

Ensuring your allocations policy is fit for purpose

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Introductions

Claire Dyke - National Housing Practitioner

- *Over 25 years' experience in developing and delivering housing options services including housing register and allocations*
- *Carried out reviews of allocation policies*
- *Experience in consulting on new policies*
- *Delivered presentations to Cabinet for final sign off*

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Introductions

Ieuan ap Rees - National Housing Practitioner

- *25 years' experience in housing allocations - managing the service, reviewing allocations policy*
- *Led development & implementation of sub-regional choice-based lettings scheme*
- *Carried out reviews of allocation policies*

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In this session

This masterclass will take you through what you need to consider to ensure your allocations policy is fit for purpose and compliant with relevant legislation including the Homelessness Reduction Act 2017.

This session will also provide examples from local authorities who have been supported through this process.

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Is your allocations policy legal ? What do you need to consider?

- Part VI Housing Act (1996) as amended by Localism Act 2011
- Homelessness Reduction Act 2017
- Equality Act 2010 – need to do an EIA
- Regulations – armed forces, Right to Move
- Code of Guidance
- Case law – R (Jakimaviciute) v Hammersmith & Fulham
- Homelessness Strategy ; Tenancy Strategy, London Housing Strategy

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Housing Act 1996 as amended by HRA

- S.166A(3) Housing Act 1996 (Part 6) – must give reasonable preference to people who are homeless and those owed a duty by any LHA under s. 190(2) (IH), 193(2) (main) or 195(2) (prevention)
- HRA creates new duties under Part 7 – prevention, relief, duty to those found to have deliberately & unreasonably refused to cooperate
- You must review your policy to ensure that you give RP to all those you owe a duty to

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Is your allocations policy fit for purpose? What are your policy objectives?

- Best use of stock (LA, RP, PRS)
- Homelessness prevention and/or TA reduction
- Choice
- Mixed communities (community contribution)
- Local homes for local people
- Mobility

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Qualification

- Have you defined who is not a qualifying person?
- Is this a reasonable list?
- Does it exclude people for an unreasonable time?
- What if they have changed their behaviour?
- Have you had regard to Equality Act ?

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Local connection rules – what to consider

- Code of guidance – 2 years
- What do your members want ?
- Equality Act
- Case law
- Exclusions – taking up employment, domestic abuse, armed forces, homeless households
- Use of discretion

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Preventing & Tackling Homelessness

- HRA:
 - you have to give reasonable preference to anyone you owe prevention duty to
- How much priority do you give to prevention?
- How much priority do you give to relief ?
- Main duty? IH?
- Consider numbers in TA, use of PRSOs
- Choice for homeless, use of direct offers
- Camden – prevention points
- Prevention or move on ?

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Best use of stock

- All stock – LA, RP & PRS
- Nominations; common housing register; level playing field
- Under-occupation
- Adapted property no longer needed
- PRSO policy
- Affordability
- TA policy – out of district?

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Reasonable preference

- Insanitary, overcrowded, or otherwise unsatisfactory conditions
- Medical or welfare grounds
- Homeless or threatened with homelessness
- Hardship
- People affected by changes in HB
- Carers

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Choice

- Statement of policy on choice
- Choice-based lettings for all?
- What choice do homeless households get?
- Support for vulnerable customers

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Mobility

- Access to properties from other LA areas?
- PRS properties?
- Affordable rent
- Reciprocal arrangements with other LAs/RPs – domestic abuse
- Right to Move (employment)
- Moves from other LAs to give or receive support
- MAPPA, MARAC, Prisoners from Abroad

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Changes to policy & consultation

- Significant changes to policy – consultation with RPs, partners & customers
- Amendments duly considered, lawful & reasoning can be evidenced
- Copies of reports to members, decisions & evidence of consultation

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Information

- Is a summary of your allocations policy available ?
- Do you provide applicants with information about whether they are likely to receive an offer and likely waiting time?

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Right of Review

- Clearly state rights of review
- Decisions to exclude from register
- Decisions on priority & other decisions that affect size, type & location of property they may be offered
- Decisions on suitability of offer
- Clear and transparent review process

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Other questions

- Does your scheme give additional preference to applicants in urgent need?
- Explicit provision for exceptional cases ; qualification & priority
- Community contribution e.g. employment
- Care leavers' priority

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Can we help? Critical Friend Allocations Policy Reviews

- NPSS has carried out 8 reviews of allocations policies
- Acts as a “Critical Friend”
- Desk top reviews
- Feedback report
- Identifies areas of effective practice
- Makes recommendations for improvements

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Critical Friend Review – In practice

- Desktop review
- Considers allocations scheme
- Other available documents
 - Summary of allocations scheme
 - Report to members seeking changes
 - Evidence of consultation
 - Nomination agreements with RPs

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Review of allocations policy – what does it cover?

- Qualification
- Local connection rules
- Reasonable preference & additional preference
- Banding / points schemes
- Transfers
- Preventing & tackling homelessness
- Best use of RP & LA stock
- Exceptional circumstances
- Mobility
- Choice
- Consultation
- Right of review

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Feedback report

- Summary of your allocations policy
- Good practice examples
- Recommendations

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Examples from LAs – common recommendations

- No review of policy since HRA came in; do not give RP to those owed a prevention duty(usually) or a relief duty
- No explicit authority to award additional priority in exceptional circumstances
- No summary of policy on website
- Not all rights of review are given
- No assistance with bidding for vulnerable
- No priority for adopters/foster parents needing larger
- DV cases not exempt from residence rules

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Over to you



- Are you checking compliance with the HRA 2017?
- Do you think your policy meets other legal requirements?
- How do you think a critical friend review could help you?

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Feedback

This masterclass is:

Ensuring your allocations policy is fit for purpose

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Contact us

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