



**KIRKLEES COUNCIL**

**HOUSING**

**ALLOCATIONS POLICY**

**December 2018**

**KIRKLEES COUNCIL  
HOUSING ALLOCATIONS POLICY**

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## 1. INTRODUCTION

Kirklees Council's Housing Allocations Policy sets out the way in which we will let council properties and nominate customers to Registered Providers (RP's). The Policy is based upon the Council's statutory duties<sup>1</sup> and will ensure that reasonable preference is given to customers in greatest housing need.

The allocations policy has regard to Housing Act 1996, as amended, the Localism Act 2011, and the statutory Code of Guidance on the Allocation of Accommodation June, 2012. The allocations policy was amended following approval of report Social Housing Reforms by Cabinet in December 2012. The allocations policy has been further amended by Cabinet in March 2016 to include Supported Living Accommodation.

Cabinet agreed that authority be delegated to the relevant Service Director, in consultation with the Cabinet Portfolio Holder, to make future minor amendments to the Housing Allocations Policy in order to comply with legislation, guidance and case law. There have been minor changes made in February 2018 and in April 2018 following the introduction of the Homelessness Reduction Act 2017. In December 2018 the allocation of temporary accommodation was added.

## 2. POLICY STATEMENT

We want to help our customers to meet their housing needs and preferences so that they can keep or create homes for themselves in which they feel safe and secure. Such homes enable them to play a full part in family and community activities, and to take full advantage of opportunities for work, education and leisure. People who are committed to the properties and areas in which they live benefit from and contribute to sustainable communities.

The key objectives of this Allocations Scheme are to:

- Provide housing applicants in Kirklees with a fair and transparent system by which they are prioritised for social housing.
- Help applicants most in housing need.
- Promote the development of sustainable mixed communities and neighbourhoods.
- Make the best use of social housing in Kirklees.
- Make efficient use of our resources and those of our partner Registered Providers.

Kirklees Choice Based Lettings (CBL) Scheme is the way in which customers access social rented housing; the scheme aims to:

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<sup>1</sup> Housing Act 1996, as amended by the Homelessness Act 2002, the Homelessness Reduction Act 2017, Allocation of Accommodation: Choice Based Lettings, Code of Guidance for Local Housing Authorities, Communities and Local Government, March 2018 and Allocation of accommodation: guidance for local housing authorities in England, June 2012.

- Give customers more choice and control by allowing them to take a proactive role in choosing a home that meets their needs.
- Have fair, simple and transparent lettings processes and policies that customers can easily understand.
- Make sure our customers can easily access lettings services.
- Provide good quality information that helps our customers to help themselves when planning their own housing requirements.

### **3. EQUALITY**

Kirklees Council and principal housing partner, Kirklees Neighbourhood Housing share a commitment to the provision of high quality services and constantly strive to ensure that they are accessible to everyone irrespective of their age, racial origins, nationality, ethnic heritage, disability, gender, sexual orientation, marital status or religion/ belief.

By equality of access we mean the following:

- That all essential information necessary for a customer to understand their rights and responsibilities will be available on request.
- That all processes that govern access to services should be accessible to customers regardless of their equality characteristics.
- That policies, procedures and practices will not involve criteria that will exclude any equality group from fair and equal treatment.
- That attention to the needs of individual disabled customers in the form of reasonable adjustments to ensure that they are able to gain full access to the allocation system.

### **4. HOUSING ALLOCATIONS POLICY**

#### **a) The Housing Register**

Customers must be registered on the Kirklees Housing Register before they can be considered for a council property or nominated to a Registered Provider.

#### **b) How to register**

Information on how to apply for a council house can be found at:

<http://www.kirklees.gov.uk/beta/housing/joining-the-housing-register.aspx>

Customers must complete a Kirklees Housing Register application online to join the housing register. Assistance to complete an application can be provided by the Housing Solutions Service (HSS) on 01484 221350 or for current council tenants from Kirklees Neighbourhood Housing (KNH) on 01484 416900.

The council will use the information provided on the application to determine the type and size of property the customer requires, if the customer has urgent housing need and whether the customer has any additional health or support needs.

A customer can only be registered as a main or joint applicant or a 'person to be rehoused' on one active housing application.

### **c) Eligibility to apply**

The Council registers everyone over 16 who apply for housing assistance unless they are not eligible to be considered for rehousing under Part 6 Housing Act 1996.

Eligible customers are those who:

- are aged 16 years old and over
- are not classified as ineligible under section 160ZA (2) or (4) Housing Act 1996, for example; persons subject to immigration control or persons from abroad, unless they are of a class prescribed by regulations made by the Secretary of State, unless they are an existing secure or introductory council tenant, or an assured tenant of accommodation allocated by a local housing authority.

The Council does not accept applications from customers who are currently living outside the UK except those serving in Her Majesties Forces overseas.

Every eligible customer who makes an application for housing to the council will be considered for rehousing.

## **5. ASSESSING HOUSING NEED**

### **a) Introduction**

We use a banding scheme to compare the needs of customers on our housing register. Customers have their housing needs assessed and are placed into one of five bands; A - E with customers with the highest housing need in Band A. Applications from customers with no local connection to Kirklees, or that own a property that meets their housing need, or have housing debt to Kirklees Council that is higher than the housing debt policy level, or have a history of evidenced anti-social behaviour (ASB) will be awarded Band E.

Band E is a way of prioritising customers in relation to housing need and giving reduced priority for housing debt and ASB. Customers in Band E will be able to bid for properties but will come at the bottom of a shortlist.

### **b) How we assess Housing Need**

The housing register holds information about customers' current housing, members of the household, eligibility, application status and Band award.

In determining the band award, the level of housing need is assessed and consideration given to what, if any property the customer has available to them. The assessed applications are then awarded the appropriate band (A, B, C, D or E), which reflects the customers housing circumstances.

Those customers with the most urgent housing need will have priority over those with less urgent housing need.

When a band is re-assessed due to a change of circumstances, the effective date of the customer's application will be amended to show the date the circumstances changed and the new band became applicable.

Customers awarded Band A or Band B or certain Band C awards – see section 7 (f) will be entitled to one suitable offer of housing. Should they refuse a suitable offer their band will be reduced to Band D.

### **c) 16 and 17 year olds<sup>2</sup>**

16 and 17 year olds in housing need are assessed under the Children Act 1989. Young people who meet the criteria, and who wish to be accommodated under Section 20 of the Act are likely to become “looked after children” who are owed a duty from children's services. Housing Services may be asked to assist with the provision of accommodation.

Homeless 16 and 17 year olds who do not meet the Children Act criteria or who do not wish to be accommodated under Section 20 will follow the housing route into accommodation as a homeless person.

16 and 17 year olds who are offered a tenancy must have a trustee. During the assessment process an adult willing to act as the “trustee” of the tenancy will be identified before a tenancy can be offered.

### **d) Prevention and Relief of Homelessness**

Our aim is to prevent homelessness, by offering advice and assistance to households experiencing housing problems. Advice is tailored to individual needs to assist them in making informed choices and to meet the Council's legal duty to ensure that advice on homelessness, its prevention and relief is freely available.

All applicants who approach the service who are threatened with homelessness or are homeless, as defined by the Homelessness Reduction Act 2017, will have a Personal Housing Plan, which will identify options and any support required to resolve their housing problems. The applicant will be encouraged to carry out any reasonable identified steps that will assist with this and agree any appropriate actions.

Where this is not possible we have a duty to secure that accommodation is available for homeless households who are in priority need and who are not intentionally homeless. If temporary accommodation is offered it will be what is available and suitable at the time emergency accommodation is needed. Consideration will be given so that, where possible, the accommodation meets the household's personal as well as physical needs

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<sup>2</sup> Statutory Guidance on Homeless 16 & 17 Year Olds issued 1 April 2010

### **e) Discharge of Homelessness Duty**

Kirklees Council may fully discharge any full housing duty by way of a 'private rented sector offer' (PRSO) made using the power granted to it (s193 (7AA)-(7AC) Housing Act 1996 as amended by s.148 (5)-(7) Localism Act 2011.

For all cases subject to a Part 7 Homeless Application from the 9th November 2012 and where the application has resulted in a full housing duty being owed the presumption will be that the authority intends to discharge that duty by arranging for a private landlord to make an offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months.

A decision will be taken after a full consideration of household's individual circumstances and the facts that apply to that case. Having undertaken this consideration if the council is satisfied that it is appropriate to exercise the power given to it under the Housing Act 1996 (as amended) it will discharge its duty by arranging for a private landlord to make a suitable offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months.

### **f) Band A Award**

An award of Band A will normally be made when households have multiple housing needs. This means that they are experiencing a combination of at least two of the following:

- High care and/or support needs
- Higher medical needs
- Homelessness

Or the household is either:

- Retiring school caretakers<sup>3</sup> who are living in Kirklees Council tied accommodation. These households are eligible to bid on properties one bedroom above their actual need, should they so wish.

or

- A tenant of the Council or Registered Provider and under occupying the property by two or more bedrooms.

or

- Members of the Armed Forces and Reserve Forces as set out in the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 and in a reasonable preference group and homeless.

or

- A Care Leaver who is assessed by the Care Leaver Housing Panel as ready to move into independent living for the first time

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<sup>3</sup> Allocation policy considerations pertaining to employees of Kirklees Council retiring and leaving Tied Accommodation – approved by Cabinet 29<sup>th</sup> October 2008



## **g) Band B Award**

Households who are awarded Band B are experiencing one of the following:

### **i. Homeless household owed a relief duty and are either in or eligible for temporary accommodation**

An award of Band B will be made following a full assessment of their housing need and homelessness cannot be prevented.

### **ii. Unintentionally homeless households who are owed a full housing duty.**

An award of Band B will be made following a full homelessness assessment, in accordance with the legislation. Customers awarded Band B will not have contributed to their homelessness and will have a local connection with Kirklees.

### **iii. There are high medical needs in the household.**

A Band B award will be made where there is a high medical need for re-housing in the household.

The criteria for making a decision include:

- Where a person has severe mobility problems and cannot easily access basic facilities e.g. bedroom, bathroom or is housebound.
- Where a person has a degenerative/terminal condition and whose property would not meet their long term needs, presenting an obvious need for ground floor accommodation or an adapted property.
- Where the person's present accommodation is having such a significant negative impact on their mental health that urgent intervention is required from mental health services.
- There may also be conditions e.g. behavioural problems, learning difficulties etc., which could be considered under this category.

### **iv. There is a need to move to give or receive essential care and support.**

Households who need to move to give or receive essential care and support may be awarded Band B following a full assessment and confirmation that there is an essential need for care and support. This award is in contrast to the award of Band C where the customer wants to move to give or receive care and support but it is not essential that they do so.

### **v. Hostel/Supported Housing Residents**

We will award Band B (Care & Support) for hostel/supported housing residents who:

- Are resident within one of the agreed hostels/move on accommodation that are part of the supported accommodation pathway protocol.
- Are ready and prepared to move on. There is an expectation that they will reside at the hostel for 6 months.

- Have a support plan that identifies that they have engaged with the plan, what outcomes have been met, and they are now ready for independence.
- Are tenancy ready and willing, where it is deemed necessary, to engage with continuing floating support.

If a hostel/ supported housing resident is assessed and awarded Band E in line with the Housing Allocations Policy, but the Support Worker feels they have amended their behaviour a report will be submitted to Officer Review Panel, the ORP decision will be final.

**vi. Kirklees Council tenants who occupy an adapted property which they do not need.**

Kirklees Council tenants who no longer need a property which is adapted for a disabled person's use may be awarded Band B in order that the Council can make best use of adapted properties.

**vii. Tenants of the Kirklees Council or Kirklees RP classed as severely overcrowded.**

Kirklees Council and RP tenants living in Kirklees who are classed as severely overcrowded will be awarded Band B. <sup>4</sup>

**h) Band C Award**

Band C may be awarded in the following circumstances:

**i. Prevention Band**

Where the household is assessed as being threatened with homelessness, irrespective of priority need

**ii. Relief Band**

Where homelessness cannot be prevented and there is no duty to provide temporary accommodation.

**iii. Intentionally homeless households**

Household has been assessed as statutory homeless and in priority need, but have become homeless intentionally. If the household is intentionally homeless and assessed as having a higher medical need or a need to move to give or receive essential care and support, then they may be awarded Band B on the basis of the medical need.

**iv. Statutory homeless households from outside Kirklees**

Legally the Council is required to give some preference on its Housing Register for households who are genuinely homeless, wanting to live in Kirklees but not currently doing so. An award of Band C can be awarded following receipt of the appropriate information from another Council who has assessed the customer's homelessness application.

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<sup>4</sup> Housing Allocations Policy - proposed changes to tackle overcrowding and under occupation approved by Cabinet on 6 July 2010.

**v. Overcrowded Licensees**

Households who live in overcrowded circumstances in someone else's house with their permission but do not have a rented or owned property of their own, may be awarded Band C. Overcrowding is defined by the number of bedrooms the household requires but does not have.

**vi. To move to give or receive care and support**

- Awarded after an assessment when, it is confirmed that it is a desire and would be beneficial for the household to move in order to receive or give care and support. This is in contrast to an essential need Band B.
- Awarded after assessment to social housing tenants who need to move to Kirklees for employment, education or training.

**vii. Lower medical need**

Awarded after an assessment where we consider that there are low medical needs in the household.

**viii. Kirklees Council or RP tenants who are overcrowded or under-occupying their property.**

A tenant of Kirklees Council or a Registered Provider who is under occupying their home.

**ix. Permanent decant moves for Kirklees Council tenants**

Where it is necessary to move a household out of a Kirklees Council property in order for essential works to be carried out and they wish to remain in the property into which they have been decanted.

Temporary decant moves are not included in the allocations scheme and are arranged as necessity dictates.

**x. Kirklees Council tenant requesting a move to a Retired Living Scheme.**

Kirklees Council tenants who wish to move from a general need property in to a Retired Living Scheme.

**xi. Approved Foster Carers**

Foster carers who have been approved to foster children by Kirklees Council will be awarded Band C. They will be eligible for one bedroom for each child they have approval to foster. Confirmation of approval and the number of children will be required before Band C is awarded.

**i) Band D Award**

Households who do not fall into Band A, B, C or E will be awarded Band D. This is because they do not have any particular housing need. Households whose housing circumstances change can ask for their situation to be re-assessed and their banding will be altered as appropriate after investigation.

## j) **Band E Award**

### i. **Band E - No local connection to Kirklees Council**

To qualify for Bands A-D on the Housing register you must be able to establish that you and/or your joint applicant has a local connection with Kirklees.

You have a local connection with Kirklees if:

- You have lived in Kirklees for at least 2 of the last 3 years.

and/or

- You are currently in permanent paid employment of at least 16 hours per week in Kirklees.

and/or

- You want to live near to an immediate family member<sup>5</sup> who has lived in Kirklees for more than 3 years

Applicants who do not have a local connection to Kirklees will be placed in Band E.

The local connection criteria do not apply to:

- Members of the Armed Forces and Reserve Forces as set out in the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.
- Those who are homeless having fled violence or harassment from another area.
- Social Housing tenants who need to move to Kirklees as set out in the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.

A local connection is not established where the applicant is:

- in prison within the district
- resident in a bail hostel or other such accommodation
- detained in the district under the Mental Health Act
- receiving specialist hospital treatment
- those placed in temporary or private sector accommodation by other Housing Authorities

Where there are exceptional circumstances a report may be submitted to Officer Review Panel to request the Panel make a decision to remove the Band E award and restore the appropriate priority.

### ii. **Band E - Housing Debt**

Current tenants of the Council with evidenced housing debt of more than 5 weeks current rent will be awarded Band E.

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<sup>5</sup> "Immediate family" is defined as a person's spouse, parents, children and siblings, it can include step-families where close relationships exist

Current tenants of the Council who under occupy their property (as defined in the size criteria section of the Housing Allocations Policy) and wish to move to a smaller property will not be awarded Band E if their evidenced housing debt is more than 5 weeks current rent if they are engaging with money/debt advice services and they have an agreed repayment plan in place.

Current tenants of the Council with a high medical need for re-housing and evidenced housing debt of more than 5 weeks current rent will not be awarded Band E if:

- They are engaging with money/debt advice services

and

- They have an agreed repayment plan in place.

Former tenants of the Council with evidenced housing debt of more than 5 weeks<sup>6</sup> average Council rent will be awarded Band E.

Former tenants with housing debt of more than 5 weeks average Council rent that occupy Kirklees Council temporary accommodation because they have been assessed as statutory homeless and in priority need or are waiting for the outcome of a homeless assessment will not be awarded Band E if:

- They are engaging with money/debt advice services

and

- They have an agreed repayment plan in place.

Where there are exceptional circumstances a report may be submitted to Officer Review Panel to request the Panel make a decision to remove the Band E award and restore the appropriate priority.

### **iii. Band E - Home owners**

Applications to join the Housing Register from people who own a property in the UK will be Awarded Band E unless, following an assessment of their housing need it is accepted that they are unable to live in the property they own.

The reason for this may include but are not limited to:

- They have been assessed as having high medical needs and the property they own cannot be adapted to meet those needs.
- They have been accepted as statutory homeless.
- They are unable to meet the mortgage repayments and are at risk of homelessness.

Where there are exceptional circumstances a report may be submitted to Officer Review Panel to request the Panel make a decision to remove the Band E award and restore the appropriate priority.

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<sup>6</sup> Average weekly rent from April 2018 is £69.10 per week. The level of former tenant housing debt for 2018/19 is £345.50

#### iv. **Band E – Anti-Social Behaviour**

A customer's behaviour, and that of any household member, will be taken into account when making an application to the housing register.

Band E will apply to applications where;

The main applicant or any member of the household who is included in the application has an evidenced history of anti-social or unacceptable behaviour that is linked to their current or former tenancy

and

This behaviour has had an impact on other residents' quiet enjoyment of their property within the previous twelve months.

Anti-social or unacceptable behaviour includes but is not limited to:

- Being issued with one or more of the following: Acceptable behaviour contract (ABC), Anti-Social Behaviour Order (ASBO), Individual Support Order, Drink Banning Order (DBO), Suspended Possession Order, Notice of Possession, Non Molestation Order.
- Using or allowing a property to be used, for illegal or immoral purposes.
- Causing wilful or negligent damage to property.
- Anti-social and/or criminal behaviour including harassment.
- Perpetrating domestic abuse.
- Violence, or threats of violence, to staff or agents of any of the principal partners of the Council, neighbours, previous landlords, the police or any other statutory or voluntary agency.
- Obtaining a tenancy by giving false information or failing to provide information that is reasonably requested.

We will also consider the nature of the unacceptable behaviour, when it took place and whether there has been any change in circumstances or behaviour. Each case will be judged upon its merits.

Applications from customers who have a high medical need for re-housing and an evidenced history of anti-social or unacceptable behaviour will be awarded Band E if both the housing provider and Housing Services agree that it is appropriate.

Where agreement can't be reached by the housing provider and Housing Services the case should be referred to a senior manager within the housing provider organisation and Housing Services.

Customers who occupy Kirklees Council temporary accommodation because they have been assessed as statutory homeless and in priority need; or are waiting for the outcome of a homeless assessment and have an evidenced history of anti-social or unacceptable behaviour will be awarded Band E if both the housing provider and the Housing Services agree that it is appropriate.

Where agreement can't be reached by the housing provider and Housing Service the case should be referred to a senior manager within the housing provider organisation and the Housing Services.

All applicants who are awarded Band E due to anti-social/unacceptable behaviour will be informed in writing.

All applicants who are awarded Band E will be able to request a review of the decision in accordance with the Review and Appeals section of the Allocations Policy.

Where there are exceptional circumstances or the household is in Kirklees Council temporary accommodation a report may be submitted to Officer Review Panel (ORP) to request the Panel make a decision to remove the Band E award and re-assess the band award.

### **Change of circumstances**

Households whose circumstances change can ask for their band to be re-assessed.

## **6. THE HOUSING REGISTER**

### **a) Collecting Information about Housing Needs**

The housing register application is designed to identify customers housing need. We will provide help to any customer who needs assistance to complete the application.

We request the information necessary to register the application and place customers in the appropriate housing band according to their housing need.

Where an application is returned with insufficient information to enable the council to process the application, it will be returned to the customer and will remain inactive or unregistered pending receipt of the required information. The date of registration will be the date the completed application is received.

If the application contains information that requires clarification we may contact the customer to confirm details or provide additional information.

We will ask customers for permission to contact other agencies or individuals and request information if this would assist in assessing their housing needs.

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

### **b) Verifying Information about Housing Needs**

We will check a customer's application to ensure that:

- The customer is eligible for entry on the housing register.
- The customer has provided all the necessary information.

We will also check if a customer has any history of housing debt to the Council and/or anti-social behaviour as this may affect a customer's application and Band award.

The council will verify the information provided on the membership form at the registration stage and prior to any offer of accommodation being made.

Bands A and B and C, will not be awarded without obtaining confirmation of circumstances.

Written proof of pregnancy or Child Benefit is required for all children included in the application. If the child (ren) is not living with the customer at the time of the application, confirmation is needed that the child (ren) will reside within the household.

We will verify information provided by our customers.

Customers will have a medical assessment if this is considered necessary. We will assess how the customer's medical condition is adversely affected by their housing and if it may be improved by a move to a more suitable property.

When we are satisfied that we have collected adequate information to verify customers' circumstances we will decide the appropriate band award.

#### **c) Registration Date**

The 'registration date' is the date the application form is received.

#### **d) Effective Date**

The 'effective date' is the date that any changes in the customers' circumstances are recorded and, as a result any change in band award.

Where an application that is already registered any changes in circumstances will be recorded. The registration date will not be changed, and the effective date will only be changed if a new band award is made. This will be the date that the new band is awarded and not necessarily the date the information was received.

#### **e) Change of address**

When a customer moves house, their application will be cancelled. Those customers wishing to remain on the housing register are required to complete a new application. This will be a new application and the band award will be reassessed.

Customers with a correspondence address will remain on the housing register and any change of correspondence address will be a change of circumstances.

#### **f) General Data Protection Regulations (GDPR)**

All information provided in housing register applications is confidential and it is stored and used in accordance with the GDPR. For more information please see the Privacy Notice at:

<http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-housing-services.pdf>



### **g) How we deal with applications**

Applications will be assessed based on the customers housing needs.

We aim to contact customers about their application within six working days of receiving the form. If customers are facing an emergency and need to be dealt with sooner than this they can contact Housing Services for emergency advice.

We aim to complete our assessment within 20 working days of us receiving all the relevant information. Decisions can be reconsidered if further information is received after this time.

When an application is registered we will contact the main applicant to inform them of:

- Their Choose'n'Move membership number and password (PIN).
- The size of property to which they are entitled.
- The housing need band that they have been awarded.
- How to bid for properties on Choose 'n 'Move.

### **h) Customers who will not receive offers of housing**

Customers aged 16 or 17 years old.

Only statutory homeless 16 or 17 year olds will be offered a tenancy. 16 and 17 year olds who are offered a tenancy must have a trustee.

### **i) People from abroad not eligible for housing.**

People with no recourse to public funds may be eligible for assistance in accordance with current legislation. In these circumstances Housing Services will provide advice, information and make referrals to appropriate services.

## **7. RESPONDING TO HOUSING NEED**

### **a) Allocations**

All available properties will be advertised and allocated through the CBL scheme Choose'n'Move. This includes all general needs properties, adapted properties where appropriate and any properties with a specific lettings policy, such as Retirement Living Schemes for people over 60.<sup>7</sup>

Exceptions to this will be for 'management lets' where the vacant property is required for a specific purpose. Reasons may include:

- For emergency decant properties, e.g. in flood or fire
- Other exceptional circumstances, e.g. for police surveillance
- Temporary accommodation
- Supported housing schemes

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<sup>7</sup> Age Designation Policy Review – Report approved by Cabinet 1<sup>st</sup> September 2009

- Extra care housing schemes<sup>8</sup>

Customers who are eligible to bid can express an interest in any property that meets their needs. At the end of each bid cycle a shortlist is created that orders bids according to priority. The shortlist will have any eligible band A customers at the top of the list, and within the band each individual is prioritised according to their waiting time in that band, then by date of registration. Band B, C, D and E customers are ordered in the same way.

Before offering a property to a customer the following checks will be made:

- The band award is correct.
- Circumstances have not changed.
- Household composition matches the property size.
- Any other restrictions placed upon the property or customer that would prevent them from receiving an offer.

The property will be offered to the first household on the shortlist that is eligible for an offer.

### **b) Choice Based Lettings Scheme – Choose'n'Move<sup>9</sup>**

Kirklees Choice Based Lettings Scheme (CBL) is administered in partnership by Kirklees Council and KNH.

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

At the end of the bidding cycle a shortlist is created for each property. Bids made on properties are prioritised according to the Councils Housing Allocations policy. Customers who do not meet the allocations criteria may be "skipped" and the next customer on the shortlist will be considered for that property.

Customers who are skipped will be advised of the reason in writing.

An offer of a tenancy will be made to the customer who is at the top of the shortlist.

### **c) Property Size and Type**

We match the size and type of properties to the size of a customer's household and any special needs they may have. We may vary this in exceptional circumstances.

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

- a couple (married or unmarried)
- a person who is not a child (aged 16 or over)
- any two children of the same sex aged under 16
- any two children aged under 10
- any other child, (other than a child whose main home is elsewhere)

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<sup>8</sup> Eligibility Criteria and Allocations Policy and Process for Extra Care Housing – Report approved By Cabinet 5<sup>th</sup> January 2010

<sup>9</sup> Choice Based Lettings Scheme approved by Cabinet on 28 November 2007

- a carer (or team of carers) who do not live at the property but provide overnight care<sup>10</sup>
- a household who are approved as foster carers are eligible for one bedroom for each child they have approval for

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

These eligibility criteria aim to make best use of stock.

If an customer requests that his/her family should be considered for a property type above or below the 'standard', an assessment of the customers circumstances will be made to determine if variation from the standard is warranted.

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

- Properties of a certain size are proving difficult to let *and* the CBL process for hard to let properties is completed *and* there are no/minimal households on the housing register for a property of that size.
- A proven medical need exists for an adult/child to have a separate bedroom. In such cases, a recommendation for a separate bedroom should be received from the AHT.

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

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

and

- there is an element of housing need that makes it essential that the customer's family should be rehoused in the area requested, eg a member of the customer's family may have a medical need that requires intensive support from other family members who already live in the area.
- Children sharing a bedroom are under 10 years of age.

#### **d) Lettings Areas**

Customers can bid for any property they are eligible for within the geographical boundary of Kirklees Council. Customers in Bands A, B and C (Prevention and Relief) are required to choose areas in which to be considered for offers, if it is necessary to bid for properties on their behalf.

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<sup>10</sup> A person who receives overnight care and is in receipt of Attendance Allowance (AA), or receives the middle or highest rate care component of Disability Living Allowance (DLA), or if they do not receive either of the above, has provided the local authority (LA) with sufficient evidence to show that this type of care is required.

### e) Kirklees Local Lettings Framework

The law and guidance around local lettings policies provide that they can be used to meet certain needs and their provisions must be justified in relation to meeting these needs/overcoming problems.

What is the Kirklees Local Lettings Framework?

- It is part of Kirklees Council's Housing Allocations Policy. It will enable officers to consider where action is needed to redress the lifestyle balance between new and current tenants because of issues that have had or *may* have a significant adverse effect on local community.
- The framework is intended to facilitate KNH (and other housing providers) ability to promote successful and sustainable communities.
- The framework is an agreed method that provides consistency, flexibility, transparency in decision making and a review process.
- It is the process that is used to develop and implement a Local Lettings plan.

### f) Offers and Nominations

Band A, B and Band C Prevention, Relief and Intentionally Homeless households are considered to have urgent housing need, they are restricted to one reasonable and suitable offer/nomination.

Other band C, D & E households are considered to have low or non-urgent housing need; they are restricted to three offers/nominations. If three reasonable offers are refused within a twelve month period the application will be cancelled and the customer not allowed to reapply for six months.

All applicants with a housing need will be encouraged to bid, however those with the following banding may have bids placed for them from the date band award if they are not proactive in placing realistic bids for themselves.

- Band B - homeless in temporary accommodation,
- Band B – Relief duty eligible for temporary accommodation
- Band C - Prevention of homelessness
- Band C - Relief Band where there is not a duty to provide temporary and
- Band C - Intentionally homeless if they are occupying or eligible for temporary accommodation

Existing secure tenants who are rehoused are granted a secure tenancy. All other new tenancies will be classed as Introductory Tenancies. <sup>11</sup>

Introductory Tenancies last for a period of 12 months and are then automatically converted into a secure tenancy provided that the tenancy agreement has not been breached.

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<sup>11</sup> Introductory Tenancies Report approved at Cabinet on 5<sup>th</sup> September 2008

Kirklees Council may nominate households for RP tenancies according to the Council's Housing Allocation Policy.

Kirklees Council may fully discharge any full housing duty by way of a 'private rented sector offer' (PRSO) made using the power granted to it (s193(7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011.

### **g) Introductory Tenancies**

All new tenancies will be introductory tenancies except those granted to secure tenants.

At the time an offer is made customers will be asked to provide background information to help determine the status of any new tenancy granted.

Introductory tenants have similar but not the same statutory rights as secure tenants.

The table below summarises the key differences.

LEGAL RIGHT	SECURE TENANTS	INTRODUCTORY TENANTS
<b>Right to succession of spouse/family member</b>	<b>Yes</b>	<b>Yes</b>
<b>Right to Repair</b>	<b>Yes</b>	<b>Yes</b>
<b>Right to consultation on housing management matters</b>	<b>Yes</b>	<b>Yes</b>
<b>Right to Assign tenancy</b>	<b>Yes</b>	<b>Yes</b>
<b>Right to Buy</b>	<b>Yes</b>	<b>No</b>
<b>Right to take in lodgers *</b>	<b>Yes</b>	<b>No</b>
<b>Right to sublet</b>	<b>Yes</b>	<b>No</b>
<b>Right to improve *</b>	<b>Yes</b>	<b>No</b>
<b>Right to exchange *</b>	<b>Yes</b>	<b>No</b>
<b>Right to transfer *</b>	<b>Yes</b>	<b>No</b>

- ★ Whilst introductory tenants do not have these rights consideration will be given to written applications to exercise these rights from introductory tenants.

When an introductory tenant transfers to another property any time spent as an introductory tenant in their former property will count towards the fulfilment of the 12 month probationary period in the new property.

Requests from Introductory tenants to move or exchange will be considered if there are strong reasons for such a move taking place. Where there are exceptional reasons all requests will be referred to Officer Review Panel for a decision.

New tenants will be given a full explanation of their rights and responsibilities when signing to accept a tenancy.

A combined introductory/secure tenancy agreement will be issued to all new tenants. This clearly sets out the conditions that apply to both introductory and secure tenants and the date on which the introductory tenant will become secure, subject to any extension to the introductory period being sought.

#### **h) Decants**

If it is necessary for a tenant to vacate a property to allow for repair or improvements to be undertaken, a suitable property that meets the requirements of the household will be identified.

Any such moves will be arranged according to the Council's Housing Allocation Policy.

#### **i) Making best use of Council and specialist properties.**

Customers in Bands A –D with assessed medical needs will appear at the top of the shortlist for all properties in band order.

The Council will make best use of adapted and specialist properties by wherever possible matching properties to the needs of individuals, in accordance with the Council's Housing Allocations Policy.

#### **j) Nominations to Registered Providers (RP's)**

Kirklees Council has a Nominations Agreement with RP'S in Kirklees for 50% of general housing stock and 100% of new build properties. There may be exceptions to this if they are negotiated at the development stage.

#### **k) Temporary Moves (Decants)**

If it is necessary for a tenant to vacate a property to allow for repair or improvements to be undertaken, a suitable property that meets the requirements of the household will be identified. When the tenant accepts an offer of decant accommodation this property is let on licence (i.e. the tenant does not have security of tenure). When the tenant signs the licence for the property they are also required to sign an agreement to move back to their original address once work is completed.

#### **l) Permanent Decants**

Sometimes it may be necessary to transfer a tenant permanently. In this instance approval must be sought from the Area Housing Manager. The tenant has the right to appeal against this decision to the Officer Review Panel.

The tenant must register a Housing Register Application and will be considered as a transfer customer. Band C may be awarded for a permanent decant move, alongside any other housing needs which may be applicable to that tenant's application.

## m) Transfer of Tenancy

- **Transfer of Tenancy from Joint to Sole**

A tenant may request that their tenancy is changed from a joint tenancy to a sole tenancy. For example, in a relationship breakdown when one partner leaves the property and clear evidence is provided that there is no intention/unable to return. Where Court action has been sought for any breach in tenancy condition the request will be considered but may not be granted.

- **Transfer of Tenancy from Sole to Joint**

A tenant may request that their tenancy is changed from a sole tenancy to a joint tenancy. The sole tenant must confirm the request, and the customer wishing to be added to the tenancy must have lived in the property as his/her main home for the previous twelve months. If there is no breach of tenancy conditions the tenancy will then be transferred and a new tenancy agreement issued.

## 8. SUCCESSION

### a) Succession of a tenancy

The Localism Act 2011<sup>12</sup> introduced new legislation in relation to the succession of a secure tenancy and the Housing Act 1985 was amended to reflect those changes<sup>13</sup>.

From April 2012, there is one statutory right of succession to a spouse or partner. There is no statutory right of succession for other family members.

This change does not affect secure tenants whose tenancy began before 1st April 2012.

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

A person is qualified to succeed the tenant under a secure tenancy if he/she occupies the property as his/her only or main home at the time of the tenant's death and either:

he/she is the tenant's spouse or civil partner, (regardless of how long he/she has lived there)

or

he/she is another member of the tenant's family<sup>14</sup> (including co-habitee) and has lived with the tenant throughout the period of 12 months ending with the tenant's death.

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<sup>12</sup> The Localism Act 2011, section 160

<sup>13</sup> The Housing Act 1985 as amended.

<sup>14</sup> The people classed as members of the family are defined under Section 113 of the Housing Act 1985. It includes parent, grandparent, brother, sister, child, niece, nephew, aunt, uncle – blood relations and relationship by marriage.

This provision only applies where the deceased tenant was not himself/herself a successor.

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

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

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

**d) Death of a sole secure tenant where the tenancy began after 1<sup>st</sup> April 2012**

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

**e) Death of a sole secure tenant where the tenancy began after 1<sup>st</sup> April 2012 extended succession rights.<sup>15</sup>**

The one statutory right of succession to a secure tenancy is extended when at the time of the tenant's death the dwelling-house is not occupied by a spouse or civil partner of the tenant.<sup>16</sup>

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

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

and

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

and

- The accommodation meets their housing needs, in accordance with the Allocations Policy eg is not too big for their needs as defined in Chapter 7. Responding to Housing Need c) Property size by type.

**f) Death of a sole secure tenant where the tenancy began after 1<sup>st</sup> April 2012 and there is no successor**

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

and

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

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<sup>15</sup> Section 86A(2) Housing Act 1985 as amended

<sup>16</sup> Kirklees Neighbourhood Housing Tenancy Agreement,



and

- The property is too big for their needs as defined in Chapter 7. Responding to Housing Need c) Property size by type.

and

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

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

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

If they refuse three offers of suitable accommodation the Council will seek possession of the property. During this period they will be a "tolerated trespasser" and expected to pay a weekly charge for use and occupation of the property.

#### **g) Change of name on marriage or request**

A tenant who requests a name change on their tenancy agreement they must provide evidence in the form of a marriage certificate or certificate of deed poll or statutory declaration. When the document has been provided a change of circumstances form must be signed by the tenant.

### **9. MUTUAL EXCHANGES (ASSIGNMENT OF TENANCY)**

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

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

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

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

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

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

## **10. MAKING BEST USE OF COUNCIL AND SPECIALIST PROPERTIES**

Customers with assessed medical needs in Bands A-D will appear at the top of the shortlist for all properties in band order.

### **a) Adapted Properties**

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

When no suitable customers can be found for an adapted property the Council will consider if it would be suitable to let the property to a temporary tenant. The Housing Act 1985 allows the Council to let to three types of temporary tenants:

1. Homeless persons
2. Persons taking up employment
3. Temporary accommodation whilst works are being carried out

Whilst the property is being let temporarily the Council will continue to search for a suitable tenant.

If, at the end of the temporary letting, or if no temporary letting was suitable the Council will decide whether to continue to look for a suitable tenant with needs for the adapted property, or if the property can be allocated to a customer with no special medical needs on a permanent basis.

### **b) Unadapted Properties.**

When allocating a property which is not adapted a shortlist which includes all categories will be used and the property will be allocated in band award order. If the suitable customer has special medical needs the Council will determine if the property is suitable for the customer's need.

### **c) Letting of adapted property when adaptations are not required**

Where an adapted property has been let to a customer from the Housing Register who does not need adaptations the customer will be advised that the Council may wish them to consider rehousing if the property is required at a future time for a disabled person. In such cases incoming tenants will be advised of this in writing and will be required to sign the letter to confirm that they understand its contents, and a copy of the letter should be kept on the customer's record.

If in the future the property is required for a disabled customer consideration of rehousing will take place through negotiation with the current tenant.

If the property is still suitable for an identified disabled customer, and the current tenant is willing to be rehoused, we will attempt to find alternative accommodation for the tenant and will negotiate any package of assistance that might be offered.

**d) Adapted Council properties which cease to be occupied by a disabled person(s).**

A disabled person may cease to occupy an adapted property, leaving a non-disabled occupier.

In this situation the Council will investigate:

- Details of the adaptations made to the property.
- Details of the remaining occupiers, and whether any of them have a right to succeed to the tenancy.
- Why and when the disabled person ceased to occupy the property.

If appropriate the Council will contact the occupier to establish whether the adaptations are needed by the remaining occupier(s), and if the Council would be able to make use of the adapted property for another disabled person.

In these circumstances the Council will speak to the occupier(s) about possible rehousing and if suitable start to arrange a transfer.

Where an agreement to transfer has been reached between the occupier of the adapted property and the Council, a Housing Register Application should be completed and the customer awarded Band B.

**e) Supported Living Accommodation**

**1 Introduction**

- 1.1 Supported Living Accommodation, for the purpose of this policy, is accommodation for adults who need care and/or support in a safe environment. A fundamental feature is that it is a housing model with a focus on independence and inclusion where the individual has a tenancy agreement and personal care and/or support provision is an integral part. This includes extra care provision in Kirklees.
- 1.2 The purpose of this document is to set out the policy for the allocation of Supported Living Accommodation in Kirklees and is a generic document covering all care groups. This policy sits under and forms part of, the Council's Housing Allocations Policy.
- 1.3 The Care Act 2014 places a duty on Councils to involve people in decisions made about them and their care and support. Throughout the Supported Living Accommodation Allocations process, the Council will provide an independent advocate, if required, as per their duty under the Care Act.

**2 Exclusions**

- 2.1 General needs housing, retirement living schemes and those which are adapted or wheelchair designed/accessible properties.

- 2.2 Private or other Specialist Housing where Kirklees Council do not have nomination rights.
- 2.3 Care Quality Commission (CQC) Registered Accommodation

### **3 Eligibility**

- 3.1 A Supported Living Allocations Panel will exist to oversee all applications for Supported Living Accommodation in Kirklees and determine the eligibility of each Applicant against the Supported Living Accommodation Eligibility Criteria.
- 3.2 The Supported Living Allocations Panel will include representatives from Social Care, Housing Services and where appropriate, scheme/care providers.
- 3.3 Applicants for Supported Living Accommodation in Kirklees must meet the following Basic Eligibility Criteria:
  - 3.3.1 The individual must have eligible care needs under the Care Act 2014 as determined by the Council and;
  - 3.3.2 The individual must have a housing need as determined by the Council - this can include:
    - The need to move out of residential accommodation due to closure or change in registration
    - Prevention of a crisis and their current situation breaking down
    - Part of planned pathway step approach that will lead to better outcomes for the individual and a potentially cost effective solution for the Council
    - Safeguarding considerations
    - Improving mental health and wellbeing including social isolation
- 3.4 In addition to the basic criteria each Supported Living Accommodation scheme will have additional eligibility requirements dependent on what onsite care and support each scheme will provide or specialise in.
- 3.5 Additional eligibility criteria for each scheme (and the reasons for this) will be agreed and documented by the Council prior to any Supported Living Allocation Panel meetings taking place.
- 3.6 Applicants who do not meet the basic or additional criteria for Supported Living Accommodation and therefore not added to the Supported Living Accommodation Register, will be notified by the Council of the decision in writing and reasons why will be recorded by the Supported Living Allocations Panel.

### **4 Appeals/reviews of decisions**

- 4.1 Individuals can appeal against a decision, made by the Council, not to add their name to the Supported Living Accommodation Register. They must do this within 21 days of receiving the decision.
- 4.2 Appeals will be dealt with by at least 2 Senior Managers from the Council who were not involved in the Supported Living Allocation Panel, one of whom will be a housing representative.

- 4.3 The individual will be notified of the appeals decision in writing, together with reasons, within 28 days of receipt of the appeal.
- 4.4 The individual will be informed if Senior Managers need to defer the appeals decision pending further information.
- 4.5 If the person is still not satisfied this can then be pursued through the appropriate stage of the Council's corporate complaints procedure.

## **5 Empty Properties**

- 5.1 Where there is no tenancy or the existing resident has given notice, the Council will be responsible for working with the Registered Providers of each Supported Living scheme to minimise any void periods and to ensure vacancies are considered by the Supported Living Allocations Panel.
- 5.2 It is important that void periods are kept to a minimum in order to reduce unnecessary costs for the Council and avoid long waiting periods for prospective tenants.
- 5.3 The following considerations, in order of priority, will be taken into account when prioritising individuals for empty properties:
  - 1) The specialist nature of the accommodation provided
  - 2) Consideration to the mix of tenants including level of care and support needs
  - 3) Where there is a statutory duty including ordinary residence
  - 4) Consideration of alternative more cost effective options
  - 5) Individual risks
  - 6) Length of time on the Supported Living Accommodation Register

## **6 Tenants no longer eligible for Supported Living Accommodation**

- 6.1 Where an occupant of Supported Living Accommodation no longer meets the eligibility criteria for the scheme, the Council will work with Registered Providers, the tenant and their family to support and incentivise a move to more suitable accommodation. This will ensure best use of Supported Living Accommodation in Kirklees.
- 6.2 Incentivising a no longer eligible tenant to move out of Supported Living Accommodation can include:
  - Providing help and support to find alternative more suitable accommodation
  - The tenant can apply to the Council's housing register and consideration will be given to award B and C (Care and Support) to assist their move into more independent accommodation, with support if appropriate.

## **11. ALLOCATION OF TEMPORARY ACCOMMODATION**

### **a) Key Principles**

- i. The Council will normally offer temporary accommodation within the Kirklees district unless the personal safety of the customer requires they are placed outside of the area or at times of very high demand. In situations of high demand

any customers placed outside the Kirklees area will be allocated temporary accommodation in Kirklees as soon as practically possible.

- ii. The Council aims to never place families into bed and breakfast accommodation unless in an emergency and any placement will normally be short before the family is allocated self-contained furnished temporary accommodation.
- iii. The Council will never allocate 16/17 year olds bed and breakfast accommodation in line with central government expectations.
- iv. The Council will endeavour to provide temporary accommodation that has reasonable access to public transport links and other general facilities such as shops.
- v. Whenever allocating temporary accommodation the Council will take account of all relevant factors when assessing the suitability of temporary accommodation. These factors are listed below.
- vi. When assessing the suitability of temporary accommodation the Council will only take account of a customer's needs and not preferences although these will be accommodated if circumstances allow.

**b) Factors to be taken into account when making a temporary accommodation placement**

- i. **Children's Education** – The location of schools, travel options, age and educational stage of children within a household will be taken into consideration when temporary accommodation is allocated.
- ii. **Children's needs** – In accordance with the relevant children legislation the Council will consider the needs of all children in a household and any arrangements to safeguard those needs when allocating temporary accommodation. The key areas that will be taken into account are risks to health, safety, employment and economic wellbeing. Households with children at risk, on the Child Protection Register or significantly disadvantaged will be prioritised when decisions are being made about the allocation of available accommodation.
- iii. **Childcare and other caring responsibilities** – The practicalities of maintaining existing childcare and /or other caring arrangements will, where possible, be taken into account when decisions are made on the allocation of available temporary accommodation.
- iv. **Employment** – The employment of any member of a household placed in temporary accommodation will be taken into account when any allocation is made. Where possible the Council will allocate temporary accommodation in an area which will allow the employed household member to maintain their employment during their time in temporary accommodation.
- v. **Health and support needs** – Households which contain people suffering from serious medical conditions or having a severe disability will be prioritised for the

allocation of temporary accommodation, when available, in areas which will allow the household member(s) to access the existing healthcare and support services that are receiving.

- vi. **Risk** – Where a household is perceived to be at risk from others, or where there is a history of risk to others, the extent, nature, likelihood and gravity of the risk will be assessed and taken into account when any allocation of temporary accommodation is made.

### **c) Review of the Suitability of Temporary Accommodation**

- i. Under section 202 of the Housing Act 1996 customers provided with temporary accommodation under section 193 (full duty to provide temporary accommodation to households who are unintentionally homeless and in priority need) can request a review of the suitability of the temporary accommodation the Council has provided if they feel it does not meet their needs. Any customer who wants to do this should do so within 21 days of the allocation being made or 21 days of the Council's decision to accept a full duty (whichever date is latest). The review can be requested in writing or verbally. The review will be carried out within 56 days by an officer senior to the officer who made the original decision to allocate the temporary accommodation and was not involved in the original decision. Customers who are provided with temporary accommodation under sections 188 and 190 of the Housing Act 1996 do not have a legal right to a review of the suitability of temporary accommodation.
- ii. Regardless of legal rights to the review of the suitability of temporary accommodation the Council is committed to being open to try, where possible, to ensure that the temporary accommodation provided to households is reasonable and accommodates the needs of that household.

### **d) Monitoring and Review**

- i. The Council will assess daily the temporary accommodation available and will take into account the needs of all households requiring temporary accommodation when allocating available temporary accommodation.
- ii. As part of the ongoing monitoring of the pattern and nature of demand for temporary accommodation the Council will review the type, location and amount of temporary accommodation it provides to meet the housing needs of homeless households. If the stock of temporary accommodation is found to be deficient either because of the nature of accommodation or the amount steps will be taken to alter the accommodation available to reflect these changing demands.

## **12. REVIEWING DECISIONS**

### **a) Review of decisions**

Customers can use our review procedure to challenge our decisions. At their request we will review decisions about placing their name on the housing register,

their eligibility for offers or types of offer, and any other issues relating to the Council's Housing Allocations Policy.

Kirklees Council's Allocations policy includes a two stage review procedure. The procedure is designed to comply with legal requirements under the Housing Act 1996, to provide customers with the means to challenge decisions, and with the need to ensure that decisions take full account of the Council's legal duties, its policies, and all relevant information.

Kirklees Council includes provision for customers to request a review to a Housing Services Manager and beyond that to Officer Review Panel. Customers must request reviews in writing within 21 days of receiving the Council's decision, and the Council must review its decisions when required to do so.

Someone who is not involved in the original decision and who is senior to the person who took the original decision must undertake the review.

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

Following all stages of the review process Housing Services will notify customers within 28 days of the latest review decision.

## **b) Right of Review**

A customer has the right to request a review of decisions by the Council regarding:

- band award
- eligibility for help
- what duty it owes to them
- referring them to another Council
- suitability of accommodation offered to discharge duty under current legislation

## **c) Review Process**

### **i. Stage 1 Manager's Review**

Where a customer asks for a review of a housing register or allocation decision an Area Housing Manager (AHM) or a Housing Services Manager will review the original decision to ensure that it was taken in light of all legal requirements, Council policy, and all relevant information. The AHM or Housing Services Manager will also take into account any further information from the customer or other agencies since the date of the original decision. If the decision is upheld the customer can request a review of the decision by the Officer Review Panel. An appeal to Officer Review Panel should be instigated by a written request from the customer. If the request to appeal to Officer Review Panel includes new information, a Manager's Review should be considered before submitting to Officer Review Panel and any amendments made accordingly.



**ii. Stage 2 Officer Review Panel**

The Officer Review Panel will meet regularly led by the Housing Services Manager together with two other managers from KNH. The Panel will consider all relevant information provided by the customer and information from the AHM or Housing Services Manager. (Customers or their representatives are not entitled to attend the Officer Review Panel hearings).

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

**Timescales**

Customers must request reviews in writing within 21 days of receiving the decision should they wish the Council to review. Following all stages of the review process Housing Services will notify customers of the decision in writing within 28 days of the latest review decision.

**13. COPY OF THE KIRKLEES HOUSING ALLOCATIONS POLICY**

Customers are able to view a copy of the full Housing Allocations Policy at <http://www.kirklees.gov.uk/beta/housing/pdf/housing-allocations-policy.pdf>