility schemes. In addition, we occasionally agree to help a household needing to move away from their present area in an emergency. When we do this it is on a reciprocal basis and at some future date we will benefit from a similar unit in another area. Since the introduction of Choice Based Lettings we have swapped properties on a reciprocal basis with other London borough to create more choice in respect of location for our applicants. We know from experience how many homes we are likely to need to meet these commitments and emergencies.

Homeless Priority Band cases

- We must house a proportion of our statutory homeless households each year. We may need to increase our targets for homeless households if either the supply of temporary housing reduces or the number of households we have to accept a duty towards increases.
- The Government has set a target for all local authorities to reduce the total number of households living in temporary accommodation by 50 % by 2010. We must consider to what extent we can use more of our available homes to help meet this target.
- We know that we have a backlog of households in temporary housing waiting for permanent homes and we know that we are accepting a statutory homeless duty towards an increasing number of vulnerable single people including 16 and 17 year olds for whom we must provide appropriate housing.

Considering all this we must judge how many permanent lettings and of what size we must set aside for statutory homeless households.

General Band

We know that the majority of our low floor, family size homes will go to people in our Urgent and Priority Bands. Households on our register and transfer list who are in the General Band will be considered for any remaining properties.

‘Hard to let’ one beds

Most of the homes that have been let to General Band applicants prior to the introduction of Choice Based Lettings (CBL) were studio or one bedroom homes and some of those will qualified as ‘hard to let’. We previously agreed to distribute the available ‘hard to let’ one bedroom and studio homes broadly equally between ‘non priority’ homeless people, date ordered General Band households and wage earners under a temporary hard to let policy.

Subsequent to the introduction of “Hackney Choice” (CBL), it has been agreed that homes offered to applicants in the General Band will be equally divided between “non priority” homeless and wage earners as previously defined. All applicants in the General Band will be able to bid for all general needs properties. It is considered that bidding patterns for individual properties will determine whether or not a property should be considered hard to let, i.e. if a property attracts no bids (or no bids from an applicant in a priority band) then it may be considered hard to let.

Where the only effective bids for a property are made by applicants in the General and/or Reserve Bands then the property will be offered to the highest priority bidder. If a property attracts no bids it will be directly allocated to General Band applicants in line with the previous hard to let policy.

Tenants overcrowded by one bedroom

The Council previously agreed to use a limited number of small homes each year (one and two bedrooms) to assist some of the large number of Council tenants who are living in bedsits or one bedroom properties and are one bedroom short of what they need. These lettings released a small home which could be used to meet other urgent needs so did not result in a loss of overall supply. As for hard to let one beds this policy no longer applies under CBL, subject to the consideration of such cases when no effective bid has been received.

Reserve Band

Those in our Reserve Band are most unlikely to receive an offer or to be successful in bidding for a vacant home under CBL, with the exception of older people requesting sheltered housing. Some of these older people have support rather than housing needs and would benefit particularly from this type of specialist home.

Using all these facts, it is possible to estimate how much of the supply of housing will be needed for each category of need and thus to each band overall. The exact distribution of our lettings will vary for lots of reasons both on the supply side – as our projections may prove inaccurate and on the demand side – which is particularly affected by the choices people make.

The next section, (Section 5. Making the Right Choices – Choice Based Lettings) sets out the impact of the introduction of Choice Based Lettings on the operation of the Lettings Plan, and the necessary policy changes agreed to operate the scheme.

5. Making the Right Choices – Choice Based Lettings

As far as the supply of property permits we will let all properties in ways that respect the choice of the applicant with regard to where they live. We will provide as much choice as possible to allow all applicants to make informed decisions. It is the intention of Hackney Council to advertise as many vacant properties as possible and that in most instances all eligible applicants will be able to bid for all properties.

All transfer and waiting list applicants will periodically, and at the time of initial registration, be advised of their individual details and unique reference number, in order that they may bid for properties under the CBL (“Hackney Choice”) scheme. For details about the bidding procedures and locations at which the magazine and bidding facilities are available, please consult the booklet “Hackney Choice; our lettings, your choice” which is available on the Hackney Council website and at Hackney Council offices.

Choice is an essential element of the letting scheme. Choice Based Lettings (CBL) constitutes a significant change as the Council will no longer allocate homes but applicants will actively exercise informed choices through bidding for advertised homes - making for themselves the necessary compromises between what they want and how long they can wait.

We have introduced CBL in 2006. Available properties will be advertised in a variety of ways including through a web site and magazine and residents will be able to make bids for the homes they are interested in.

Our letting policies remain the same under CBL. These policies were consulted on and achieved widespread support. There have however been some adjustments to existing procedures needed to make CBL work well and fairly, especially to make sure that CBL does not disadvantage any groups already facing barriers to accessing services whether through language, cultural differences, age, vulnerability or disability.

Choosing areas in Hackney

Before CBL was introduced we continued to ask applicants to choose at least 6 areas of the borough where they wished to be housed. Following the introduction of CBL (“Hackney Choice”) these choices will no longer be taken into account unless the Council decides to make a direct offer of housing (see below). Any applicant may bid for a property in any location, whether or not they have previously expressed an interest in the area.

We will not offer in an area where we have been told in advance that an applicant or someone in their household will be at significant risk from a specific person or as a result of a specific incident in a specific area in the borough. We are occasionally able to use mobility schemes to help people with urgent priority to move away from London completely but as always, moves to other London boroughs and the Home Counties are generally almost impossible for family size homes – except on some occasions through Fresh Start to the midlands, north of England or south Wales, see Chapter 13.

Housing association property

We expect that housing associations will manage an increasing proportion of the social housing in the borough. Applicants excluding housing association properties from their housing options will substantially affect their chances of housing regardless of priority and will lead inevitably to very much longer waiting times.

We will advise everyone to think very carefully before excluding housing association homes. In any event, any household who needs a home with four or more bedrooms OR an adapted/mobility/wheelchair standard home, may not reasonably exclude housing association property (when a direct offer is being made), as we will have very little chance of ever housing them if they do.

Any household to whom we owe a statutory homeless duty (either directly or potentially, including all those awarded ‘A’ Social or ‘A’ Insecurity) may express a preference for 6 wards and may exclude housing association property in the first instance.

However, if there is no accommodation meeting these preferences available to offer as they reach their ‘turn’ in the date ordered list, we will consider them for an offer of the right size anywhere in the borough and irrespective of whether it is Council or housing association owned.

Refusals of Housing Association Offers

If any person refuses either a four bedroom (or larger) home or an adapted property (wheelchair or mobility standard, check with Special Needs Manager if in doubt) that is in other respects suitable, only because it is not a Council property, this refusal will not be considered reasonable.

If any person to whom we owe or would owe a statutory homeless duty (including A Social Transfers) refuses an offer that is in other respects suitable, only because it is not a Council property, this refusal will not be considered reasonable.

Where a statutory duty to house exists, a housing association offer will 'discharge' this duty and no further offer will be made. The person is likely to be asked to leave any temporary housing that we have provided.

Who may bid under CBL ("Hackney Choice")

All our eligible, accepted applicants, will be able to bid for all general needs properties regardless of the priority band they are in. However certain sheltered or supported properties will only be available to clients within a specific age range or with particular support needs. These restrictions will be advised as part of the advertising procedure.

However the property will still be offered in priority order i.e. the highest ranked bidder will be Properties which are particularly suitable, or have been adapted for, disabled people will be advertised as such. All applicants may bid for these properties but preference will be given (i.e. band date may be overridden) to applicants that have been assessed as specifically requiring such properties. Properties specifically built for wheelchair users will only be offered to applicants with a household member who is a wheelchair user.

Viewings by successful bidders

To discourage squatting, to assist those needing housing and to maximise income, it is in the interests of both the Council, and its housing association partners, to minimise the time that properties are left vacant. Keeping properties vacant whilst advertising is arranged under CBL may add time to the void periods of empty properties. In order to minimise the impact of CBL Hackney Council and local housing associations may invite more than one high priority bidder to view a particular property. This procedure is known as multiple viewing.

However the property will still be offered in priority order i.e. the highest ranked bidder will be invited to view, and accept, the property first. All successful bidders will be advised at the time they are invited to view a property of their actual position in the queue. We will not normally be able to hold a property for applicants who are unable to attend a viewing and applicants should only bid for properties at times when they will be available to view any property for which they successfully bid.

Penalties

The aim of the introduction of Choice Based Lettings has been to enhance choice for Hackney's residents. We also wish to encourage as many applicants as possible to bid. The Council has therefore decided that, subject to review within a year of the introduction of CBL, there will be no penalties for successful bidders for vacant properties, who subsequently decline to accept the home that they bid for.

This means that when an applicant bids successfully for a home but on viewing declines to accept it, Hackney Council will not penalise the applicant by either amending the band date to the date of refusal, nor, in the case of statutory homeless households, discharge our housing duty. The fact that penalties will not be applied does not prevent the Council from reviewing the priority of applicants and if necessary changing the priority band of any applicant.

However where a direct offer (see below) has been made penalties including the amendment of band dates, reduction of priority and discharge of duty will still be considered. When a direct offer is being made an applicant will be advised of the possibility of penalties being applied at the time the offer is made.

In the event that the review of policy determines that penalties may apply under CBL all applicants will be advised of this prior to the introduction of such penalties.

Direct offers

Hackney Council intends to advertise as many of the vacant properties available as possible under CBL. It does however recognise that some residents may experience difficulty in taking advantage of the opportunity to bid for properties. These applicants may include the elderly, people with disabilities or those with literacy or language problems. As far as is possible the Council, and its partners, will seek to support potentially vulnerable clients and will, where appropriate and with permission, make bids for suitable properties on behalf of specific service users.

The Council does however reserve the right to withdraw a vacant property from the CBL scheme in order to make a direct allocation when this meets the needs of a high priority applicant or is necessary to meet a legal or strategic obligation.

Under CBL, applicants 'bid' for a particular dwelling from amongst those available that week. The highest priority eligible bidder for any one home succeeds. The pattern of lettings outcomes depends on which groups of applicants bid effectively for available homes. This will clearly have an impact on the Lettings Plan as discussed in Chapter 4. However the Council will continue to annually produce a Lettings Plan reflecting the Council's financial and strategic priorities. The emerging pattern of bidding outcomes will be closely monitored.

Reserve powers are retained within the Lettings Scheme to enable the Council to make direct allocations under CBL to those groups of applicants, in priority order, receiving significantly fewer lettings than the preferred number in the Lettings Plan. This may be especially relevant

for groups such as homeless persons in temporary housing. Applicants would be entitled to the same level of choice e.g. choosing a minimum of six wards, as at present.

Prior to making a direct allocation the applicant affected would be advised of the importance of bidding for homes and given a period of time to commence bidding.

In addition it is important the Council has the opportunity to withdraw homes from CBL to directly allocate from the outset of CBL in certain cases. These would be relatively few cases including council interest lettings or high priority applicants unlikely to bid. These would include hospital non-discharge cases and under occupiers. It may include groups such as applicants for sheltered housing services.

6. How Many Bedrooms

The Council has to decide how many bedrooms a household needs and who should be included as part of any household because of the shortage of larger homes. We must make sure that the supply of larger homes goes to those who need them.

General Bedroom Standard

- a) A studio or bed-sit flat is considered suitable housing for a single person, unless they have regular access to a child or children when they would usually be considered for a one bedroom property.
- b) The main applicant is considered to need a double bedroom irrespective of whether they have a partner or not.
- c) Children and young people of the same sex and generation (and where the age difference is up to 20 years or less) are expected to share a bedroom irrespective of their actual relationship to each other or the main applicant.
- d) Two children of different sexes are expected to share a bedroom until the oldest becomes 8 years of age.
- e) All adults age 21 or more are entitled to their own bedroom but would be awarded the priority in their own housing application and not given to a household if included on an application. The only exception is where statutory duty has been accepted to secure permanent accommodation for the household, under Part 7, Housing Act 1996 (homelessness legislation)
- f) Unborn children will not be counted towards the bedroom assessment until after they have been born.

Large Households

Because of the shortage of large homes it may be necessary to consider offering two homes where rehousing is essential and this is appropriate and acceptable to the family concerned (perhaps where there are three generations living together). Where this is possible, there must be an adult who can hold the additional tenancy. The “new” household will apply to join the register. The new applicant must be rehoused before the tenant and remaining household member/s are made an offer of alternative housing.

Large households will also be encouraged to consider accepting a home smaller than the size they would ideally need in order to reduce their waiting time. The Council will not consider any family for a home that would leave them statutorily overcrowded or able to qualify as severely overcrowded under this policy. Some of our housing association partners are reluctant to overcrowd their homes in this way and this will limit our ability to help even where a household has agreed to this.

Additional household members

Applicants (including Council tenants applying for a transfer) will only be able to include additional household members as part of this application and to have these additional household members included in the priority their application attracts, in exceptional circumstances. They will need to demonstrate:

- that the additional persons need to be cared for and are dependant upon the tenant (this would usually be children or vulnerable adults)
- that no other satisfactory arrangements can reasonably be made for their care or could have been made immediately before they moved.
- that the arrangement is 'permanent' (i.e. not short term to cover a stay in hospital or similar).

Reasonable enquiries will be made and the usual documentary confirmation of actual residency will be required. Where appropriate, advice will be sought from colleagues in health and social care. Nothing here implies a restriction on a Council tenant's right to decide who lives in their property, whether they have guests or lodgers as long as they do not allow the property to become overcrowded.

"A" Overcrowding

When the number of bedrooms a household needs, as assessed by the Council's general bedroom standards, exceeds the number of bedrooms available to the household by two or more bedrooms, the household will be entitled to an "A" Overcrowded award. This attracts 100 points and ensures that the household is placed in the Urgent Band.

For the purposes of this award where a household has sole access to a separate living room this may be counted as an available bedroom. This award is not available to households that have made a homeless application under Part VII of the Housing Act 1996, as appropriate temporary accommodation will be provided to ensure a household is not severely overcrowded.

"B" Overcrowding

When the number of bedrooms a household needs, as assessed by the Council's general bedroom standards, exceeds the number of bedrooms available to the household by one bedroom, the household will be entitled to an "B" Overcrowded award. This attracts 10 points and ensures that the household is placed in the General Band.

For the purposes of this award where a household has sole access to a separate living room this may be counted as an available bedroom. Although the Council considers bedsit/studio

accommodation sufficient for a single adult, applicants living in such units will, on application for a one bedroom home be awarded “B” Overcrowded status.

Reviews of “A” Overcrowded Priority

To ensure that the most overcrowded households are assisted, each award of “A” Overcrowded priority will be reviewed every six months. Those affected applicants who are Hackney Council tenants will be reviewed by the appropriate Hackney Homes staff. The other applicants will be reviewed by the Housing Register team. Specific attention will be paid to confirming the continued residence of adult household members including checking, where appropriate, housing benefit claims. If an adult relative is not declared on a housing benefit claim it will be the general presumption that s/he is not resident and therefore not to be included on the application.

7. Medical Priority

The Council’s medical advisers are able to give two levels of medical priority, “A” grade and “B” grade, both of which reflect an urgent need to move due to a health problem.

Medical priority reflects the extent to which a serious medical condition is affected by the present home. For example, a person with severe mobility problems, unable to manage any stairs, but living on the ground floor in a block with a level access, would not be given medical priority. If the same person is living on the third floor of a block without a lift, he or she is likely to be awarded high medical priority.

The Council will consider the needs of all the people with significant health problems in the household where this is appropriate, but will only award one overall grade. Medical priority is awarded only where there are medical conditions that are long term. For example, priority will not be awarded for conditions associated with pregnancy or for a short time after surgery.

Criteria for medical priority

An “A” Medical priority is only given to the most urgent cases: where a person is at risk due to the inadequacy of their home, or is housebound within it and would otherwise be able to go out or be taken out.

A “B” Medical priority will be awarded to other urgent cases where circumstances do not merit an “A” grade. In these cases a change of housing would make a substantial improvement in the quality of life of the person.

Non Discharge Priority

The Council’s medical advisers are also able to award “non-discharge” priority where relevant health care professional have confirmed that a hospital in-patient cannot be discharged home only because of the unsuitability of their home. The reluctance of hospital staff to discharge home to less than satisfactory housing is understandable but will usually be reflected in a “A” medical priority and not in non-discharge priority which must be retained for those where discharge cannot take place without alternative housing.

The medical advisers have two levels of non-discharge priority available:

Emergency Non Discharge priority - where temporary accommodation is not suitable or not in the interest of the Council; (for example, where an adapted home or costly aids and adaptations are required).

Urgent Non Discharge priority - where temporary housing may be provided on an interim basis pending a permanent offer if needed. Non discharge cases are relatively rare and inevitably complex and often involve the provision of adapted or adaptable housing. Medical advisers together with health and social care colleagues will consider the special requirements and circumstances of these cases in assessing the appropriate priority.

Medical recommendations for homeless households Where someone is homeless our medical adviser may, if asked by a housing needs officer, give advice on any existing medical condition. They may help housing officers to decide whether any person is “vulnerable” under the terms of the homelessness legislation or decide what is the most suitable type of temporary home if this is needed.

It is not anticipated that any statutory homeless household placed in temporary housing by the Council will be housed in accommodation that is so inadequate for their needs as to merit the award of either an “A” or “B” Medical priority. Where a temporary home becomes substantially unsuitable because of changing or emerging health problems and it is not possible to move the household on into their permanent home quickly, alternative more suitable temporary housing will be made available.

In view of the extreme shortage of adapted properties, where an specifically adapted home is essential for a statutory homeless household, ‘A’ Medical priority will be awarded to reflect this specific need.

Reviewing medical priority

Medical priority may be reviewed as part of a routine review of outstanding cases, (undertaken to maintain consistency of decision making over time). It may also be reviewed in response to a specific change in circumstances, to additional information becoming available or to changes in the amenities within the property (e.g. the addition of central heating to a property may affect the medical grade that is appropriate)

8. Special Needs and Carers Priority

As far as the supply of properties permit we will let homes in ways that ensure that vulnerable people have appropriate support. There are special priorities that are agreed by the Special Needs Manager on the recommendation of Social Services such as Special Needs Priority, Carers Priority. These priorities are mutually exclusive. An applicant can only be considered under one or the other.

Special Needs Priority

This priority is awarded by the Special Needs Manager in consultation with colleagues in Social Services where appropriate.

“A” priority is only available to a person for whom a Community Care Assessment has been carried out and it is confirmed by those professionals involved in this assessment that the provision of care or support services are not possible because either:

- the person is homeless
- the person would, (in the opinion of those professionals involved in the community care assessment), be at serious risk of either injury or harm to self or others if they remained in or returned to their present home
- the home currently available is entirely unsuitable for essential adaptations to be made or for essential equipment to be installed

“B” priority

There are two circumstances where a “B” Special Needs Priority may be applicable:

1) For any person for whom a Community Care assessment has been carried out or where an Occupational Therapist has made a written assessment of need and in their opinion:

- The provision of essential care or support is being significantly limited in the present home
- An alternative more appropriate home would allow a significant improvement in the level and quality of care and support that could be provided

In such cases “B” Special Needs priority may be agreed by the Special Needs Manager.

2) For older people (over 60 years only) who are:

- Particularly isolated and needing sheltered housing
- Ex Hackney council tenants who wish to return to Hackney within a year of their tenancy end and where the previous tenancy was satisfactory

Carers Priority

There are 2 levels of Carer Priority and applications for consideration will be limited to those who are eligible for an assessment from Social Services. Therefore the “carer” assessment (both levels) will be based upon recommendations made by Social Services to the appropriate housing office and authorised subsequently by the Special Needs Team Leader.

“A” Carer Priority

For this priority to be agreed, there should be daily care required with a level of personal care and dependence such that if the care is not provided by the carer, a service would be required by social services or health. This priority will be applied either to give additional priority to the carer to move nearer to the person needing care, or to move the person needing care nearer to a recognised carer.

When deciding who to award priority to, consideration must be given to:

the wishes and circumstances of both the carer and person needing care, the likely wait time for different property sizes and types (generally one bedroom and two bedroom homes will be much quicker to provide). Consideration of an extra bedroom would only be made where care is required during the night for personal care and there is insufficient room otherwise. The impact on likely wait times will need to be explained fully.

“B” Carer Priority

For this priority to be awarded, regular, probably daily care (but not essentially, this dependant upon the carer’s situation) is needed for a person who is housebound but able to care for themselves within the home.

This care would be to provide social contact/ support/shopping etc. and applies where the carers own health or mobility or other circumstances make it necessary that they live closer than they do at present to the person being cared for.

This priority will be applied either to give additional priority to the carer to move nearer to the person needing care, or to move the person needing care nearer to a recognised carer. When deciding who to award priority to consideration must be given to:

- The wishes and circumstances of both carer and person needing care
- The likely wait time for different property sizes and types (generally one bedroom and two bedroom homes will be much quicker to provide)

There will not be consideration of any request for additional bedroom for cases where “B” Carer priority is agreed.

Reviewing Special Needs and Carers Priority

Special Needs and Carers priority will be reviewed and may be removed, either a part of an overall review of priorities or as appropriate in response to a change of circumstances.

9. Social priority, racial harassment / domestic violence

Social priority

“A” Priority is appropriate where there is a threat to life and limb if the person is not moved and there is no alternative effective remedy. Such moves will generally happen within the Borough, however where this will not remove or substantially reduce the threat then applicants will be given advice and assistance in approaching another authority.

Reasonable enquiries will be made to judge the severity of the threat or risk and to ensure that a move will eliminate or minimise the future risk to life and limb. Social priority will be recommended by the Neighbourhood Manager or their delegated officer at each neighbourhood office for existing Council tenants or by the Head of Advice and Options (or delegated officer) for others.

All ‘A’ Social cases will be authorised by the Lettings Manager to ensure consistency. It is expected that housing associations will take action to help their tenants facing life such threatening situations, if necessary through reciprocal arrangements. A homelessness application may be an appropriate course of action in this type of case. Where the violence is to a man or woman who is living in a Council property but is neither the tenant nor joint tenant, a homelessness application should be made.

Circumstances where the highest social priority may be considered include:

- Violent incidents where there is reason to believe the incident might be repeated e.g. rape or harassment as a result of race, ethnicity, sexuality or disability
- Sexual abuse of or attacks on children where moving would end the danger
- Witnesses or potential witnesses where actual violence or threats of actual violence have been made.
- Domestic violence where moving would end or minimize the danger
- In cases of criminal activity where there has been associated threats and violence particularly where “innocent” parties are at risk.
- At the recommendation of the police, to help to provide witness protection

“B” priority is appropriate where there has been:

- Harassment over a long period but it is not life threatening
- A one off serious violent incident still causing demonstrable stress and anxiety

Providing temporary housing to tenants

It may be necessary to provide alternative housing in an emergency to a council tenant. This may be needed either to allow time for an assessment to be made or after the award of an “A” Social priority whilst waiting for a permanent offer. The local housing management staff will continue to manage the case until it is resolved and to deal with any associated tenancy matters.

Where temporary housing is provided through a non secure tenancy in another neighbourhood, the housing need assessment and ongoing casework will be the responsibility of the 'originating' neighbourhood until one year after the start of the non-secure tenancy. After that time the management of the case may (with agreement) be transferred by the home neighbourhood to the area where the tenant lives. This transfer should be confirmed in writing by the 'exporting' neighbourhood and the tenant should be informed in writing at the same time.

Reviewing Social Priority

Social priority will be reviewed on a regular basis (usually within at least 6 months) and will be removed if the circumstances no longer merit that priority. An "A" Social may be changed to "B" where this is more appropriate.

Domestic Violence and Racial Harassment Team

The Domestic Violence and Racial Harassment Team provides a range of direct confidential services to support victims of both racial harassment and domestic violence. These services include advice, advocacy, information, professional counselling and outreach. The service is available to anyone who lives or works in the borough.

The team offer a range of languages, including Bengali, Gaelic, Igbo, and sign language and operate a free phone helpline between 9.30 and 5.00pm, Monday to Friday. The Council works with other agencies to take action against the perpetrators of racial harassment.

Relationship breakdown – tenancy matters.

The Council has insufficient resources to provide two homes when relationships break down and looks to the matrimonial courts to determine whether a tenancy should be transferred to protect the interests of any children, where this cannot be agreed between the parents/carers.

Where a sole or joint tenant of the Council is the victim of domestic violence and it is agreed that s/he must be moved to safety, s/he will be asked to end the joint tenancy and the Council will, if needed, take steps to recover vacant possession of the property. Anyone faced with homelessness as a result of this may make an application for housing, including a homelessness application.

Anyone affected by domestic violence or racial harassment and who feels unable to continue living in their home as a result of this is entitled to apply as homeless to the Council's Homelessness Service or to any other local authority. This means that a Council tenant may decide not to request a transfer on the grounds of Social Priority but instead approach our Homelessness Service for help.

10. Disrepair and unsanitary conditions

a) 'A' Disrepair Priority which will attract 100 points and place the applicant in the 'Urgent Band' if the applicant is occupying a property that is in an unsanitary condition. Referrals will be made to the Council's Private Sector Housing for assessment on the extent of the disrepair and whether the applicant is living in unsanitary conditions. This is in instances where the following conditions apply:

- Lacking access to a bathroom or kitchen within the house
- Lacking sink or cooking facilities
- Lacking inside WC
- Lacking running water, functioning electricity supply
- Other defects that are so serious so as to make the property not habitable

b) 'B' Disrepair Priority will attract 10 points and place an applicant in the 'General Band'. It will apply where applicants are suffering disrepair that does not render the property unsanitary. There are legal options available to tenants to resolve issues of disrepair with their landlord.

Each award will be made by the Housing Demand Manager or the Lettings Manager on referral from an Environmental Health Officer.

11. Council Interest Priorities

We will adopt a flexible approach to maximise the number of homes we have to let and achieve best value for tenants.

Moving tenants to allow for regeneration

When the Council has decided on redevelopment there will be detailed agreements reached with all interested parties concerning for example, in relation to number and tenure of new units.

In general, regeneration schemes will need to absorb their own decanting requirements. The exceptions to this will be where temporary housing is required in the initial stages or there are overriding social reasons for moving a tenant to another area where they will receive or give essential support or be safe.

Where "hidden households" (e.g. adult children and grandchildren) are identified within a household that it is agreed must be moved, it may be in the Council's interest to house this "hidden household" separately within the scheme rather than within the main household. It may be in the Council's interest:

- where this will assist with moving an otherwise very large family
- where housing a hidden household will prevent statutory homelessness
- where this will contribute to wider community aims

The decision to agree this “decant applicant” status for these ‘hidden’ households will be made by the authorised decant staff in liaison with Housing Needs. It will only be applicable to household members who have lived continuously as part of the main decant household for the 12 months prior to the relevant committee decision on decant status.

Where this is agreed, the “hidden household” must complete a housing register form. This applicant household must be housed first before any offer is made to the tenant. Any other occupants affected by a decision to decant should apply for housing in the usual way, if necessary making a homelessness application.

Tenants’ bedroom requirements will be assessed in the usual way (see Chapter 6 for general standards). Where older tenant/s (one over 55 years) who require one bedroom have held a satisfactory Council tenancies of a larger home for at least 15 years and are requesting a two bedroom home, this request will be considered and accommodated subject to their being sufficient supply within the scheme.

Where there are homes available within the regenerated estate after existing tenants and any agreed decant applicants have been housed, these will be let in the usual way and within the general priorities for letting in place at that time. However where resources allow and there are tenants remaining on the estate in homes that are not adequate for their needs in terms of size or essential amenities, then authority to consider these cases for any remaining vacancies and outside of general policy should be sought from Cabinet or Lead Member for Housing.

Temporary housing to allow improvements or major repairs.

Temporary housing to allow essential works or improvements to take place within a council property will be provided where the council surveyor considers that the extent or duration of the works make this essential or where in the opinion of a senior housing officer, whilst the works do not necessarily make temporary housing essential, the household concerned is especially vulnerable and it would not be reasonable for them to remain in the property whilst works are carried out. Both decisions , with reasons, should be recorded on file.

It may be possible and appropriate for the Council to assist with temporary housing to enable private landlords to remedy disrepair. The Council’s Private Sector Housing Service would play a lead role in identifying such cases and facilitating the necessary formal agreement with the landlord.

Requests for temporary housing to become permanent

Where temporary housing has been agreed to allow essential repairs or improvements to take place (as above), and the household concerned are already registered for a transfer, and their application is already within the Priority or Urgent bands then alternative permanent housing can be offered instead of the temporary offer.

Moves to meet temporary accommodation deadlines

Where a home that is currently in use as temporary accommodation has to be vacated (e.g. at the end of a private sector lease or when a council or housing association property that has

been in use on a “short-life” basis needs to be vacated) the household to be moved will generally be considered for permanent housing if their date order priority merits this. If they have been waiting for significantly less than others in the Priority Band, they will usually be offered alternative temporary housing until their turn is reached.

However, where it is in the interest of the Council to offer permanent housing, this decision will be taken by the appropriate second or third tier manager in Housing Needs and then the case will be placed in the Urgent Band. This decision must be recorded on the computer and manual file.

Moving tenants to release large homes

Tenants who are living in a low floor homes (up to and including the third floor) in an unlifted block and on any floor in a lift assisted block and have more bedrooms than they need and who are prepared to move to a smaller home will be awarded underoccupiers priority and placed in the Urgent Band.

Elderly tenant/s living in family size high floor homes (above the third floor un-lifted) who qualify for, and will accept one bedroom sheltered or elderly designated property will also be authorised as under-occupiers.

Where a tenant who qualifies for this priority because they have just one bedroom more than they need is recommended for an additional bedroom on health grounds or, for example, to accommodate a carer, they will no longer qualify for underoccupying priority.

This high priority will not be awarded unless

- The tenant agrees to allow their home to be viewed once they have accepted alternative housing
- The tenant will be giving vacant possession. If there are other occupants the transfer request will be suspended until the tenant provides confirmation that the occupants have left.

Financial Incentives for ‘under-occupying tenants.

There are cash incentives for tenants agreed for ‘under-occupying’ priority:

- Removal expenses will be paid up to £500
- Tenants releasing a low floor or lifted home with three bedrooms or more and in need of a one bedroom accommodation may be offered an additional bedroom if it remains in the interest of the Council to agree this and the tenant has indicated that they would not move otherwise.
- Tenants giving up at least two bedrooms (e.g. moving from a three bedroom accommodation to a one bedroom accommodation) in a low floor or lifted home will qualify for an additional cash incentive. This will be £1,000 per bedroom released if they are leaving a four bedroom or larger home and £750 per bedroom released if they are leaving a three bedroom.
- Tenants leaving a three bed or larger home and who need only one bedroom and who do not request an extra bedroom qualify for an additional flat rate payment of either £750 (if in a three bedroom) and £1,000 (if in a four bedroom or more).

- It is also possible to offer separate housing to a qualifying under-occupying household where, for example, the offer of two one bed homes will release large (at least three bedrooms) low floor family home.

Agreement to this will be made in the interest of the Council and by the appropriate delegated officer. In such cases the non-tenant household must be housed first. The decision should be recorded on computer and manual file.

Incentive payments will not be made until the tenant has returned the keys and the neighbourhood office have confirmed that vacant possession has been provided and that there is no damage beyond normal wear and tear.

Moving under-occupying tenants with rent arrears

As with all transfer requests, significant rent arrears will disqualify a tenant from eligibility for an offer unless authorised by the local Neighbourhood Manager or delegated officer in the interest of the Council. If agreement is given to allow a transfer where there are rent arrears, any financial incentives agreed (other than the removal expenses) will be used to reduce the outstanding arrears.

Moving tenants to release adapted homes

Tenants who are living in adapted homes (properties that are suitable for a wheelchair user or which are in other ways significantly adapted) who no longer need these homes will be placed in the Urgent Band to release these valuable units. The advice of the Special Needs Manager will be sought on identifying suitable properties. Removal expenses up to £500 may be paid.

Supported Housing with Care Programme

Tenants of Hanover Housing Association in Hackney with low support needs, living in SHwC properties that request to move into other more suitable accommodation will be awarded Council Interest Priority which attracts 100 points and placed in the 'Urgent Band'.

Family Intensive Support Scheme (FISS)

Households that have engaged successfully with the FISS will be eligible to be considered for a Council Interest Priority award, attracting 100 points and placing the household in the Urgent Band. This will enable the household to secure a new home in an appropriate area. The Council Interest award will be made by the Housing Demand Manager or the Lettings Manager following a referral by an Estate Safety Manager. Any council tenancy granted to a household referred from the FISS scheme will be an introductory tenancy.

Wage Earner Lettings

Cabinet agreed that half of our small (one bed or studio) 'hard to let' homes would be offered to those who are economically active prior to the introduction of Choice Based Lettings. In future the provisions in this section will only apply in respect of offers to properties which have attracted no eligible bids.

Applicants within the General Band and recorded as needing one bedroom or bedsit homes will be contacted and invited to apply to be listed separately for consideration, providing in the first instance, a copy of their most recent wage or salary slip. When a suitable hard to let property becomes available, a person will be selected from this list in band date order. This applicant will then be invited to attend to view the property, bringing the original confirmation of employment and other routine documents required to verify identity and eligibility.

Properties

The lettings identified for this scheme will be one bedroom or bedsits only. They will be Council owned properties that have been identified as 'hard to let' (see Chapter 3) and are likely to be on the larger estates.

Eligibility

The usual eligibility criteria for access to the register will apply. Applicants will be entitled to identify area preferences and we will offer within one of the neighbourhoods selected. Applicants must be within the General Band – that is they must have some housing needs as defined under our policy. This is likely to be as a result of lacking a bedroom, being homeless but not in priority need or being assessed as B Medical or B Social. Where there are health needs these will be assessed in the usual way.

Definition of wage earner

The definition of economically active is 'to be in long term work' – as evidenced by the provision of a wage or salary slip, at the time of letting. It will include people not wholly dependant upon benefits, including those in receipt of Working Family Tax credit. There is no income restriction and it is not essential that the person work within the borough. Employment should however be 'open ended' (or for at least 6 months) and be for at least 17 hours per week.

Refusal of offers

If an offer is refused that is reasonable within this scheme, then the applicant will be advised that they will no longer be considered under this scheme. This refusal will have no effect on their existing priority or band date, these will remain unchanged. There will be no right of review against the suitability of the offer where there is no fundamental mistake or maladministration.

Housing for retiring residential staff

Council employees are to be considered as living in "tied accommodation" when they live in housing that is provided or arranged by the Council and in which they must live as a condition of their employment.

The Council is only able to offer alternative housing to residential staff when they leave the Council's employment in those cases where a duty would exist under the terms of the homelessness legislation. In practice this means that alternative housing will be made available for staff living in "tied accommodation" who have reached retirement age and are leaving the Council's employment and have no suitable alternative accommodation available to them.

In some cases alternative housing will also be provided where retirement is due to ill health but a medical assessment may be required to determine “vulnerability”. In such cases managers should arrange for vulnerability assessments to be completed to coincide with the wider considerations by occupational health in order to avoid delays.

In all these cases, after confirmation of circumstances and authorization recorded on computer and paper file, housing applications from retiring staff will be placed in the Urgent Band.

Where residential staff end employment with the Council for other reasons than retirement then an application for housing should be made in the usual way, including a homelessness application where appropriate.

Existing Council Tenants

Where existing tenants take up residential positions and give up a council tenancy in order to do so, the Council will undertake to offer suitable alternative housing at the end of the employment period, where the existing tenancy is secure and there have been no significant tenancy breaches. The suitability of any offer will be determined by the Council policy in existence at the time. The cases will be placed in the Urgent Band as “council interest” cases. Undertakings given in this way should always be confirmed in writing to the employee at the outset and a copy retained on file.

Existing Residential Staff

The Council will honour any existing written commitments with respect to housing that were made to existing residential staff at the time that employment was offered and accepted.

Refusal of alternative housing

Where alternative housing is refused the Council will apply the current rules for appeal or review that apply to statutory homeless cases whilst taking the necessary steps to recover possession of the tied home as required.

Voluntary severance

There is no provision for an offer of housing to be made in the event of an employee taking voluntary severance other than honouring existing commitments and applications considered in the normal way from our housing register (including homelessness applications).

Council Interest Applicants

In some circumstances Neighbourhood Managers may recommend that an applicant can be awarded Council Interest Priority where such an action would be in the overall interest of the Council by releasing a family size or adapted home.

It is important that such a decision would not undermine the broad thrust of these letting policies or create an inappropriate precedence. An example of a possible Council Interest Priority would be after the death of a tenant where there is no succession right and a long-standing occupant would be made homeless if alternative, smaller housing were not provided by the Council. Chapter 13 provides additional information on this.

This is a discretionary priority and the conduct of the tenancy and any alternatives open to the remaining applicant will be taken into account. All Council Interest cases will be authorised by the Council, usually the Rehousing Manager.

12. Homelessness

We will carry out our statutory obligations

The Council has statutory duties towards people who are homeless.

We must initially decide on eligibility.

A person or household may not be eligible because:

- They are subject to immigration control, or
- They are not “habitually resident “ in the Common Travel Area.

In each category there are exceptions, and even if someone is subject to immigration control they may still be eligible. We will make enquires to establish immigration status. The details can be very complex and change from time to time, please ask for details of the current rules.

If the Council considers that a person or household is homeless or likely to become homeless within 28 days, we must then decide whether we owe any duty towards them now or within 28 days. If we decide that person or household is not homeless then we will write and say so and take no more action on that homelessness application.

The existing housing waiting list application will remain live unless it is cancelled as a part of the routine review of cases or cancelled at the request of the person concerned. If we decide that a person or household is homeless (or is going to become homeless in 28 days) then we must go on to decide whether:

- They fall within one of the priority need groups who the Council must make sure have accommodation available to them. If we decide that they are not in “priority need” we will ensure that they receive the best advice available to help them to find their own housing. The Council does not, in these ‘non priority’ cases, have a duty to offer any sort of housing, but does have a duty to provide advice and assistance.
- They have done something or failed to do something as a result of which they have become homeless “intentionally”. If we decide that a person or household has made themselves homeless “intentionally” then our duty will be limited to making sure that they and their family have somewhere to stay for a reasonable period to allow them time to find somewhere to stay. The period of time considered reasonable is likely to be 28 days but may be more or less depending upon the particular circumstances.

If the Council decides that a person or household is homeless, is in priority need and is not intentionally homeless, we will go on to consider whether there is a local connection with Hackney or with any other area. If we decide that is no local connection with Hackney but that there is a local connection with another local authority, we will make a statutory referral to that local authority. This other local authority will be asked to accept responsibility for the homeless person or household. However, the law states that we may not refer anyone back to an area that they have left as a result of violence or threats of violence.

If the Council decides that a person or household is homeless, in priority need, is not intentionally homeless and has a local connection with Hackney (or has no connection anywhere else) then:

- They will be told this in writing - we sometimes refer to this as a Section 184 letter.
- We may provide or continue to provide emergency or temporary accommodation or to make sure that some accommodation remains available to them
- We will inform the person or household of their right to ask for a review of the suitability of any offer of permanent housing.

Right to review a negative homelessness decision

All the decisions we make about a homelessness application will be made in writing (Section 184 letters) and all 'negative' decisions are subject to a statutory right of review. We ensure that applicants are made aware of this right when we write to them. A request for review must usually be made within 21 days of receipt of the decision and we must arrange for the review to take place within 56 days unless agreement is reached to extend this time. All negative review decisions are subject of a right of appeal to court. We will ensure that applicants are made aware of this when we write to them

Temporary housing for homeless households

Because the supply of homes is insufficient (see Chapter 3) to offer a permanent home straight away to those owed a homelessness duty and to meet other priority commitments, the Council makes use of a variety of emergency and temporary housing.

This may be hostel type housing in the first instance but the majority of our temporary housing is self contained private sector property held under leases. We also use some Council properties – mostly smaller homes – as affordable temporary housing for those in work.

Most homeless households will have to move into emergency or temporary housing first for a period of time before being made or being eligible to bid for, a permanent offer. The priority date used for homeless cases will be the date of the homelessness approach, where this approach resulted in a positive decision. Earlier "approach" or "enquiry" dates where a negative decision was reached are not relevant for this purpose.

Household able to remain "homeless at home" for a period of time after we have accepted a statutory duty towards them will be considered with the same priority as would apply where they in temporary housing provided by the Council.

Similarly, anyone living in a women's refuge or any other similar temporary housing provided by statutory services or voluntary bodies on a temporary basis where we have accepted a homelessness duty towards them, will be considered alongside and on the same basis as people in temporary housing provided by the Council. Waiting times for permanent housing will depend broadly upon what size home is needed, how many people have been waiting longer and what areas are chosen.

Insecurity Points

"A" Insecurity points will be awarded to accepted statutory homeless households. The priority will be awarded by the relevant housing needs manager who authorizes the 'duty to house' decision.

"B" Insecurity points may be awarded in two circumstances to households who:

- are assessed as being homeless, but are not in priority need
- are assessed as being homeless and in priority need, but are judged to have made themselves intentionally homeless.

(As described earlier, this 'B' priority will place these applications in the General Band).

13. Moving out of Hackney

We will register any request for a move to another area. However we can only nominate a specific household if the local authority concerned will accept nominations for the size and type of home they need. The decision as to which applicants are accepted rests with the receiving local authority.

Generally, it remains very difficult for a family to move through any mobility scheme, to any other London Borough or to the area surrounding Greater London. It is sometimes possible for an older person or couple to move within this area but it can still be very difficult in areas such as Redbridge, Waltham Forest, Enfield and Essex generally.

If we are able to nominate we will consider cases within the general priorities for letting that are expressed within the main letting bands. There are some limited prospects of help for single people and families who are interested in moving to some areas in the Midlands and North of England through the Fresh Start Scheme – see below.

Fresh Start Scheme

This scheme offers affordable homes for families to rent in the Midlands, Wales and the North of England from housing associations and Councils.

The Council can nominate households to other local authorities and housing associations in the areas covered by the scheme if they are:

- a tenant of Hackney Council
- a tenant of a housing association and resident in Hackney

- accepted as homeless and living in Hackney Council’s temporary accommodation
- accepted on the Council’s Housing Register.

Applications to join the scheme may be refused if there are rent arrears or a history of anti-social behaviour. Participating local authorities and housing associations set aside a small supply of property for use in the scheme. Some financial assistance will be given in the form of a re-imbursement for travelling fares (coach and train) to view an accommodation offered through the scheme and some removal costs.

Seaside and Country Homes

The Seaside and Country Homes Scheme is an additional way of moving out of Hackney. Properties are in coastal and country areas. The scheme is only open to people living in London who are over 60 years old and who do not need sheltered housing. Some of the properties within the scheme have two bedrooms.

Mutual Exchanges

Existing secure tenants can, with the consent of their landlord, move through a mutual exchange, where existing tenants ‘swop’ homes to achieve more suitable homes for each other. See Chapter 14 for further information on mutual exchanges.

There is a national scheme as well as local schemes where homes can be advertised and tenants can identify possible exchanges for themselves or be helped with this local housing managers. Exchanges can be made with housing association tenants as well as local authority tenants.

Tenants should contact their local housing office to discuss this option further. The Council may refuse consent to a mutual exchange or impose conditions on consent if there are arrears of rent or other breaches of tenancy.

14. Offers and refusals

Offers of permanent housing

Bedrooms

Prior to the implementation of Choice Based Lettings (CBL) during 2006, offers will be made that reflect the Council’s bedroom assessment rules (see Chapter 6) unless a smaller property has been requested.

Under CBL, bedroom assessment rules will continue to apply – that is bids will generally only be accepted only for properties of the ‘right’ size under our rules. Where a Priority Band household has stated that they wish to be considered for a smaller home to reduce their likely waiting time, the application must be adjusted to enable bids to be accepted for a smaller home and the case considered within the Urgent Band. Because housing associations are generally reluctant to allow lettings to be made that result in overcrowding, this will usually limit this option to Council properties.

Areas of choice

Direct offers will be usually made within one of the wards identified as preferences on the application form or subsequently in writing to the Council. Any household to whom we owe a statutory homeless duty (either directly or potentially, including all those awarded 'A' Social or 'A' Insecurity) may express a preference for 6 wards and may exclude housing association property if they wish to in the first instance, (although we will strongly advise against this in all cases).

However, if there is no accommodation meeting these preferences available to offer as they reach their 'turn' in the date ordered list, we will consider them for an offer of the right size anywhere in the borough and irrespective of whether it is Council or housing association owned, unless we have been told that they would be at risk in that area.

Refusals

If a direct offer is refused that meets preferences where these apply, and the property meets the current fit to view standards, it will be considered to be a reasonable offer unless the Council agrees that there are exceptional circumstances. Until CBL is implemented a refusal of a reasonable offer will result in the priority a case attracts being reviewed and removed where appropriate, and the priority date amended to the date of the offer. After the introduction of CBL (subject to review) these penalties will only apply to direct offers.

There is an offer review process and applicants are invited to provide a written reason for refusal at the time of the viewing. If it is agreed by the review officers that there are exceptional circumstances that would make the offer unreasonable, the existing priority and date may be retained.

For those owed a statutory homelessness duty where a reasonable offer is refused and no exceptional circumstances are agreed, the property will be re-offered if this is possible, and the statutory duty discharged. Where the property cannot be held for a re-offer for any reason, a broadly similar offer will be made and duty discharged if this substitute offer is refused, without any further appeal. Where a statutory homelessness duty is discharged any temporary housing being provided will be withdrawn.

If an offer is refused on the grounds that it is not suitable because of a health problem or risk to the applicant or his/her family, and if the Council could have but has not been told about this problem before, these will not be considered as exceptional circumstances.

Offers of Temporary Accommodation

The Council cannot provide a choice of temporary or emergency housing. Where temporary housing is required the Council will do its best to meet any essential minimum requirements and will if it is necessary obtain advice from the Council's medical advisers.

The Council will always do its best to avoid offering emergency or temporary housing to those we are helping as a result of violence or threats of violence against them in or near, an area where we know they might again be at risk from this person or persons. It may be possible however to find accommodation outside of the borough, in these cases an application to another authority may be needed.

Affordability

Where households in temporary accommodation take up an offer of employment or to retain existing employment, affordable housing is needed, their priority will be increased and they will be moved into the 'Urgent Band' which is a band higher to increase their prospects of bidding successfully for affordable housing.

15. Tenancy matters

Succession to a Council tenancy

The law gives the right to succeed to a secure Council tenancy on the death of the tenant to specific people:

- the tenant's spouse
- another member of the tenant's family who has resided with the tenant throughout the period of twelve months ending with the tenant's death unless, in either case, the tenant was him/herself already a successor (i.e. not the original tenant).

There is only one right of succession. This means that where there is a joint tenancy and a joint tenant dies, the remaining tenant is entitled to succeed to the tenancy assuming they are either a spouse or have lived in the property as described above. When the remaining joint tenant dies, there is no further right to succession, although there is discretion to offer a further tenancy as described below.

Where a person succeeds to a tenancy which is more than one bedroom bigger than they need under the Council's rules, they will be offered alternative housing of an appropriate size. Such applications will be considered within the Urgent Band to expedite an early offer. A ground of possession (ground 16 of schedule 2 to the Housing Act 1985) is available in respect of non-spouse successors if suitable alternative accommodation is made available.

Discretionary offers

Neighbourhood Managers have discretion within policy to offer a new tenancy of the existing property where:

- there is someone in residence who would have succeeded except for the fact that the deceased tenant was a successor
- this household would not be under-occupying the property Other than in these circumstances, there is further discretion with the Neighbourhood Managers, in consultation with senior managers within Housing Needs, to:
- award a new tenancy of the existing property if there are compelling social reasons
- refuse to award a new tenancy of that property but agree that one offer of suitable alternative accommodation should be made
- refuse to award a new tenancy and proceed with possession proceedings
- refer the case to the appropriate Member forum for decision

In the discretionary cases, the Council has to balance the needs of the occupants against the other competing priorities for the property and of course the Council would not normally give a new tenancy where the property is larger than that required. Where it is agreed that a tenancy be offered either of the original property or elsewhere, the applicant should be recorded as Council Interest Applicant.

Assignment of a Council tenancy

A secure Council tenancy cannot be assigned to another person except:

- Through a mutual exchange with another tenant (see below)
- Where it is ordered to be assigned by a matrimonial court
- Where an assignment is being made to a person who would, on the death of the tenant, have been qualified to succeed to the tenancy (see above)

Mutual Exchanges

Secure council or assured housing association tenants are entitled to exchange their homes. Permission must be obtained from the landlord/s and the law allows the landlord to refuse this permission if there is action being taken to repossess either tenancy for any breach of the tenancy conditions (including rent arrears). The landlord can also impose conditions e.g. that arrears of rent are cleared first. Notification from the landlord of their decision on an application to exchange should be received within 42 days. An exchange into a home one bedroom larger than we think is permissible.

A move into a home smaller than needed is permissible as long as it will not make either household more overcrowded than before or create statutory overcrowding at either address.

Management transfers at no cost

A small quota of property is set aside each year for local transfers at no cost. This quota (currently 5 per neighbourhood each year) allows neighbourhood managers to arrange transfers within their neighbourhood either to resolve local management issues (like moving an older person into a quieter area) or to help tenants move nearer family or other local links where there is otherwise no significant housing need.

The transfer should be achieved at no cost to the Council. The property offered should be broadly similar in type and amenities although one additional bedroom can be provided. The void period and relet costs should be minimal.

Where needed, reciprocal arrangements between neighbourhoods can be pursued, for example to move a tenant into another part of the borough where they may feel and be safer. Such transfers should be coded carefully to allow for close monitoring.

Tenant responsibilities on transfer

Transfer applications should include the details of all the people living at the property. If a tenant wishes the Council to consider anyone living with them for separate rehousing then a separate application to join the Council's housing register needs to be made by the person concerned. Both the transfer application form and the housing register form should explain the position. The Council will not transfer a tenant until and unless any such 'separate' household members have moved out.

Existing Council tenants offered a transfer must not allow anyone to remain in the home after they have left. They have a duty to give 'vacant possession' and to leave the property in a reasonable condition.

Ex tenants wishing to return

There are two circumstances where consideration can be given to the granting of a new tenancy to an ex-tenant. In both cases the discretion is available only to tenants who were living alone and only need a one bed or studio flat. These circumstances are:

- Upon release or discharge from an institution – hospital or prison, for example
- For an older person who has given up a council property in order to move in with family and where this arrangement has irretrievably broken down

Consideration will only be given where:

- there has been no significant history of tenancy breaches including rent arrears
- no significant occasion/s of anti social behaviour
- a request is made through the local housing manager in writing before or at the time that the original tenancy is vacated
- timely vacant possession has been obtained (without additional void period and rental income lost)
- the property has been left in a reasonable condition.

Where a tenant wishes to be considered under this policy they (or their advocate) should write to the local housing manager as soon as they are able to, making reference to this policy and seeking an undertaking that a further tenancy (or priority for bidding under CBL) will be made available when needed. This may be when they expect to be due for discharge or release or be a more immediate need in the case of an older person now living with relatives.

This is a discretionary priority that must be awarded by the Council – usually the Rehousing Manager - on the recommendation of the Neighbourhood Housing Manager. Any requests should be made in writing and the decision should be made in writing to the tenant with a copy for the file and notes on the computer system

16. Housing Options for older people

Sheltered housing

Hanover Housing Association own and manage the sheltered housing in Hackney that was previously Council owned. There are also several other housing association who own and manage sheltered housing in the borough. Hanover also manage on behalf of the Council a Common Housing Register (CHR) for sheltered housing.

Anyone who is over 55 may say on their application form that they wish to be considered for sheltered housing. In the case of a couple, there is discretion to consider a couple when only one person is over 55 and if this discretion is not exercised the applicants will be told why in writing. Because of the special services provided within sheltered schemes, older applicants who express this preference are visited before an offer is made to make sure they wish to be considered and to discuss options with them.

Where a very frail or vulnerable older person is being considered a care assessment will also usually have been completed by Social Services before an offer is made. In some cases direct referrals to the CHR can be made by Social Services. Sheltered homes will be let within the general letting priorities and applicants may identify any specific scheme that they are interested in. In view of its specialist nature and in particular the support provided, and within the broad principles of the letting policy, there is discretion to target those with particular support needs for sheltered housing.

Existing owner occupiers can be considered for sheltered housing and will be assessed to confirm that they:

- need this type of home
- could not reasonably be expected to provide this type of housing or to have made other satisfactory arrangements, for themselves
- have or will have, disposed of any interest in the property before being made an offer.

This assessment will be completed by the Council or by Hanover in Hackney acting as its agents in this matter.

Older Persons Dwellings

The Council has some properties (studio and one bedroom homes) that are set aside for older people. These homes will usually be offered to those over 55 years only but there is flexibility on this age restriction for specific blocks and floor levels.

Older people needing only a studio or one bedroom home will usually be offered one of these homes so that the small “general needs” homes can be available for the many single people with high priority for housing. These homes are managed alongside the general needs homes by neighbourhood housing managers.

17. Homes for those with physical disabilities

The Council, primarily through its Housing Special Needs Team, endeavours to ensure that the best use is made of housing suitable for those with physical disabilities by the early identification of suitable void properties and by working with colleagues and housing association partners to monitor and support the development of suitably adapted homes within new build schemes.

The team also manages the medical assessment process, ensuring that there is consistency in the decisions made on medical assessment and works with colleagues in Social Services and Health to provide a coordinated response to those with health problems, disabilities or support needs.

Letting adapted homes

Policy

Homes that are already adapted or are identified as being suitable for adaptations to be carried out will be let to people whose disability or health need makes this type of home essential and then broadly within the priorities identified within the overall letting policy.

However staff who are involved in selecting suitable people for adapted properties (and those properties identified as suitable for adaptation) are able, with the advice of the Special Needs Manager also to consider the best use of the property, with regard to its particular features. This may result in the selection of a household for an adapted vacancy with somewhat less priority (either with respect to band or date order position) than the highest priority case.

Under Choice Based Lettings, properties that are specifically adapted or considered suitable for adapting, for those with physical disabilities will be clearly advertised as such and these will be available only to those who need them.

Process

The Special Needs Manager relies upon staff in housing management and technical services who routinely inspect vacant ground floor and some first floor lifted homes to identify those that are suitable for a person with disabilities. A further more detailed inspection may follow.

Where properties on the ground floor or first lifted are found to be unsuitable either for adaptation or for those with mobility problems generally (for example because they have access steps or other unsuitable features) these properties will be let in the usual way. The Special Needs Housing Manager is usually involved in discussions about new build homes at an early stage.

Where new build adapted homes are ready to pre-allocate, the Special Needs Manager will be advised and will work with rehousing staff to identify suitable cases for the property. Flexibility is available in this pre-allocation of adapted homes, in order to make sure that the pressure to let these new homes at an early stage in their development does not unfairly disadvantage those with pressing needs that cannot wait. It also allows properties to be “swapped” where the anticipated completion dates fall behind and circumstances change.

18. Reviews, complaints and exceptional cases

Internal reviews and appeals

There are some situations where there is a right to review:

- About any decision made by the Council on the facts of a housing application
- About a eligibility decision (to be considered for housing)
- On the Council's decision on a homelessness application, including a decision to discharge duty after an offer is refused.

There are other circumstances when we provide an appeal or review process:

- Against a decision that an offer we have made is reasonable
- Against a grade or recommendation (where made) by our medical adviser
- Against a decision to remove an "A" priority grade

The Council's Complaints Procedure/ the Local Government

Ombudsman

The Council Complaints Procedure should be used if it seems that the Council has not dealt with a case properly. Complaints are looked at initially by the staff dealing with the case and if needed, then by their managers. They will try to resolve the issues directly and quickly. If this does not resolve the matter the complaint will be considered by the Council's corporate complaints staff.

Complaints that are not resolved using the Council's own complaints procedure can be referred to the Local Government Ombudsman. The ombudsman will check to make sure that the Council is carrying out its published policies fairly and efficiently and that there has been no disadvantage to an applicant by a failure in the process. The ombudsman will not usually intervene where errors or delays have not in fact caused any disadvantage when compared with others in a similar position, nor will s/he usually criticize the Council's policies.

Legal challenges

In some circumstances an applicant can make a legal challenge against a Council decision or action. This may be through an application for:

- An injunction – an emergency action to stop the Council doing something as an initial action pending a Judicial Review (JR) (see below)
- A similar emergency order to instruct the Council to do something- again usually pending a JR
- A Judicial Review (JR) - which may consider a wide range of issues, including the legality of the Council's policies themselves.
- A specific legal challenges to a homelessness decision.

The role of the Senior Officer Review Panel (S.O.R.P.)

This panel of at least two third tier officers (which may include, where appropriate, health and social care staff as well as housing officers) will consider very urgent cases where the Council's policy does not cover the circumstances of the case.

The panel cannot

- make any decision that does not reflect the broad direction of policy and priorities agreed by Members.
- authorise any case for additional priority outside of policy without considering whether there are other similar cases.

If it seems likely that there may be other similar cases, S.O.R.P. must decide what course of action is needed to make sure these other cases are similarly prioritised, including where appropriate, recommending a policy change. S.O.R.P. may recommend that the case be placed in the Emergency, Urgent or Priority Band or may decide that additional priority is not appropriate. Decisions should be recorded on computer and manual files.

19. Information

Duty to apply honestly and to keep us informed of housing needs

The Council has a duty to make sure that we meet housing need in the borough fairly and equitably and in particular that letting policies do not discriminate for or against any specific ethnic group or any other groups at risk of disadvantage. Our letting policies have been agreed by Members of the Council and attempt to balance the competing needs amongst residents across the borough with our legal duties and financial constraints.

We need all those who apply for housing, whether an existing tenant, an applicant on our list or a homeless household, to provide full and accurate information and to tell us if their circumstances change. Because there are so many people whom we are not able to help with housing, we will take very seriously any attempts to obtain housing or extra priority for housing dishonestly. Where housing is obtained dishonestly we may ask the court to take possession proceedings against the tenant so that we can let the home to someone else.

Confidentiality

The Council can only use the information given on an application for housing to help us to decide about a housing application or to provide housing or ask others to do so on our behalf.

We will share the information with others only for this reason and with the consent of applicants unless there is an emergency (e.g. life or the personal safety of any person is likely to be at risk if we did not provide some information) and we cannot reasonably get consent.

The Council's duty

The Council is obliged to provide information to help anyone to apply for housing and to offer them help in applying if they are likely to have difficulty.

Any applicant is entitled to ask the Council to give them general information that will help them to judge how their application will be assessed, what priority this will attract and whether in fact the Council is likely to be able to house them or not and if so how long they may have to wait.

Council must inform applicants about the decisions that are made about their housing application and in particular if it is decided that they are ineligible for housing. In this case we must also explain why this decision is made.

20. Standards and probity

Housing applications from staff and Members of the Council

Any housing applicant, including tenants, should tell us on their application form if they are a Member of the Council or if they work for the Council or if they are related to a Member or to an employee. Applications from Members or from employees (or their relatives) will be dealt with in the usual way for that type of application.

It would be inappropriate for a Member of the Council or for a member of staff to take advantage of their additional knowledge or relationships to gain information or advice that is not generally available to other customers and could benefit their own or a relative's prospects of housing.

If a Member of the Council or of staff are eligible for an allocation and have sufficient priority, any offer must be authorised in advance by the appropriate second or third tier officer within Housing Needs. The process by which the priority was awarded and the offer identified will be reviewed to make sure that neither has been affected either to the advantage or the disadvantage of the Member or employee (or their relative). These decisions should be recorded on computer and paper file.

Protecting the matching process

Members are able, often quite unwittingly, to exert pressure on operational staff simply by asking a question or expressing an opinion. The selection of applicants for particular properties, which will vary considerably in their attractiveness, is a task that can be particularly difficult and contentious. The Council must protect staff involved in this process from any pressure that could lead to discrimination either against or in favour of any person or specific group.

It is inappropriate either for a Member of the Council or a member of staff to contact lettings staff directly about their own application or that of a relative's or a close friend. It would also be a cause for concern if the normal letting process were to be interfered with in any other way in respect of a letting to a Member of the Council or a member of staff. This might include, for example, different staff being involved usually in the process - save for the authorisation and review process described above. Any attempt by a member of staff to interfere with the process by which their own housing application (or that of a relative or close friend) is assessed or an offer of housing identified, will be considered a breach of the Council's Code of Conduct and a disciplinary matter.

Any members of staff becoming aware of inappropriate conduct have themselves a duty to report their concerns immediately and seek advice before processing any action connected with a suspected breach of the code of conduct. Members of the Council must comply with the New Ethical Framework and its Model Code of Conduct. Where breaches of this code are identified (after internal investigation by the monitoring Officer) these will be referred to the Standards Board for England.

