

## Appendix 5

### Changes to the Housing Allocations Scheme following consultation

No.	Ref	Subject	Change	Reason
1.	Con- tents	Appendix 9	New listing of illustrative tables in the scheme (replaces original appendix on assessing the “volunteering contribution”).	To increase clarity and ease of reference to the tables.
2.	1.1	Strategy	Change to footnote ♣	The scheme takes into account the strategies mentioned but previously stated this only in an appendix.
3.	4.3, 4.4, 6.7, 8.2, 9.2 & app'x 16	Community contribution	References to priority for community contribution (former applicant group 9) have been deleted and the applicant groups renumbered accordingly.	The consultation responses indicated a combination of opposition and lukewarm welcome for the idea. We propose to collect information about the nature and extent of volunteering among housing applicants on the online form and reassess the value of including it when the scheme is next reviewed.
4.	4.6, 6.1, 6.8, 7.2, 7.5, 7.7, 9.2 & app'x 11	Disqualifica- tion/ band D	A technical change to the scheme to disqualify those with no housing need, those who haven't lived in Harrow for 5 years, and those with too much income or capital, but to enable all disqualified applicants who live in Harrow to access targeted housing options instead. All references to band D have been deleted.	The consultation responses, largely support the principle of allocation to those with the greatest housing need. Under the draft scheme Harrow residents with high housing needs disqualified by the 5 year residence rule would not have had access to their targeted housing options, whereas those with low need would have had this access. This would have been unfair.
5.	4.7	Fairness & Equality	New para spells out Harrow's aim to fulfil its equality duties	These were mentioned but previously not made explicit.

<b>No.</b>	<b>Ref</b>	<b>Subject</b>	<b>Change</b>	<b>Reason</b>
6.	6.3	Bidding	Makes explicit the right of housing staff to make bids through the choice based letting system (CBL) on members' behalf.	Housing applicants sometimes wrongly assume they need to give their consent to bids made by housing staff on their behalf. It is preferable, to enable transparent customer feedback, for the council, when it needs to make direct offers to those in urgent housing need, to place bids on Locata rather than go outside the CBL.
7.	6.6	Transitional relief	Additional explanation of who will be protected.	To increase clarity.
8.	6.6, 6.7	Transitional relief	Figures of estimated protected 1 and 2 bed applicants broken down into homeless & not homeless	Original version showed the same figures for both, which did not make sense.
9.	6.7, 9.2 & 12.2	Homeless and qualifying offers outside Harrow	The definition of "outside Harrow" has been changed to "outside the M25".	This change is to ensure that Harrow is not competing with other London boroughs to place Harrow applicants in other scarce London accommodation.
10.	6.8	No transitional relief	Changed wording to make it clear that those protected because they have been waiting for 1-bedroom for over 2 years are not excluded because they don't meet the 5-year residence criterion.	Original wording was ambiguous and the exception is supported by consultation responses which suggested that sudden blanket exclusion on length of Harrow residence grounds would be unfair.
11.	7.3	Application form	Changed to reflect the council's ability to accept applications in other forms	At the council's discretion we may agree to take a paper application from someone (usually older people) who is unable to apply online.
12.	7.4	16/17 year olds	Clarification in footnote ♣	Important to note Housing's partnership with Children's Services in order to assist this group.

<b>No.</b>	<b>Ref</b>	<b>Subject</b>	<b>Change</b>	<b>Reason</b>
13.	7.4	People who haven't lived in Harrow for 5 years	(bullet point 1) Category moved from qualification to exclusion section.	So that all those who can access targeted options are covered in the same section of the scheme.
14.	7.4	Registration of non-Harrow residents	Bullet point 4 adds rough sleepers with a previous 5 year residence in Harrow	This is a direct response to concerns expressed in the consultation.
15.	7.4 & 8.2	Registration & prioritisation of non-Harrow residents	Bullet point 8 clarifies that people being discharged from prison or hospital cannot qualify until they are within 1 month of discharge. Priority group 15 (ex-tenants) are assessed in the same way.	This mitigates any unfairness based on the date that an inmate registers for housing. The crucial prioritising factor is that they will be homeless within 28 days.
16.	7.4	Registration of non-Harrow residents	Bullet point 10 adds public rented sector tenants not resident in Harrow who may be eligible to register with Harrow under various transfer schemes.	This covers a small number of people the council currently houses & would wish to continue to house, especially where they qualify under a reciprocal transfer scheme.
17.	7.5	Exclusions from the register	Exclusion (2) amended to delete "other than those owed a duty by another borough".	Too many sub clauses meant the phrase was ambiguous and was actually unnecessary here.
18.	7.5 & 22.5 & 22.6	People with financial resources	Category moved from band C to excluded. Consequential amendments when applicants at verification stage found to have financial resources above appendix 10 thresholds.	Even in band C they could get an offer and that seems unfair to those with no financial resources who would benefit more from an allocation of public rented housing.
19.	7.9	Fresh applications	Makes it clear that a disqualified Harrow resident can reapply by completing a change of circumstances form.	This should be less onerous for customers than completing a new application and minimises the number of new application numbers generated (which can increase the likelihood of processing and assessment errors).

No.	Ref	Subject	Change	Reason
20.	8.1	Customers' personal responsibility	Bullet point 3 adds the word "unavoidably" to the qualification for high priority for living in severely unsatisfactory conditions.	The council's aim is that, wherever possible, people resolve their own housing problems by moving out of unsatisfactory conditions, and wishes to avoid encouraging people to deliberately run down their own homes in order to claim priority.
21.	8.2	Tenant transfers	Group 7, footnote added, to explain that Harrow has decided to continue to prioritise public rented sector tenants as far as possible on the same basis as homeseekers.	The Localism Act suggests councils should have separate rules for allocations to tenants who do not qualify for reasonable preference, but Harrow has decided not to do so because of its particularly small public rented sector.
22.	8.2 & App'x 16	Looked after children	Group 17, adds proviso on eligibility for young people leaving care.	Clarifies the point that the council's responsibilities as a "corporate parent" do not over-ride the legal nationality requirements for allocations to public rented sector housing.
23.	8.2	Armed forces	Group 21 changes the definitions of armed forces personnel entitled to "additional preference" under the new regulations.	The "Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012" were recently enacted and the wording has changed since the draft regs. were published (& on which our draft Allocations Scheme was based).

No.	Ref	Subject	Change	Reason
24.	9.2 & App'x 16	Homeless-ness discharged into private sector (PRS)	Changed length of time band B (housed outside the M25) and C (housed inside the M25) applies following PRS discharge, from 2 years to 1 year.	Ideally families will resettle where they accept a property. 2 years priority banding in the new scheme will give too high a chance of returning to public rented housing in Harrow when already adequately housed, thus making the scheme unfair to those who need this type of housing more.
25.	9.2 & App'x 8 & 16	Employment location	Band A bullet point 1 clarifies the criteria for those who are accepted homeless or formerly homeless applicants who don't live in Harrow to qualify for extra priority because they are working.	We do not wish to penalise homeless applicants who accept an out of borough offer who still have close ties to the locality as shown by their employment location.
26.	9.2 & App'x 16	Band B & C accepted homeless	Wording on homeless applicants changed to reflect the fact that 08/11/12 is relevant to homeless application date, not duty acceptance date. In the banding appendix we have added in those applying as homeless after 08/11/12 so that they will retain band B (outside the M25) or C (within the M25) for up to 2 years from the date of discharge of duty into the private rented sector.	08/11/12 is the date of implementation of the provision in the Localism Act that enables discharge of homelessness duty into the private sector. The banding provision will offer better continuity of housing for homeless people following implementation of the new Localism Act powers. If they become homeless again within 2 years their Locata banding and priority date will carry on, giving them opportunities to move into public rented housing at some point.
27.	9.2	Band C priority	Band C changes to the definitions.	The original version of the new scheme was unclear as to who would qualify for band C, and the new version removes the ambiguities.

<b>No.</b>	<b>Ref</b>	<b>Subject</b>	<b>Change</b>	<b>Reason</b>
28.	9.2	Unable to verify	Clarifies that where we are unable to verify circumstances (e.g. because we are unable to find the person at home) they will be demoted to band C until the situation can be resolved)	There is no provision in the scheme for suspending a member, and disqualification seems unnecessarily harsh for someone with an apparently high housing need when there might be an innocent explanation for the verification problem.
29.	11.11	Family members	Footnote added explaining Harrow's policy on family members of social housing tenants.	For the avoidance of doubt and to explain why no preference is given to tenants' "sons and daughters" as happens in some other boroughs.
30.	14.2	Cross partner lettings	Wording changed slightly, but no substantive change to policy.	Reflects agreement by the west London partners (as per Jon Dalton's e-mail correspondence, Feb 2013).
31.	17.6 & App'x 6	Sensitive lettings	New para setting out the criteria for deciding that a letting is "sensitive" and therefore that certain types of applicant may be bypassed for an offer. Fifth para of appendix clarifies how verification will be carried out in the case of lettings designated as "sensitive".	Draft version did not specify the circumstances under which a vacancy might be designated as sensitive, which could potentially lead to claims of unfairness or discrimination.
32.	20.8	Decorative order of properties	New para sets out the circumstances in which the council will decorate a vacant property or offer a decoration allowance.	Draft version did not explain the council's policy on the decorative condition of its lettings, which could potentially have led to claims of unfairness or discrimination.

<b>No.</b>	<b>Ref</b>	<b>Subject</b>	<b>Change</b>	<b>Reason</b>
33.	21.7	Families in bedsitters	Bedroom need table, footnote ♥ makes it clear that the policy of giving high priority to families that are 2 or more bedrooms short is not meant to encourage people to deliberately overcrowd themselves by staying in bedsitters or the parental home longer than necessary.	The council's aim is that, wherever possible, people resolve their own housing problems by moving out of unsatisfactory conditions, and wishes to avoid encouraging people to deliberately overcrowd their families in order to claim priority.
34.	App'x 1	Organisations consulted	Added third sector groups invited to various consultations but previously omitted from the list.	Harrow housing options forum has been meeting for several years and has fed into the design of the scheme.
35.	App'x 2	Strategic aims	Added (h) "local homes for local people"	Shows the rationale underpinning the new 5 year residence qualification.
36.	App'x 3	Restricted cases	Additional para 3 specifies the council's policy on so-called "restricted cases".	Brings the scheme into line with new government regulations that apply to the housing rights of people whose entitlement to reasonable preference is based on a family member who is ineligible for housing assistance.
37.	App'x 4	Review appeals	Added ability to appeal against disqualification from registering	Recognises that an applicant can be either "not registered" (e.g. if they live outside Harrow) or disqualified (e.g. not resident in Harrow for 5 years and therefore only able to register and thereby access targeted housing options, not bid on Locata).
38.	App'x 4	Review outcomes	Added third possible outcome of reviews which is overturning the original decision.	Corrects an error in the original scheme

<b>No.</b>	<b>Ref</b>	<b>Subject</b>	<b>Change</b>	<b>Reason</b>
39.	App'x 4	Reviews – reconsideration of excluded applications	Added explanation of the “cool-off” period in cases of exclusion for wrongful behaviour	Brings this paragraph into line with other parts of the scheme that make it clear the 1-year cool-off before a new application can be considered is a minimum, not a rule.
40.	App'x 4	Reviews – appeals against review decisions	Added that review letters explain how to appeal the decision via judicial review.	The letters already do this, so this change is simply stating the facts, clarifying the fact that there is no further internal right to appeal against review decisions.
41.	App'x 5	Assessment of medical/ welfare need	Sentence added reinforcing the fact that assessment is based on current housing, not the clinical severity of the medical condition.	It is important to make it clear to applicants that Harrow’s housing assessment looks at the extent to which current housing makes a medical condition worse and whether an allocation of public rented housing would assist, not at the severity of the condition itself.
42.	App'x 6	Verification date for an offer	First para clarifies that verification dates for transfer tenants do not need to be as up to date as those for homeseekers (no older than 12 months rather than 6 months).	Accords with current practice, based on the fact that, as social landlords, we & our partner housing associations know more about the housing circumstances of our tenants than we do about those of the homeseekers looking to be housed by us for the first time.
43.	App'x 6	Verification – job of visiting officer	Makes explicit that the visiting officer is expected to take a view as to whether the correct banding has been applied	Banding is usually given on the basis of the applicant’s self-assessment and may therefore be incorrect. The home visit is a chance to check this and explain things to the applicant.



<b>No.</b>	<b>Ref</b>	<b>Subject</b>	<b>Change</b>	<b>Reason</b>
44.	App'x 6	Verification of formerly homeless people outside the M25	Although these applicants may not need to be visited at home they must have a continuing priority need at the time of re-housing to qualify for an offer.	The new scheme states that priority need under homelessness legislation is relevant when offering formerly homeless applicants public rented housing so if, for example, homelessness duty was accepted because of children, the applicant could no longer be verified for an offer with no children remaining in the household.
45.	App'x 6	Deadlines for verification	Refers to the requirements of our west London partners for fast verifications.	We need to state this policy to avoid complaints from people refused a tenancy on the grounds that they could not be verified in time.
46.	App'x 7	Process for dealing with Succession & similar requests	The process has been amended to cover requiring an application form, applicants who do not co-operate, bidding time-limits, appeals, and change of circumstances.	These matters have been included at the request of Resident Services.
47.	App'x 7	Dealing with renewal of flexible tenancies	Paragraph inserted to clarify that a policy on assessing flexible tenancy renewals will be included next time the scheme is amended.	It has not yet been decided who will carry out these reviews, but the first such tenancy will not become due for renewal for at least 2 years.
48.	App'x 8	Working households – poverty threshold	Added that we will disregard disability benefits in calculating net income.	Brings the working criteria into line with the financial thresholds in appendix 10.
49.	App'x 8	Working households – banding	Clarified the band for working households who are or are not accepted homeless.	Brings definition into line with the banding scheme.
50.	App'x 8	Working & households definition	Changes to criteria for qualification for extra priority.	Changes made as a result of feedback during consultation process.
51.	App'x 10	Financial assets	Note added as to how we will assess “intentional deprivation of assets”.	There are DWP guidelines and we undertake to follow them in our assessments.

<b>No.</b>	<b>Ref</b>	<b>Subject</b>	<b>Change</b>	<b>Reason</b>
52.	App'x 16	Under-occupiers	Footnote ♥ distinguishes between voluntary under-occupiers and those affected by the “bedroom tax” and includes provision to make direct offers to the latter group.	We cannot allow under-occupiers to fall into rent arrears while refusing reasonable offers of smaller homes.
53.	App'x 17	Confidentiality & Data Protection	New appendix added.	Specifies for applicants their rights to their personal data and the council's duties.

## **Appendix 5**

**LONDON BOROUGH OF HARROW**

**POST CONSULTATION DRAFT**

**HOUSING ALLOCATIONS SCHEME**

**as required by Part VI of the Housing Act 1996 as amended by  
the Homelessness Act 2002 and the Localism Act 2011**

The Council's Cabinet is approving this scheme on 11 April 2013 for  
implementation from 01 July 2013.

# Housing Allocation Scheme

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# 1. Purpose of the scheme document

## 1.1. Background

Every council is required by law to have a written scheme setting out how it will allocate the rented housing which it owns and to which it has nomination rights. This new scheme replaces the London Borough of Harrow Lettings and Transfer Scheme dated 05/04 03, last amended on 13/12/12.

## 1.2. Housing Priority

This document explains the options for people looking for a home in the London Borough of Harrow, and sets out which groups of people are priorities for an allocation of the public rented housing<sup>▲</sup> made available by Harrow Council and housing associations in our area.\*

## 1.3. Types of tenancy

The scheme applies to the way the council will allocate all public rented housing, including both lifetime and flexible tenancies. It covers properties let at secure, assured and "affordable" rents.

## 1.4. Procedures for letting public rented housing

It explains the detailed procedures that Harrow will follow in letting council and housing association<sup>◆</sup> rented homes both to existing tenants looking to transfer and to new home seekers.

## 1.5. Consultation

Appendix 1 sets out the process the council went through in consulting on and drawing up this scheme document.

## 1.6. Changing the scheme

We will review the scheme at least every 5 years. The housing portfolio holder has the delegated power to approve any interim amendments recommended by the director of housing that would affect fewer than 10% of lettings.

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<sup>▲</sup> The term public rented housing is used throughout this document to mean homes let on any kind of secure, assured, fixed term or flexible tenancy by a council or housing association or other publicly funded housing provider. The more usual term of "social housing" is avoided in order to make it clear that the policy does not cover shared ownership or "intermediate" rented housing but does cover properties let at "target", "social" and "affordable" rents.

\* The council must have an allocations scheme by law, and must take into account any relevant allocations codes of guidance, the council's homelessness strategy and tenancy strategy and the London Mayor's housing strategy. In addition our scheme is framed so as to be compatible with the council's equality duties.

<sup>◆</sup> In this document the term housing association is used in preference to the term "registered provider" because our customers better understand the meaning of that term. Should any registered providers that are not housing associations start doing business in Harrow this scheme should be read as also applying to them.

## 2. **Housing advice**

### 2.1. **Our service**

The council's housing service can give information to anyone who is looking for a home in the borough, whatever their circumstances. We can also offer advice to Harrow residents on finding accommodation outside Harrow, in places where homes are more plentiful and rents and mortgage costs are lower. Some of these areas are within reasonable travelling distance of Harrow for work or study.

### 2.2. **Contact details**

We provide housing advice online, on the housing options pages of Locata at [www.locata.org.uk/harrow](http://www.locata.org.uk/harrow), by e-mail at [locata@harrow.gov.uk](mailto:locata@harrow.gov.uk), by telephone, and in person at Harrow Civic Centre. Go to [www.harrow.gov.uk](http://www.harrow.gov.uk) to find up to date details about advice lines, appointments and our advice service.

### 2.3. **Housing assistance**

Large numbers of people seek low-rent public and private housing in Harrow, but only small numbers of homes become available to the council each year. We regret, therefore, that we are only able to offer help with accommodation to a very limited number of households. This help can include, depending on individual circumstances, enabling people to stay where they are living now or facilitating a move to a private rented or low cost home ownership home. For many people a move to public rented housing in Harrow is unlikely to happen.

## 3. Housing in Harrow

### 3.1. The housing market in Harrow

Harrow is a very popular place to live. There are many different types of homes in the borough, from homes to buy on the open market, through low-cost home ownership schemes run by housing associations, to private, council-owned and housing association-owned rented housing. The last two types, referred to in this scheme as “public rented housing”, make up only around 10% of Harrow’s property market, making it one of the smallest public rented sectors of any London borough.

### 3.2. Specialist housing

Some homes within Harrow are designed for particular groups. These include rented and leasehold sheltered and retirement housing for older people, and schemes with on-site support for particularly vulnerable people such as teenage mothers and people with learning difficulties.

### 3.3. New rented social housing

The council works successfully with housing associations to increase the supply of affordable rented properties in Harrow, but the numbers of such units (usually around 100 each year) is not enough to keep pace with the demand and has generally fallen short of the number of council homes lost as a result of the right to buy legislation. Access to such homes is through nomination via “Locata” (see section 5 below).

### 3.4. Housing Association allocations

No housing associations in Harrow (except a few that specialise in schemes for older people) manage their own waiting lists, other than for their own tenants wishing to transfer. This means that most people should make only one application for public rented housing in Harrow, via [www.locata.org.uk/harrow](http://www.locata.org.uk/harrow).

### 3.5. High demand and low supply

Many people wish to move to council or housing association rented homes because these offer below-market rents and because people perceive them as giving greater security of tenure than homes rented by landlords in the private sector. However the supply of this type of housing is very limited. Each year we expect to re-house around 400 households into public rented housing. Half of the vacancies are studio and 1-bedroom flats, normally suitable only for single people and childless couples. Half of these small units are reserved for older people. Yet at any one time we have around 5,000 households who have registered their interest in taking such a tenancy, and over 1,200 new households applying to register each year. The overwhelming majority of applicants with an acknowledged housing need are families, for whom most of the available accommodation is unsuitable.



### 3.6. Low supply of larger, family homes

The following table shows that the larger the number of bedrooms needed, the greater is the demand. This means the larger the number of bedrooms required by a family, the longer are the waiting times and the lower is the likelihood of ever receiving an offer.

	0-1 bedroom	2 bedrooms	3 bedrooms	4 bedrms+	Total
1. Numbers of homes owned by the council	2,000	1,467	1,393	105	4,965
2. Numbers of vacancies* Apr 2011 to Mar 2012	242	134	78	25***	479**
3. Nos. of households registered in bands A-C as at 01/04/12	1,137	1,144	1,006	505	3,792
4. Ratio of demand to supply as at 01/04/12 (row 3:row 2)	<b>5:1</b>	<b>8<sup>1</sup>/<sub>2</sub>:1</b>	<b>13:1</b>	<b>20:1</b>	
* The year 01/04/11 to 31/03/12 was a fairly typical year as far as the profile of property size and ratio of demand to supply goes, although the number of lettings in a year can vary from as low as 375 to as high as 520.					
** No. of vacancies includes both council housing and the housing association homes to which the council has nomination rights, which varies from 50% to 100% of each association's vacancies.					
*** Because of the small supply of 4-bedroom homes we let 3-bed homes that have two reception rooms as if they were 4-beds (unless the second room is unsuitable for use as a bedroom).					

### 3.7. Type of housing available

Sometimes people who apply for housing with Harrow have an unrealistic expectation of being offered a large house or bungalow with a garden whereas, in reality, most of our homes are flats rather than houses. Very few ground floor flats are available. The few bungalows in our stock are either very small or are let to people with mobility needs. Most of our properties are on small to medium sized housing estates, and there are large parts of the borough where we have no or very few properties.

### 3.8. Condition of the available housing

Council and housing association rented properties are unfurnished (with the odd exception) and are usually re-let undecorated. Only residents in sheltered schemes in Harrow can expect their homes to be redecorated by the council or housing association landlord, and the terms of tenancy agreements require tenants to keep their homes in good decorative order.

### 3.9. Other housing options

Most people who apply for housing with Harrow will never be offered a public tenancy, however long they wait. When the prospect of immediate re-housing is unrealistic we advise people to seriously consider other options, especially private renting and/ or moving away from West London.

## 4. Aims of the Scheme

### 4.1. Overall aims

The Council aims ensure that public rented housing goes to those with the most need, as defined by local (rather than abstract and arbitrary national) standards, while reducing the budgetary impact of homelessness. The housing allocations scheme is one of a group of policies that sits beneath Harrow's overarching Housing Strategy. The allocations scheme supports one of the strategy's key objectives, which is to "enhance housing options and promote mobility and choice". A number of other factors have also been taken into account in order to produce a balanced and fair allocation policy and process.

### 4.2. Supporting vulnerable people

The scheme reflects the Council's ambition, as set out in its Sustainable Community Strategy 2009-2020, to support and protect people who are most in need. It aims to give the highest priority to those who are less able to provide for their own housing needs than most of the population and therefore most in need of the council's help when their accommodation is unsuitable for their needs. We define unsuitable housing as accommodation that is:

- adversely affecting in a major way someone's medical condition or disability, or
- significantly detrimental to their welfare (for example there is significant risk of harm or risk to a vulnerable person's independence), or
- severely overcrowded or severely unsanitary.

The fact that a landlord is a private person charging a rent that is higher than a public sector rent does not make a home unsuitable.

### 4.3. Tackling homelessness

The scheme aims to ensure that the greatest priority goes to those with the greatest need rather than to those who simply experienced the temporary misfortune of a brief period of homelessness. In accordance with the changes brought in by the Localism Act 2011 we no longer make the presumption that most applicants owed the main homelessness duty will have the duty ended with an offer of public rented housing. Hence there are distinctions made in the scheme between homeless applicants who applied before and after 9<sup>th</sup> November 2012\*. The scheme gives those who are homeless, as required by law, "reasonable preference", but homeless people will only receive a high level of priority for an allocation of public rented housing if their household is vulnerable for reasons other than homelessness, or if they are working and have a child of primary school age, or if it is needed in the council's interest in order to manage the costs of homelessness.

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\* because the latter do not have to agree to an offer of private sector housing aimed at ending the full duty

#### 4.4. Supporting those who work in low paid employment

The scheme gives some priority for below market rent housing to certain working homeless families in order to provide an incentive to find work and reward working people caught in the “benefits trap”. The definition of who can qualify for this type of priority is set out in appendix 8.

#### 4.5. Promoting informed choice

Under the scheme housing applicants become “members” of the West London choice based lettings scheme, called Locata, and actively search for a home<sup>♥</sup>. By letting and nominating to our properties in a transparent, applicant-friendly, and fair way we aim to empower applicants and promote equal treatment<sup>▲</sup>.

#### 4.6. Changes from the previous allocations scheme

The significant changes in this revised choice based lettings scheme are:  
(a) a reduction in the numbers of people who qualify for priority under the scheme, so that they do not have to wait as long as formerly for an offer, and  
(b) disqualification of those with no priority (formerly “band D”) – once they have completed an application they will have access to personalised housing options advice online, but will be unable to bid for public rented housing.\*

#### 4.7. Equality and Fairness

**Equality duties:** the scheme is framed so as to give effect to the council’s Equality Act 2010 responsibility to eliminate unlawful discrimination on grounds of age, disability, race, religion, sex, sexual orientation, gender reassignment, marriage/ civil partnership, pregnancy/ maternity. Regular monitoring and adjustment of the scheme will take place to give effect to this duty. As far as possible it also aims to advance equality of opportunity between people from different groups.

**Treating tenants and homeseekers equally:** The Localism Act allows the council to allocate properties to council tenants outside the allocations scheme. Harrow, however, prefers to keep most lettings within the scheme to promote transparency, clarity and equality. Appendix 14 lists cases that do not qualify as “lettings” and hence do not need to be covered by this allocation scheme.

#### 4.8. Facilitating Inter-borough mobility

(a) Within West London Locata Harrow, like the other partners, makes a

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<sup>♥</sup> The choice based lettings banding system replaced, in 2002, a “points” system, under which council officers decided which applicant would be offered which property.

<sup>▲</sup> Although the council is committed to letting its housing applicants express a preference as to the type of property and the area in which they would like to live, applicants need to be aware that our ability to satisfy their expressed preference may be severely limited. Hence in appendix 15 we spell out the circumstances in which we will make direct offers, and in which we will penalise applicants for refusals of suitable offers.

<sup>\*</sup> Continually bidding from band D but never receiving an offer gave applicants false hope and was a source nationally (not just in Harrow) of much customer dissatisfaction with choice based lettings schemes.

small percentage of vacancies available to members living in any of the six partner local authority areas.

(b) The Mayor's Office of the Greater London Authority runs a scheme called "housingmoves" which facilitates moves by council and housing association tenants to other parts of London. Harrow contributes a small percentage of its vacancies to this scheme.

Note: Both mobility schemes have built-in mechanisms aimed at ensuring that the number of moves into Harrow by non-Harrow residents is matched by the number of lettings by partner boroughs to Harrow residents who wish to move out of the borough.

#### **4.9. Making best use of council resources**

In order to manage the costs of homelessness and balance the competing needs of different groups of people in housing need, the council may from time to time reserve or earmark properties for particular categories of applicant and may set targets for percentages of allocations to different groups. Targets are approved annually by the Portfolio Holder for Housing. In addition the allocation scheme takes into account:

- housing need and supply
- statutory and contractual obligations
- the cost to the council of emergency and temporary accommodation
- other financial considerations
- the council's responsibility as a landlord
- the council's responsibility to co-operate with the police and other statutory agencies to reduce risk to citizens associated with, for example, ex-offenders, witness protection, and gang culture.
- making the best use of council stock.
- the housing situation within the borough.

#### **4.10. Other corporate policy objectives**

In addition the scheme contributes to many other strategic goals of the council and the housing service, shown in Appendix 2.

## 5. West London Locata

### 5.1. The central lettings agency

The central lettings agency, Locata Housing Services (LHS) Ltd., is a company set up by west London local authorities and housing associations, including Harrow Council. In addition to running the west London scheme, LHS works with many housing authorities up and down the country. It provides the computer program that enables Harrow and the other partners to advertise property vacancies, register and verify our housing applicants and match properties to the people who have expressed an interest in them. It also provides our on-line housing information service, the targeted housing options website at [www.locata.org.uk/harrow](http://www.locata.org.uk/harrow).

### 5.2. West London Locata

The partner boroughs and housing associations which advertise properties in the west London scheme as at 31/03/13 were:-

*London Borough of Brent	Hyde Hillside
*London Borough of Ealing	Inquilab
London Borough of Hammersmith & Fulham	Network Stadium
*London Borough of Harrow	Nottinghill Housing
*London Borough of Hillingdon	Octavia
*London Borough of Hounslow	*Paradigm
A2 Dominion	Stoll
*Catalyst Housing	Shepherds Bush Housing Assoc
*Genesis	Thames Valley Housing
	Westway Housing Association Ltd

### 5.3. Eligibility of other Locata partners' members for Harrow properties

Harrow makes available a small number of its vacancies for cross-partner advertising and a small proportion of other partners' vacancies is available for Harrow members to bid for. The cross-partner scheme applies to lettings of Harrow public rented housing to the homeseekers and transfer applicants of all other organisations, including those that joined since 31/03/13 or may join the partnership in the future. Sections 14.2 and 20.7 explain how Harrow deals with bidders who are registered with other Locata partners.

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\* indicates a part-owner of Locata Housing Services Ltd.

## 6. How the scheme works

### 6.1. Priority banding

We assess those who apply for housing as belonging to one of four bands of housing need, from A\* (highest) to C (lowest). Only applicants banded A\* to C qualify for the housing register. Those disqualified, if they live in Harrow, can use the Locata website to access their targeted housing options. Priority within bands is on a date order basis, according to the date the member was placed into that band. The new scheme maintains the same basic format as the old, although there are significant changes to the definitions of who gets priority and which band they are placed in. Harrow residents who do not qualify for an allocation of public rented housing (see qualification rules in section 7 below) will be given a Locata (“LIN”) number in order to be able to log in to the Locata website to search for other suitable housing solutions relevant to their particular circumstances. They cannot bid for public rented homes.

### 6.2. Property advertising

Vacant council and housing association properties are advertised on the West London Locata website ([www.locata.org.uk](http://www.locata.org.uk)) to people registered in bands A\*, A, B and C. We let between 80 and 90% of new and vacant council housing and housing association rented homes to which the council has nomination rights through this scheme. Circumstances in which direct offers may be made, sometimes bypassing the Locata process, are set out in section 23 below.

### 6.3. Expressing an interest – “bidding”

Members are able to express an interest (“bid”) for up to three properties at any one time. The properties are let to bidders first by band then in waiting time order. Bids may be placed by housing staff on members’ behalf, either at the member’s request or in order to facilitate the making of a direct offer to a person in urgent need of re-housing (see section 23 below on the making of direct offers).

**6.4. Feedback on let properties:** All properties let are listed on the Locata website. The personal feedback section for each Locata member shows each property they placed bids for, the number of bidders and the band and registration date of the successful bidder. There is also feedback on all properties let through Locata in the Freesheet Archive of the website ([www.locata.org.uk](http://www.locata.org.uk)). The feedback enables members to gauge the scarcity and popularity of different areas and property types, to be able to judge how long they might have to wait to be re-housed, and thus to exercise informed choice.

### 6.5. Ensuring fairness for different groups

There are two main groups of people who apply for housing in Harrow:

- An overwhelming 85% of applicants are people who do not currently have a public sector tenancy, referred to as “homeseekers” (this includes homeless households).

- The second group, referred to as “transfers”, comprises secure and flexible tenants of the council and those assured and flexible tenants of housing associations in the borough who decide to apply to the council rather than their own landlord for a move. Both kinds of transfer applicant together make up only 15% of registered Locata members.
- In addition there is a very small number of applicants who do not fit into either group, including those from outside Harrow who are offered tenancies under an inter-borough mobility scheme (see section 4.6 above) or a reciprocal arrangement with the police or a social care service agency.

As explained in section 4.9 above, targets are set from time to time for the proportion of homes to be allocated to the two main groups, and regular monitoring takes place to ensure the targets are achieved, which is done, if necessary, by earmarking properties in the adverts for one group or the other.

#### **6.6. Transitional relief arrangements**

We propose to protect some categories of applicant who applied and were assessed under the old priority categories and who will no longer have priority under the new scheme. If they have a long waiting time in band C at the implementation date\* they will still be able to obtain public rented housing as band B applicants (the equivalent of the old band C) for a period of up to one year after the implementation of the new scheme. The length of waiting time will vary with the size of property required, as shown in table 2 below, and will be calculated from the date of implementation, currently planned for 01/07/13.

Staff will assist protected applicants by advice and direct offers if this is necessary in order for them to be successful. The protection applies to:

- Those who are overcrowded by only 1-bedroom
- Those whose priority for overcrowding is based on the old Locata standard and does not count as overcrowding under the national bedroom standard (subject to affordability where the family is benefit-dependant)
- Those whose priority for overcrowding includes family members aged 21 or over who do not need to live in the household either to receive or provide care and essential support.
- Those whose medical or welfare priority to move is of a variable or comparatively mild or moderate nature

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\* The protected waiting times are based on the assumption that half the lettings in the first year of the scheme are reserved for applicants protected by transitional relief.

No. of bedrooms needed	No. of yrs. wait to qualify for transitional relief	No. of lettings expected in 2013/14
1-bedroom (non-sheltered)	2 or more	70 out of 140
2-bedroom	5 or more	60 out of 120
3-bedroom	7 or more	40 out of 80
4 or more bedrooms	8 or more	12 out of 24

### 6.7. Transitional relief for accepted homeless people

Accepted homeless people in temporary accommodation and formerly accepted homeless people who accepted a qualifying offer of private rented sector housing were in band C under the old scheme. Under the new scheme many of them will remain in band C, i.e. those suitably housed within the M25 who are either:

- working people who do not have a child of primary school age, or
- those who are not working

However in band C there are now 3 priority bands ahead of them rather than the former 2, resulting in longer waiting times. These applicants, if they need a 1 or 2 bed property and if they have a long waiting time in band C\*, will still be able to obtain public rented housing as band B applicants (the equivalent of the old band C) for a period of up to one year after the implementation of the new scheme and will be assisted by advice and direct offers if this is necessary in order to be successful.

No. of bedrooms needed	No. of yrs. wait to qualify for transitional relief	No. of lettings expected in 2013/14
1-bedroom (non-sheltered)	2 or more	2 out of 140
2-bedroom	5 or more	2 out of 120

6.8. We will protect the band C priority of the 22 homeless families from bed and breakfast who were offered council 1-bed flats on the basis that they could keep the priority for 2-bedroom accommodation they would have had if they had remained homeless.

\* The protected waiting times are based on the assumption that half the lettings in the first year of the scheme are reserved for applicants protected by transitional relief.



**6.9. Table 4 – Groups not entitled to transitional protection**

Group	Exceptions	Bands	Treatment
Those with income or savings over the newly designated limits (appendix 10) for eligibility for an allocation of public rented housing	Discretionary hardship exceptions as referred to in appendix 10.	A, B and C	Applicants disqualified under the new scheme; transitional relief will not apply.
Those not currently resident in Harrow at the date of implementation of new scheme	Those who qualify to apply as listed in section 7.4 below.	C and D	Applications will be closed; transitional relief will not apply.
Those who have not lived in Harrow for 5 years at the date of implementation of the new scheme	a. Those who qualify to apply as listed in section 7.4 below. b. Those who have been awaiting a 1-bedroom allocation for 2 or more years as listed in section 6.6 above	A, B, C and D	Applications disqualified; transitional relief will not apply.
Accepted Homeless applicants living within the M25 and formerly accepted homeless applicants who accepted a qualifying offer in the private rented sector who require family-sized accommodation (3 or more bedrooms).	Those who, on reassessment, qualify for band A*, A or B on grounds set out in the new scheme.	C	Applicants will remain in band C.
Accepted homeless applicants where the duty was accepted after 13 December 2012 and who have refused a reasonable offer of private sector housing since they approached Harrow for housing.	None	C	Applicants will remain in band C.

## 7. Qualification and eligibility to register for housing with Harrow

### 7.1. How to make an application

Application for housing with Harrow Council is made using an on-line application form on the Locata website, at [www.locata.org.uk/harrow](http://www.locata.org.uk/harrow). The Locata system makes an initial automatic assessment of priority on the basis of the answers the applicant gives to the questions about their needs and current housing circumstances. Some types of application (e.g. where the lowest band applies) are automatically validated (i.e. made active) on the Locata system. Where necessary, officers in the housing assessment team check and confirm the assessment and validate the application. Those applying must give their consent for the information they provide to be shared with other relevant agencies as necessary to carry out an accurate assessment of their case and to ensure that any housing allocation is appropriate.

### 7.2. Validated applications

Only those applicants whose priority band is A\*, A, B or C will be able to bid for homes on Locata. Those who are Harrow residents who are disqualified under section 7.5 below, although unable to bid, will have access to the other housing options signposted on the Locata website.

### 7.3. Assistance with making an application

The housing department will offer assistance to complete the form if the applicant is unable to use a computer and has no friend, relative or advocate helping them. An eligible person may be registered without an online application form in some limited circumstances, at the discretion of an assistant service manager in the housing needs team.

### 7.4. Who can make an application

People aged eighteen or over\* can register their housing need with the council if they are in one or more of the following groups (referred to, in line with the relevant legislation, as “qualifying persons”):-

- living in Harrow.
- homeless within the meaning of Part VII of the Housing Act 1996, and have been assisted by Harrow with out of borough accommodation, as long as they continue to have a priority need<sup>♦</sup>
- homeless within the meaning of Part VII of the Housing Act 1996 and, living in Harrow but not meeting the 5 year residence qualification, are assessed as mobility group 1 or 2 (indicating a likely need for public

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\* The housing department assists 16 and 17 year olds outside the choice based lettings scheme, in partnership with Children’s Services.

♦ priority need is defined in Part VII of the Housing Act 1996, as amended.

rented housing as opposed to private sector housing)

- homeless within the meaning of Part VII of the Housing Act 1996 and being assisted as “rough sleepers” who have had a previous residence in Harrow of at least 5 years
- formerly accepted homeless applicants who took a qualifying offer of housing outside Harrow as long as they continue to have a priority need and providing they maintain their registration.
- homelessness duty has been accepted by another council and Harrow has agreed that the council that owes the duty is unable to provide suitable accommodation
- young people leaving care, referred to Housing by Harrow Council Children’s Services under their quota arrangements, whether or not they currently live in Harrow.
- due to be discharged within 1 month from hospital or prison and the last settled address was in the borough.
- serving and former members<sup>▲</sup> of the Armed Forces and the Reserved Forces whether or not they currently live in Harrow.
- secure, introductory or flexible tenants of Harrow Council, even if housed outside the borough.
- Public rented sector tenants accepted for re-housing by Harrow as a reciprocal arrangement with another borough or under an agreed mobility scheme such as the West London domestic violence reciprocal scheme, the “safe and sound” scheme, the national witness protection scheme and any other such scheme which Harrow joins subsequent to the start date of this scheme (see section 14 below for more information)<sup>♥</sup>.
- people whom the council (on the decision of a team leader in the housing needs team) considers should be qualifying persons, on a case-by-case basis, because of exceptional circumstances or special needs or on hardship grounds; this may include older people needing to move to Harrow to be nearer to relatives who provide care and support or people who need to access specialised medical treatment or take up a particular employment, education or training opportunity, or victims of domestic violence who need to make a fresh start in a borough with which they do not have a local connection.

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▲ “former members” are defined as those who left the armed forces within 5 years of the date they make a housing application.

♥ not including the pan London tenant mobility scheme, which has its own application process.

## 7.5. Exclusions

People will not qualify for priority for public rented housing in Harrow if:-

- (1) They have been accepted homeless by a borough other than Harrow\* and that borough is able to provide suitable housing, *or*
- (2) they are not currently resident within the borough (unless they are in one of the categories of non-residents who are listed as qualifying persons in section 7.4 above), *or*
- (3) they are ineligible under the Housing Act 1996, S. 160A (including some people from abroad who are ineligible for an allocation of housing – appendix 3 gives more detail about this group), *or*
- (4) any member of the qualifying person's household:-
  - (a) has been guilty of serious anti-social behaviour and a possession order is being sought or has been obtained, *or*
  - (b) (in the case of a homeseeker) has been guilty of behaviour which the council considers would entitle it, if they had been a secure tenant, to obtain a Possession Order under S.84 of the Housing Act 1985 on any ground mentioned in Part 1 of Schedule 2 to that Act, other than rent arrears\*, *or*
  - (c) has been convicted of, or had legal action taken against them, for physical or verbal abuse of council staff or its contractors or housing association partners, *or*
- (d) knowingly gives false or misleading information, fails to disclose relevant information or withholds information that has been reasonably requested<sup>▼</sup>, *or*
- (e) has paid money to obtain a tenancy with either a council or housing association.
- (5) they are assessed as having no significant housing need – i.e. they do not fit in any of the priority categories described in section 8 below.
- (6) they have not been continuously resident in the borough for at least 5 years.
- (7) they have sufficient financial resources to house themselves (see appendix 10 which explains how we determine this)

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\* those accepted homeless by another borough may register for housing if they fulfil the 5 year Harrow residence criterion but will have low priority.

▲ Homelessness Act 2002, S.14(8)

▼ We may decide to prosecute in cases of attempts to falsely claim priority for housing

Any Harrow resident excluded from registering for access to bidding for public rented housing will be given a Locata "LIN" number to enable them to access their personal housing options and housing advice, which they can do by logging in to [www.locata.org.uk/harrow](http://www.locata.org.uk/harrow).

#### **7.6. Assessment and decision**

The application assessment procedure is described in appendix 11. We will write to applicants to tell them if their assessment is likely to take longer than 28 days and the reasons for it.

#### **7.7. Ineligibility decisions**

We will write to anyone we exclude from registering giving our reasons and, if they are a Harrow resident, offering access to online targeted housing options. A copy will be sent to the relevant social care services team if they are involved or if we consider it appropriate.

#### **7.8. Right of review**

Applicants have a statutory right to ask for a review of a decision to exclude them from registering. The review procedure is set out in appendix 4. If the review upholds the original decision to exclude applicants can seek judicial review of the decision. Harrow also gives the right of review to those who disagree with their assessment (e.g. their priority band or date).

#### **7.9. Right to reapply following exclusion from registering**

We will consider a fresh application if:-

- A previously out of borough applicant has moved into the borough, or
- immigration status has changed, or
- depending on the seriousness of the behaviour that led to the exclusion and the circumstances of the case, it can be demonstrated that there has been no recurrence of anti-social behaviour for a period of at least one year, or
- depending on the seriousness of the fraud, the false, misleading or withheld information was provided more than a year ago.

In the case of an excluded applicant the fresh application should be made using the change of circumstances form on the Locata website.

#### **7.10. Change of Circumstances**

All applicants who register for housing with Harrow have a responsibility to keep the council informed of any change in circumstances that might affect their priority for housing, the number of bedrooms they need, or the type of property needed. This can be done online through Locata.

#### **7.11. Lettings to staff, board members & councillors**

Staff, housing association board members, council members and their relatives are treated the same as any other housing applicant and must be seen not to be gaining any advantage or disadvantage or any preferential treatment in the course of their application. The procedure for ensuring that Harrow Council is transparent and equitable when letting homes to staff, board members and councillors is set out in appendix 15.

## 8. Housing priorities in Harrow

### 8.1. The statutory “reasonable preference” priorities

As required by law we give “reasonable preference” to people who need to move for the following reasons:

- medical needs, including needs relating to a disability (**group 1**)  
Note: Harrow gives only those with a very high level of medical need to move reasonable preference for housing .
- welfare grounds (**group 2**);  
Note: Harrow gives only those with a very high level of welfare need to move reasonable preference for housing.
- they are occupying unsanitary or overcrowded housing, or are otherwise living in unsatisfactory conditions (**group 3**)  
Note: Harrow gives only those who lack *more than* one bedroom or are living unavoidably in *severely* unsatisfactory conditions reasonable preference for housing;
- the council has accepted a duty under homelessness legislation (**group 4**);
- another council has accepted a duty under homelessness legislation and Harrow is satisfied that the council that owes the duty is unable to provide accommodation (**group 4A**)
- the council has agreed that they are homeless but has decided either that they do not have a priority need or that they are intentionally homeless or has ended the full duty because of refusal of a suitable offer (**group 5** ).
- they need to move to a particular locality within the borough and failure to meet that need would cause hardship (to themselves or others) (**group 2A**).  
Note: Harrow does not normally give priority to people who say that they need to move to a particular locality within the borough, because the area covered by Harrow is small and transport within it is very good, so there should be little disadvantage arising from living in one part rather than another. If, exceptionally, we are satisfied that there will be such hardship, which has given rise to a social services care plan requiring a move for this reason, we will treat it as a move on welfare grounds (**i.e. group 2**).

### 8.2. Harrow’s priorities

In addition to statutory “reasonable preference” grounds, and in some cases as part of them, the council considers the following groups to be a

priority for housing assistance:

- **Group 6 – Homeless duty ended by qualifying offer of private sector accommodation:** formerly accepted homeless applicants who have accepted a qualifying offer of private sector housing (should they choose to re-register and subject to the household continuing to have a priority need as defined by homelessness law);
- **Group 7 – Underoccupiers\*:** People living in public rented accommodation which is larger than they need who will to move to smaller public rented accommodation (this can be anywhere in the country, not just Harrow).
- **Group 8 (welfare preference) – Low paid full time employment:** Working people with at least one primary school age child. This priority is given in cases of financial hardship and in order to provide people with an incentive to work (appendix 8 explains how we assess this).
- **Group 9 (welfare preference) – Disability-adapted housing:** People living in public rented accommodation which is adapted or purpose built to accommodate physical disability where no-one in the household needs such facilities. We also prioritise for a move those council and housing association tenants who need major adaptations but whose current home it would be impractical or uneconomic to adapt.
- **Group 10 (welfare preference) – Adoption & fostering:** People recommended by Children's Services as suitable to adopt or foster one or more children but who need more appropriate housing in order to do so and do not have the means to source the accommodation themselves. In the case of fostering we will offer flexible tenancies which are unlikely to be renewed if it ceases.
- **Group 11 – Tenancy succession and occupiers holding over:** People who are not entitled to succeed to a council tenancy or to the renewal of a flexible tenancy but to whom the council would have a statutory homelessness duty *and* who do not have the means to source alternative accommodation themselves, where the property is larger than they need.
- **Council-interest transfers:** both emergency and urgent tenant transfers (**group 12**), permanent decants (**group 13**) and service tenant move-ons (**group 14**) that are in the council's interest (including for any of the reasons set out in section 4.7 above).

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\* Although under the Localism Act moves by social tenants who do not have statutory reasonable preference are not counted as "Allocations" and do not have to be prioritised alongside the applications of other people Harrow has decided to include them in the scheme and treat them as top priority along with emergency cases.



- **Group 15 – Ex-tenants moving on from an institution\***: Ex-tenant who relinquished their tenancy in a timely manner in return for a re-housing undertaking upon discharge from the institution.
- **Group 16 (welfare preference) – Young people leaving care (on an annual quota basis)**: Young people leaving care, approved for move-on to a fixed annual quota of studio and one-bedroom accommodation, provided they meet the eligibility criteria set out in appendix 3.
- **Group 17 (welfare preference) – Move on from supported accommodation (on an annual quota basis)**: People living in council-sponsored supported housing who are approved for move-on to a fixed annual quota of studio and one-bedroom accommodation.
- **Group 18 (welfare preference) – Move-on from residential care**: People who are ready for independent living who have been placed by the council in residential care accommodation.
- **Group 19 (welfare preference) – Older residents**: People who would be likely to retain their independence for longer if accommodated in a specialist housing scheme for older people (the schemes are described in section 15 below).
- **Group 20 – Serving and former-members of the armed forces and reserved forces and their families**: Former and serving members of the Armed Forces<sup>▲</sup> who apply to Harrow and who have urgent housing needs, if they fall within one or more of the statutory reasonable preference categories (set out in section 8.1 above), will be given additional preference (i.e. a higher priority band than those with reasonable preference who are not armed forces applicants).  
The relevant groups comprise:
  - (i) serving members of the regular armed forces who need to move because of a serious injury, illness or disability attributable wholly or partly to their service;
  - (ii) former members of the regular armed forces;
  - (iii) people who recently ceased, or will cease, to be entitled to live in Ministry of Defence accommodation following the death in service of their armed forces spouse or civil partner;
  - (iv) serving or former members of the reserve forces who need to move because of a serious injury, illness or disability attributable wholly or partly to their service.

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\* Institutions include prisons and mental health residential placements

▲ "former members" are defined as those who left the armed forces within 5 years of the date they make a housing application

## 9. The Banding Scheme

9.1. Details of bands, band reasons, priority dates, bidding time limits and the consequences of refusal are given in the final appendix (appendix 16) of this allocation scheme.

9.2. The four priority bands are:-

### **band A\* “Emergency & top priority”**

- Emergencies (both homeseeker & transfer categories) (this can apply to some households in groups 1, 2, 10, 12 and 19)
- Serving and former-members of the armed forces and reserved forces and their families with urgent housing needs (group 20)
- Underoccupiers (transfers only) (group 7)

Note: band A\* is exclusively for those people who go to the top of the waiting list because of a life & death risk to their wellbeing or because they are ex-service personnel with urgent housing needs or because they are freeing up a larger social home.

### **band A “Urgent and high priority”**

- Accepted homeless members, and formerly accepted homeless members who took a qualifying offer of private rented sector housing, with at least one primary school age child who are in low paid full time employment *and* are suffering hardship as a result of their liability to pay high private sector rents. Such applicants must be living in Harrow, or if not living in Harrow must be working in a borough adjacent to Harrow or at no more than one remove from Harrow, to qualify for this band (groups 4 and 6 +8).
- Other (not-accepted homeless) homeseekers and transfers with an identified housing need to whom the council gives reasonable preference but who do not qualify for emergency band A\* (groups 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19).

Note: band A is a mix of the old band B urgent cases and some of the old band C reasonable preference, but has a much tighter definition of overcrowding and medical need than did the previous scheme. The new band also includes some council-interest transfers (groups 13 and 14) and non statutory successors (group 11), most of whom would formerly have been assessed as band A.

## **band B “Standard priority”**

- Accepted homeless members, and previously accepted homeless members who took a qualifying offer of private rented sector housing, who are suitably accommodated outside the M25. Where the homeless application was made after 8<sup>th</sup> November 2012 this band will apply for up to 1 year from the date of discharge of the duty into the private rented sector (some of groups 4 and 6).
- another council has accepted a duty under homelessness legislation and Harrow is satisfied that the council that owes the duty is unable to provide accommodation (group 4A)
- Older residents whose likelihood of remaining independent would benefit from the supported environment of sheltered housing, but who do not meet the otherwise high assessment threshold for medical or welfare “reasonable preference” (group 19).
- Other (not-accepted homeless) members who, while not necessarily severely overcrowded or meeting the threshold for medical or welfare need, are working in low paid full time employment, have a primary school age child *and* are suffering hardship as a result of their liability to pay high private sector rents (groups 8 & 9).

## **band C “Non-urgent priority”**

- **Full homeless duty not accepted:** homeless people to whom the council has not accepted a duty, either because found intentionally homeless or because there is no priority need.
- **Homeless people where the duty was accepted after 13 December 2012,** who have refused a reasonable offer of private sector housing since they approached Harrow for housing, even if they are working and would otherwise qualify for a higher band under the new scheme.
- **Homeless people** where the council has accepted a duty under homelessness legislation and has provided either emergency accommodation (anywhere) or suitable self-contained temporary accommodation in the borough of Harrow or within the M25 (includes those in **groups 4 and 6** who are not working or who are working people who do not have a child of primary school age).
- **Homeless people** where the homeless application was made after 8<sup>th</sup> November 2012; band C will apply for up to 1 year from the date of discharge of the duty into a Harrow or within the M25 private rented sector home.
- **Homeless people** to whom the council has ended its duty because of a refusal of a reasonable offer of housing, as long as they remain homeless (subject to verification in case of a successful Locata bid).

- **Serial refusers:** certain categories of people in band A\* who have refused a reasonable offer of housing, or people in band A who have refused 2 offers, or B who have refused 3 offers (details at app'x 14).
- **Deliberate damage to property:** people who, even though they are owed the statutory reasonable preference, have put their temporary accommodation or public rented housing into such a bad state, as judged on inspection<sup>▲</sup> that the cost of bringing it back to a lettable standard far exceeds the acceptable level of costs that would normally be incurred.  
Note: If still living in the property the applicant can remedy the breach of tenancy by making good the damage, allowing inspection to check it, and applying for their earlier priority to be restored.
- **Unable to verify:** If we are unable to verify an applicant who has band A\*, A or B priority for an offer\* (we will demote the application to band C until verification can take place – see appendix 6). If a member in band C comes near to an offer and we are unable to verify them we will write to them giving 28 days' notice of disqualification from the register unless they contact us and co-operate to enable verification to take place.

### 9.3. Over-riding the banding priority system

#### (a) Banding over-ride

The service manager for housing assessment has a residual discretion to increase the band of households whose defining features (including their multiple needs) are deemed to be so exceptional as to warrant a higher priority band than they would normally attract under the scheme. Such cases will be kept to a minimum and will usually entail some imminent threat, recent disaster, or an exceptional need not anticipated or covered by the scheme. Appendix 5 describes the assessment process for applicants with medical, welfare and multiple needs.

#### (b) Allocation over-ride

The service manager for housing assessment also has discretion, where they consider that the defining features (including the multiple needs) of a member in band A are so exceptionally severe as to warrant immediate/imminent re-housing, to enable the household to be made a direct offer outside the scheme (see section 23 on direct offers). Such cases will be kept to a minimum and will usually entail some imminent threat, recent disaster, or an exceptional need not anticipated or covered by the scheme.

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<sup>▲</sup> Disrepair may be apparent because of failure to co-operate with inspection.

<sup>\*</sup> An example would be where we try to carry out a home visit but cannot gain admittance in order to satisfy ourselves that the applicant is actually living at the address they have applied from.

# 10. Waiting Time

## 10.1. Moving between bands

The principle of the scheme is that no one should overtake existing members within a higher band. Priorities within bands will be on a date order basis, according to the date the member was placed into that band.

- Moving Up a Band  
Moving up a band – the date that the higher priority has been given.
- Moving Down a Band  
Moving down a band – new priority date reverts to the date that applied when the member was previously in that band or any earlier date when they were in a higher band. The principle is that when moving down their priority date should be the earliest date that they were in the new lower band, or in a higher band.

If the member has been suitably housed (i.e. they should have been disqualified) for any of the time, the new band date cannot be any earlier than the date they were subsequently assessed as A\*, A, B, or C band.

**Table 5 – Examples of priority dates as applicants move between bands**

<b>Example 1</b>	<b>Priority Date</b>
Member applies in January and is disqualified	None
In February member is placed in band A	February
In March member is placed in band A*	March
In April member is down graded to band C	February

<b>Example 2</b>	<b>Priority Date</b>
Member applies in January and is placed in band B	January
In February member is placed in band A	February
In March member is placed in band A*	March
In April member is down graded to band A	February

<b>Example 3</b>	<b>Priority Date</b>
Member applies in January and is placed in band B	January
In February member is placed in band A*	February
In April member is down graded to band A	February

<b>Example 4</b>	<b>Priority Date</b>
Member applies in January and is placed in band A for medical reasons	January
In February member is accepted as homeless, moves to suitable temporary accommodation and is placed in band B	January
In April member refuses direct reasonable offer but remains homeless – band C	January

<b>Example 5</b>	<b>Priority Date</b>
Older person applies for sheltered accommodation in January and is placed in band B	January
In February member changes his mind and wants one bed non-sheltered but has no reasonable preference for it and is disqualified	None
In April member is placed in medical priority - band A	April
By July member has refused 2 reasonable offers – band C	April
In August member becomes an emergency medical priority – band A*	August
In September medical need disappears – disqualified	None
In October new medical assessment – band A	October

### 10.2. Time Limits on high priority band A\* and A cases

- Time limits (shown in the chart in appendix 16) are enforced in order to ensure that only genuine emergency and urgent cases are given high priority. Members given emergency and urgent status must actively bid for properties, attend accompanied viewings when invited, and must not refuse offers on grounds that have nothing to do with their emergency or urgent housing needs.
- We want to be able to give people a realistic idea of how long re-housing will take under the scheme. We expect people to wait just long enough to meet their assessed needs, not to acquire a long waiting time in order to pick what they consider to be the best property. We will make such applicants a reasonable direct offer which, if refused, will result in demotion to band C or, for medical and welfare cases, from A\* “Emergency” band to band A.
- In practice time limits depend on the type of property needed and the supply during the bidding period. The council will take into account whether high priority members are making appropriate bids and whether they are refusing properties unreasonably.
- Band A\* “Underoccupation” rating has no time limit, because the council is keen to see underoccupiers move and will not penalise them for taking their time to decide.

### 10.3. Over-riding the band priority dates

The service manager responsible for housing assessment has a residual discretion to backdate the priority date of an applicant where it can be shown either:

- that there was a delay (not the fault of the applicant) in the obtaining or receiving of the relevant supporting information, *or*
- (in a case where the priority date is the date of the officer’s decision) that the decision took an unreasonable length of time and, had it been made in a timely manner, the priority date would have been earlier.

## 11. Who can be considered part of the household?♦

### Both homeseekers and transfer tenants

#### 11.1. Definition of immediate family

Only the applicant, their partner\*, their immediate family♥ and anyone else with an exceptional need to live with them can be included on the application. This does not normally include lodgers or anyone sub-letting from the applicant.

#### 11.2. Family living abroad

The council will not include on the application any family member who is not resident in the UK at the time the application is made. Such members will only be added to the application once they are living in the UK and can clearly demonstrate that they have leave to remain and recourse to public funds.

#### 11.3. Joint access cases

Bedroom eligibility will be awarded to the main care provider (with whom the children live for more than half the week) who is in receipt of child benefit or tax credits. We will take into account both parents' housing arrangements to ensure that one property has adequate accommodation for the children, but they may have to accept an element of overcrowding when staying with the other parent.

#### 11.4. Extended family

Because of the severe shortage of larger properties applicants need to consider whether other people living in their household could move into smaller properties of their own. If a household member has already made a separate housing application we will not include them on the new application.

#### 11.5. Dependant relatives

A relative who has joined the household because they are unable to live independently will be included on the application only if there are no other

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♦ What follows is a guide to who the council assesses as eligible for re-housing. It does not mean that other people who fall outside the definitions cannot live in the household, even if it causes overcrowding, but they will not be taken into account in assessing the need for re-housing. Note however, that overcrowding may breach tenancy conditions.

\* *Partner* means someone who lives with the applicant as a partner, or who would live with them if they were able to. It includes mixed gender and same sex couples, living in a permanent relationship, whether or not they are married or in a civil partnership.

♥ *Immediate family* means the applicant's children aged 20 or under who live with the applicant all the time, or for 4 or more nights every week. If a young person is living with a partner, or has their own children, they will not be included on the application unless they have an exceptional need to live with the applicant. Young people living away from home as students will not be included on the application.

options for the family<sup>▲</sup>. We will expect to see advice from an appropriate professional confirming that the relative needs to live with the family. Where this is not considered essential other options, such as sheltered housing, will be discussed with the family before an assistant manager in the housing assessment team decides whether the relative should be included in the application or advises them to make a separate housing application.

#### 11.6. Carers

A carer will be included on the application only where it can be demonstrated that:

- a live-in carer is essential on a 24 hour, daily and continuing basis, and
- a live-in carer has been identified and has moved in with the household or is ready to do so when accommodation is made available, and
- a manager in the housing assessment team (in consultation with the council's medical adviser or social care services as appropriate) agrees that a live-in carer is essential<sup>\*</sup>.

### Homeseekers only

11.7. People who were part of the household at the date of registration, and are still in occupation will be included on the application and, if successful, the tenancy.

11.8. We will also include children born since the registration date and children (under 21) joining the household where it can be proved that the homeseeker is the sole legal guardian and that there is no other option for re-housing. Where there is another legal guardian a decision will be made on a case-by-case basis to agree where it is reasonable to expect the child to be part of the household.

### Transfer tenants

11.9. People who were part of the household at the start of the tenancy, and are still in occupation will be included on the application and, if successful, the tenancy.

11.10. We will also include children born since the start of tenancy and dependant children (under 18) joining since the tenancy started.

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<sup>▲</sup> An example of an alternative option might be that the relative owns or occupies a larger property which could accommodate the whole family, rather than the relative moving into the applicant's home.

<sup>\*</sup> Receipt of carer's allowance does not necessarily mean that that it is necessary for the carer to live with the person being cared for. In all cases, regardless of whether or not the carer is in receipt of carer's allowance, it will be necessary for the applicant to provide evidence that they receive disability benefits commensurate with the need for a live in carer.



- 11.11. If there are children aged 21 or over who are living at home we can advise them on their housing options, but they will not count towards any calculation of overcrowding (see section 21 below). (They may apply for housing in their own right, but may be disqualified because they have no priority\*).
- 11.12. If we agree to re-house the immediate family but not everyone currently living with the applicant, the tenant has a responsibility to ensure that no unauthorised occupants remain in the property when they leave it.

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\* The council does not give any priority to family members of tenants of public rented housing solely on the basis of their status as family members, unlike some other councils and housing associations which have "sons and daughters" schemes. We consider that this would be unfair to family members of private sector tenants.

## 12. Removal from the Housing List

### 12.1. An applicant will be removed from Locata membership if:-

- it is found that they have never been or that they have ceased to be a qualifying or eligible person, *or*
- if they fail to respond following automatic “hibernation” (see 13.2 below) of their application on Locata or when invited to renew by a written communication from the council or Locata (see Section 13, Re-registrations), *or*
- the council considers there are good reasons for doing so.

### 12.2. Moving out of the borough

Normally, people who move out of the borough will no longer be eligible for band A\*, A, B or C and will therefore be disqualified. Those accepting an offer of temporary accommodation out of borough, and those to whom the council previously accepted a homelessness duty, who have accepted a qualifying offer to move into the private sector out of borough, will remain eligible and, if outside the M25, be placed in band B or, if within the M25, in band C ♡. In exceptional circumstances the service manager responsible for housing assessment has discretion to allow other members to keep their registration and priority banding after they have moved out of the borough\*.

### 12.3. Procedure for removing

We will write to any applicant (other than those subject to the “hibernation” process described in section 13.2 below) in band A\*, A, B or C before removing them from Locata membership, unless they have given us no forwarding address or other method of communication. The notice will explain why we are proposing to remove them and will ask the applicant to provide the information required within 28 days to enable us to decide on re-registration or removal. If the decision is to remove them we will notify them in writing with reasons and advise of their right to request a review (see appendix 4, review procedure). A copy will be sent to the adults or children’s social care service if they are involved or if it is considered appropriate.

### 12.4. Communication following removal from registration

If there is no response to the written notice in section 12 the application will be removed and the applicant will be unable to bid on Locata or to access their personal housing options on the Locata website. Applicants who discover that they have been de-registered against their wishes must

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♡ or if they meet the working qualification, band A

\* An example could be an older person who is sick or disabled, has lived in the borough for a long time, has lost their accommodation through no fault of their own and has secured short-term accommodation outside the borough.

contact us to discuss the circumstances, so that we can decide whether to reinstate the application.

## **13. Re-registrations (renewals)**

### **13.1. Rolling annual programme of re-registration**

Members must renew their application every year. Failure to do so will result in de-registration.

### **13.2. Members not in bands A\* or A or accepted homeless**

Three months before the registration anniversary a member receives an on-screen prompt on the Locata website – it requires them to confirm the details of their registration are up to date.

One month before the registration anniversary, if the member has not logged on to bid or check their personal housing options they receive an e-mail, text or letter (according to the preference they have expressed in their application) giving them 28 days to respond.

One month after the registration anniversary an e-mail, text or letter (according to the preference they have expressed in their application) is sent informing them that their application has been cancelled. In the Locata back office system the application is “hibernated”. If the member logs on within 3 months the application is automatically re-activated, but longer than this and a new application is required.

### **13.3. Members in bands A\* and A and those accepted homeless**

Members not subject to hibernation will be written to if they have not communicated with us during the previous 12 months. We will check the applicant file for other recent contact such as bidding, telephone calls, interviews or correspondence. If the member appears to be vulnerable and/ or to have a high priority we may make a home visit. They are allowed one month after our reminder to re-register. If there is no contact we remove the member unless we consider that they should remain registered, and we will record our reasons for doing so on the applicant’s file.

### **13.4. Reinstatement of a closed application**

A member who discovers that they have been de-registered needs to contact us to explain the circumstances, so that we can decide whether to reinstate the application and whether the original band and priority date still apply.

## 14. Inward mobility

### 14.1. Pan London Tenant Mobility Scheme – “housingmoves”

Harrow contributes a small percentage of its vacant properties to the scheme, which enables public rented housing tenants living outside Harrow to move into the borough. The scheme is reciprocal, so that incoming moves are counterbalanced by Harrow tenants who move out of the borough under the scheme. The scheme has its own application form and priority criteria, which Harrow will honour for incoming tenants provided their home landlord verifies their circumstances satisfactorily at the time of offer.

### 14.2. Applicants from other Locata partners

When non-Harrow applicants bid for Harrow properties under Locata cross partner bidding arrangements their eligibility for an offer may be assessed under Harrow’s policy as the receiving partner rather than the policy of the registering partner, if it is different. ♦

### 14.3. Reciprocal requests

Harrow only agrees to reciprocal requests when it is satisfied that the person is in urgent need, that they need to move to Harrow, and that the reciprocal property being offered will be beneficial to Harrow residents with high priority to move. We will not accept reciprocal requests from West London Locata partners, who can use the cross partner bidding arrangements. The team leader responsible for housing allocations and nominations decides whether to grant a request for a reciprocal move.

### 14.4. Special requests

Harrow participates in various schemes that assist welfare agencies and others to manage housing difficulties experienced by their clients. There is a National Witness mobility scheme\*, the pan-London Safe and Secure scheme♥ and the West London Domestic Violence Protocol♣. When we accept people from outside the borough under these protocols it is always on the understanding that Harrow residents in similar circumstances will be eligible to benefit from the schemes, and it is always a very small

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♦ Examples (not exhaustive): (1) a bidder from another Locata partner who is banded A to C but, if assessed by Harrow, would be disqualified (2) a management transfer from another partner may expect to move from a flat to a house but we would treat them according to the Harrow management transfer policy of like-for-like only; (3) another partner’s applicant has 12 months waiting time in a high priority band for a reason that Harrow would have time-limited to, say, 6 months.

\* to enable those testifying in major criminal trials to make a new life away from the risk of reprisals.

♥ to tackle gang violence.

♣ which enables people with public rented tenancies to move out of a borough where they are unsafe without losing their security of tenure by making a homelessness application

minority of lettings. Decisions to accept such cases are made by team leaders in the Housing Needs Team.

#### 14.5. Other requests

Because of the shortage of accommodation in Harrow we only accept incoming nominations for sheltered and designated elderly accommodation<sup>♥</sup>. Such nominations from other housing organisations can be considered only from homeseekers (from any borough outside the West London Locata partnership), and from public rented tenants (from outside London<sup>\*</sup>), where there is a local family connection. Applicants must register with the authority where they have the most connection but they can bid for cross-borough properties. Accepted applications will be placed in band B and treated as if they were in-borough applicants.

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<sup>♥</sup> Because there is no longer a national mobility scheme we expect the borough or landlord nominating the older person to Harrow to offer a reciprocal property for a Harrow resident wishing to move to that borough.

<sup>\*</sup> Public rented tenants living in London are expected to apply to "housingmoves", and members in West London should use cross partner bidding on Locata.

## 15. Housing for older people

15.1. Harrow has three types of accommodation specifically for older people. Where one partner of a couple is below the age required for eligibility for the scheme the team leader for lettings and nominations will decide on eligibility for the tenancy, in consultation (as necessary) with the housing assessment team and resident services team. Older people from outside Harrow may apply as stated in section 14.5 above.

### 15.2. Older peoples' dwellings and retirement housing

These are specifically designated as part of a local lettings policy for older people who can live independently, and may be connected to a helpline. The advertised age criteria may be 45+, 50+ or 55+.

**Exceptions:** The age criteria may be slightly relaxed at the discretion of the assistant service manager responsible for allocations to enable particular very vulnerable individuals to be considered. For some flats fairly good mobility is necessary, as many are on the first or second floor without a lift.

### 15.3. Sheltered Housing

This type of accommodation is for members aged sixty or over (although age limits for schemes can vary) who are able to live independently and manage alone, but who will benefit from the added security of an on-call warden and an alarm cord system should it be necessary to seek help in an emergency. This includes people who can manage alone with the aid of a social services care package. Members with a disability may be considered for sheltered from 55 years.

**Sheltered tenant transfers:** Members who are already living in a sheltered scheme may apply to transfer to another, but will only get priority for this if there is a need (as opposed to a preference) for the transfer.

**Housing association specialist schemes:** Within this category there are a few sheltered schemes in Harrow that are owned by housing associations and which cater for customers with specific cultural needs, such as ASRA accommodation for Asian elders.

### 15.4. Very Sheltered/ Extra Care Housing

Harrow has one sheltered scheme with an extra element of care, one extra care scheme, and other schemes are planned. The schemes are staffed by residential social care staff working on a rotational basis to provide cover 24 hours per day.

**Care Panel:** These schemes are not normally advertised through choice based lettings. Access to both schemes is by nomination via the Adult Services weekly care panel, which includes representatives from Adult Social Care, Housing and the Care and Support providers at the schemes.

People age 55+ are eligible.



## 16. People with mobility difficulties

### 16.1. **Mobility classification**

Where an applicant, or one of the household, has mobility difficulties they are asked to state which of the following classifications best fits their circumstances:

1. They use a wheelchair all the time, both indoors and outdoors.
2. They cannot manage steps or stairs and do not rely on a wheelchair indoors, although they may use one some of the time.
3. Independent but can only manage one or two steps.

### 16.2. **Mobility assessment**

Irrespective of the band assessment, if the applicant self-assesses as mobility group 1 or 2, or if they say they have a substantial and permanent physical disability which may place them in mobility group 1 or 2, the Housing Assessment team will make a referral to the Occupational Therapy team, for a report on their housing needs. Taking into account the recommendations of the report the housing options officer will place the member in one of the following mobility groups:-


1. Wheelchair user indoors and outdoors.
2. People who cannot manage steps or stairs and may use a wheelchair some of the time.

If the applicant does not need any of the major facilities or adaptations implied by mobility groups 1 and 2, but they can manage only one or two steps, or if there is a medical report that states that someone in the household needs to be on the ground floor or in lift accessible accommodation, the options officer will place the member in the following mobility group:-

3. Independent but can only manage one or two steps

### 16.3. **Purpose-built and adapted vacancies**

The council has access to very few fully wheelchair adapted properties, although we make efforts to ensure that there is a good proportion of such properties in most of the housing association new build schemes in the borough. Fully and partially adapted and purpose-built properties


are advertised with the mobility symbol  1 or 2, and lists of bidders are prioritised to make sure that those waiting for this type of home get first consideration.

**16.4. General needs property vacancies**

Much of the council's stock of housing does not lend itself to economically feasible adaptation for wheelchair users. Because of the scarcity of suitable homes, and the urgency of the housing need of many people with physical disabilities, but we do try to ensure, where a property is suitable for adaptation and a customer with mobility difficulties is interested in it, that we commission the necessary adaptations, in partnership with our colleagues in the occupational therapy service. For this reason we try to ensure that our property adverts are as informative as possible so that customers with mobility difficulties are able to bid for suitable properties and do not waste their bids on unsuitable ones.

**16.5. Ground floor and lift accessible properties**

We also earmark much of the small stock of ground floor and lift accessible properties for people in mobility group 3, and advertise them

accordingly as  3. Conversely, where an applicant has been classified as mobility group 3, we do not shortlist them for unsuitable properties, such as houses with stairs, unless the best solution for them would be to install a stairlift. This would usually only apply to larger properties such as 3 and 4 bedroom houses, because of the shortage of 3 and 4 bedroom ground floor and lift accessible apartments in Harrow. We would be very unlikely to agree to install a stairlift in a 2-bedroom house, when there is a reasonable availability of 2-bedroom ground floor flats to bid for.

# 17. Advertising properties

## 17.1. Where and when the properties are advertised

Partners and associates advertise their vacant properties online through the Locata website, [www.locata.org.uk](http://www.locata.org.uk) every two weeks. Personalised hard copy sheets of available properties can be provided to people who are unwilling or unable to use the website to search for a home. A personalised freesheet can be posted directly to members on payment of a small subscription to Locata Housing Services Ltd, the partnership's central lettings agency, to cover the cost of postage and administration. Housing assessment team leaders have discretion to approve free despatch of the freesheet in cases of exceptional hardship.

## 17.2. Exclusions from advertising

The assistant service manager responsible for housing allocations and nominations decides when to advertise potentially vacant properties and when to exclude properties from advertising under the choice based letting scheme. We aim to advertise and allocate through Locata 80% to 90% of available general needs and ordinary sheltered homes (i.e. not including extra care and supported housing designated for particular groups such as people with learning difficulties).

## 17.3. Limitations on who can bid for each property

Taking into account their targets and responsibilities under the scheme, the team leader for housing allocations and nominations sets the eligibility criteria for bidding for each advertised property and is responsible for ensuring that they are adequately described in the adverts:

- whether available for transfers or homeseekers or both,
- minimum and maximum numbers of persons in the household
- if children are allowed
- in the case of a house or flat with a private garden whether it will be prioritised for families with children under the age of 12 (done whenever practicable)
- if there are age-limits (over 45, 50, 55, 60 or 65)
- the mobility level, if applicable (see section 16 above on physical mobility needs)
- if applications are restricted to or prioritised for special cases such as quota/ homeless/ decant/ key worker/ same estate/ overcrowded or underoccupying households
- if pets are allowed
- whether available for cross-borough bids
- if sheltered
- whether in a scheme that caters specifically for a particular group of people (e.g. Asian elders)

## 17.4. Other information given in the adverts

The adverts also, where possible, specify:-

- location, including street/ estate/ district/ postcode as appropriate, to give bidders a clear idea of where the property is situated
- who owns the property and whether it is a specialist landlord
- type of tenancy (e.g. flexible)
- the weekly or monthly rent including any other charges
- type of rent (e.g. social, affordable)
- the estimated date the property will be ready for occupation
- if a local lettings policy applies.

#### 17.5. Local lettings policies (LLPs)

The council may from time to time agree with partner housing associations a local lettings policy aimed at promoting sustainable estates, good tenancy management, and meeting the needs of a local area. LLPs must be evidence-based and fulfil a clear need\*. LLPs must be approved by the service manager for the housing needs service in conjunction with any relevant housing association(s) following an equalities impact assessment that takes into account any effect of the policy on the council's ability to house applicants with high priority within the expected timescales<sup>♥</sup>. LLPs should be reviewed by the service manager for housing provision in conjunction with the partner housing associations on a regular basis (at least every two years).

#### 17.6. Sensitive lettings

Occasionally a property becomes available for letting which, because of particular circumstances such as the frailty or vulnerability of neighbours, it is deemed that it should be let "sensitively". No tenancy will be offered for such a property until it is confirmed that neither the prospective tenant nor any member of their household has:

- a history of anti-social behaviour or nuisance
- a history of drug or alcohol misuse
- a history of drug-dealing
- caused housing management problems in previous accommodation, including emergency and temporary accommodation.

Other factors may be taken into account where justifiable. For example the nature of the sensitivity may indicate that the property should be let to a male or female applicant.

Conversely a neighbour of a property to be let may have a history of behaviour which indicates that the property should not be let to a person

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\* Example objectives might be to reduce anti-social behaviour, reduce high child densities, dilute high concentrations locally of people with support needs, increase the proportion of working people on a particular estate, or to ensure that, where there are high concentrations of older residents, they are able to live in peace.

♥ Examples of groups that might be prioritised in a local lettings policy might be transfer applicants with a positive tenancy history (no arrears, not history of anti social behaviour), smaller families, people who are not vulnerable, employed people, people from the local neighbourhood or estate, or people of a minimum age.

who is likely to be particularly vulnerable to harassment or aggressive behaviour. The assistant service manager responsible for housing allocations and nominations decides whether to designate and let a property as “sensitive”.

**17.7. Housing association vacancies**

Some of the housing associations with properties in Harrow are Locata partners. These associations advertise and allocate their properties directly using the Locata system. While the housing allocations team tries to ensure that these adverts are in line with Harrow standards and that Harrow’s lettings policies are followed, it is not always possible to achieve compliance. Some housing associations have their own allocation policies which differ from Harrow’s, so it is very important to read their adverts particularly carefully.

**17.8. Complaints relating to housing association lettings**

Complaints about adverts and allocations by Locata partners should be addressed to those partners. While we will do our best to assist in resolving such complaints and will take responsibility if the association was acting on our instructions, we cannot be held liable for errors made or separate allocation policies followed by these bodies, which are independent of the council.

## 18. Bidding for properties

### 18.1. How to express an interest (“bid”)

Qualifying and eligible members (bands A to D, not E) can express an interest in a limited number of properties, making up to 3 bids per fortnight, for adverts on Locata, by whichever method they prefer of:

- posting in a completed coupon\*,
- bidding by telephone
- text message
- bidding online via the website, [www.locata.org.uk](http://www.locata.org.uk) (Harrow libraries provide use of computers free of charge to local residents), or
- any new technology that may become available in the future.

### 18.2. Limitations on bidding

Members who make more than the allowed number of bids will have the additional ones disregarded, so it is important to bid for no more than 3 homes; one of the ineligible bids might be the one that would have given the best chance of a property viewing.

### 18.3. Bidding for the wrong properties

The Locata choice based lettings technology excludes from consideration all bids for a property that do not meet the eligibility rules and the criteria set by the assistant manager responsible for housing allocations (see sections 17.3 above and 19 below). Members who consistently bid for properties for which they are ineligible may be contacted to discuss their bidding.

### 18.4. Direct allocations

Members who urgently need to move and who do not bid for properties may receive a direct offer (see section 23, direct offers, below).

### 18.5. Persons not suitable to bid

If the multi agency public protection panel (MAPP) recommends that a tenant or homeseeker with high priority should be excluded from bidding such people will be assisted by a direct offer (see section 23, below)

### 18.6. Support with bidding

Full details of how to bid and the other features of the scheme are set out in Locata’s online scheme guide, which can be obtained from the council if the applicant has no access to a computer. Staff in the housing needs service assist and encourage members with support needs and those who have difficulty with written English to use the website to choose and bid for properties. The council keeps an “assisted bidding” list of those who tell us that they are unable to engage with the system themselves, and also provides support and training for relatives, social care, advocacy and

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\* Locata sends coupons to all members who request them, either by contacting the council or by ordering them online, or by ticking the “more coupons” box on a coupon used for bidding.

advice agencies so that support workers are able to assist their clients to use the system.

# 19. Eligibility of Bids

## 19.1. Bidding rules

**Location of properties** – Harrow Locata members may bid for properties advertised in the following sections of Locata:-

- Harrow
- Cross-Borough
- Any of the individual housing association pages

<b>Table 6 – Bidding rules</b>	
To be eligible, a bid from a Harrow member must satisfy the following	
<b>Rule</b>	<b>Notes</b>
There is no current offer of another property*	Making an offer to a member makes all other bids from that member ineligible whilst the offer remains on the table
Member is registered with Harrow, or with a partner housing association and is resident in Harrow.	If a property is a Harrow property and not advertised cross-borough, the member must be registered with Harrow or with a partner housing association (resident in Harrow).
Member is in correct category (“housing list”)	The member’s housing list (Homeseeker or Transfer) must match that of the property
Bid before deadline	The bid must reach Locata before the bidding list closes
Only three bids per fortnight allowed	Only the first 3 bids from a member for a round of Locata adverts are eligible
Maximum persons	The member’s household must have no more than the maximum number of persons for the property <sup>♥</sup>
Minimum persons	The member’s household must not have less than the minimum number of persons for the property <sup>♥</sup>
Maximum beds <sup>♠</sup>	A member cannot bid for a property with more bedrooms than they are assessed as needing
Minimum age	The member must satisfy the age requirement on the property label

\* When a member comes top of more than one bidding list the decision as to which property to offer is at the landlord’s discretion

♥ Management transfers bidding for like-for-like properties may be exempted from the minimum and maximum persons rule, as may some ex-service tenants and underoccupiers.

♠ Under-occupiers (and members releasing adapted property at the housing assessment manager’s discretion) may be allowed to bid for larger property than they would otherwise be assessed as needing



Mobility level	Mobility level 1 and 2 properties are not available for bids from able-bodied households.
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### 19.2. Other bidding criteria

In addition to the basic rules set by the system described in section 19.2 above members may be ineligible for an offer on a property where they do not meet the advertised criteria, examples of which are described in section 17.3 and 17.5 above. Other rules are applicable to particular groups – for example a management transfer will not be considered if they bid for a non “like for like” property, and an applicant in mobility group 3 will not be eligible for an unsuitable property with stairs (as described in section 16.5 above).

### 19.3. Number of bedrooms

Although an applicant is registered as needing a certain number of bedrooms, as assessed by the bedroom standard (see section 21 below for more information on this), it is often in their interests to consider bidding for properties with a smaller number of bedrooms. This is because the waiting time is likely to be less, as supply of smaller homes is greater.\*

### 19.4. Illegitimate bidding

It is important that applicants keep the housing department up to date with their circumstances, such as people leaving their household, new additions to the household and deteriorations and improvements in physical mobility. If a bid is placed for a property on the basis of out of date information and comes high on the list for it with an invitation to view, the applicant will not be offered the property if the change in circumstances mean that they would not have met the advert criteria or would have had a lower priority for that property (see more information about how we verify applicants at the point of tenancy offer in section 22 below).

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\* For example an applicant with a teenage girl and boy “needs” 3 bedrooms, but is likely to achieve re-housing much quicker if they are prepared to consider 2-bedroom properties

## 20. Tenant selection, viewing and offers

### 20.1. Ranking of bids

All eligible bids for each property are placed into priority order. Priority is decided:

- first by band
- second by date order within each band
- third by registration date, and
- finally by random selection\*.

Where a property has been advertised to give preference to a mobility group, bids from these applicants will be prioritised as described but ahead of bids from members who are not in that mobility group.

### 20.2. Decisions relating to the list of bidders

The prioritised list is given to the landlord for offering.

### 20.3. No expressions of interest in a property

If there are no eligible bidders for a property the assistant service manager responsible for housing allocations and nominations may decide either to make a direct offer (see Section 23, below), or re-advertise it, or refer it back to the landlord (or Harrow Resident Services as appropriate).

### 20.4. Invitations to view

In order to minimise delays most Locata landlords arrange multiple viewings, usually inviting up to five members per property. Members must bring proof of identity to the viewing. Unverified members (see appendix 6 on verification) are advised via the "Invitation to view letter" to contact their housing officer within 24 hours in order to arrange for verification and confirm their eligibility, wherever possible prior to the viewing date.

### 20.5. Ability to afford the rent

Applicants who are found at verification to be unable to afford the rent for a particular property will not be offered that property. Whether the accommodation is affordable will be determined taking into account the financial resources available to the applicant and the level of rent for that accommodation<sup>♥</sup>.

### 20.6. Verification for an offer (see appendix 6 for details)

The housing assessment team carries out any further eligibility checks considered necessary, maintaining contact with the importing landlord

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\* Every bid is assigned a random number when the bid is made. This number is used to resolve ties - where both priority date and registration date of two successful bidders are the same - the higher random number gets priority.

♥ The applicant may be asked to demonstrate how they would pay the rent by, for example, setting out what payments they would make out of their income, and an assessment would need to be made as to how realistic this would be.

throughout the process. Members who fail to have their verification completed before the viewing date may not be offered the property, so it is very important to provide all the documents and proofs requested quickly, and to allow access if a home visit is needed. When eligibility and priority have been confirmed the member with the highest priority who attended the viewing is offered the property and invited to sign for the tenancy.

#### **20.7. Verification of members from other Locata partners**

A process is in place for partners to accept the verifications carried out by each other. However, Harrow reserves the right not to accept a member registered and verified by a partner organisation if we have reason to believe a Harrow member in similar circumstances would not have been approved for that property.

#### **20.8. Property condition**

Empty properties in sheltered housing are routinely decorated if the decoration is in poor condition. Other empty properties will be redecorated by the council if the decoration is in poor condition, the new tenants are disabled, and they wish the council to decorate for them. Decorating by the council usually consists of 2 coats of emulsion to walls and ceilings. All other empty properties where decoration is poor have a decoration allowance available for new tenants to carry out the decorating themselves. Refusal of a property on the grounds of poor decorative condition is not normally considered as a "reasonable" refusal, because the new tenant could make the property suitable by decorating it.

#### **20.9. Refusals**

If the member refuses an offer, the next member is selected. Penalties for unreasonable refusals are set out in the chart in appendix 16. The property may be reserved for a direct offer to someone who fails to attend or who wishes to refuse it, in order to protect, for example, a potentially homeless member from eviction. We ask housing association partners to co-operate with us, by not immediately signing up the next person on the list in cases where we have made a direct offer to an urgent case and have requested that the property be held for them.

#### **20.10. Tenancy transfers**

Existing council and housing association tenants cannot be granted a new tenancy until they end their existing tenancy.

#### **20.11. Joint tenancies**

It is usual for a joint tenancy to be granted to married and cohabiting couples, civil partners and same sex couples, and to brothers and sisters with a joint application. The council will also support other adult applicants wishing to sign as joint tenants, depending on the circumstances of the case.

#### **20.12. Information about the reason for the vacancy**

If the previous tenants left because of racial harassment, prospective tenants of ethnic minority origin will be advised of this after they have

viewed the property and expressed an interest in it, but before they formally enter into a tenancy.

## 21. Number of bedrooms

### 21.1. Maximum and optimum numbers of bedrooms

The maximum number of bedrooms for which members are eligible to bid is determined by the size of their household but, as there is a shortage of large homes, many members will be advised seriously to consider bidding for smaller accommodation than they would prefer. Where a property has two living rooms and one can reasonably be used as a bedroom, the property advert will be labelled on that basis\*.

### 21.2. Bedroom needs assessment

<b>Table 7 – Comparison of bedroom standard and Harrow rules</b>	
Maximum bedroom eligibility is determined using the following guidelines, which are based on the national “Bedroom Standard” (BS) but with some difference	
<b>BS – separate bedroom</b>	<b>Harrow scheme for comparison, including changes from the previous allocation scheme</b>
A married or co-habiting couple	The same as the BS and the same as the previous allocation scheme
An adult aged 21 years or more	Harrow’s scheme does not take into account sons and daughters aged 21 or over in calculating the number of bedrooms required. Instead we will do our best to assist adult sons and daughters to find their own private sector accommodation. Where Adult Social Care recommends, and we agree, that it is essential for an adult son or daughter to remain in the family home either to give or receive care, we will allocate a bedroom accordingly. Similarly, adult relatives living as part of the household are entitled to a bedroom if they need to live with the household either to give or receive care (see section 11 above).
A pair of adolescents aged 10-20 years of the same sex	(a) The previous allocation scheme assigned a separate bedroom to same sex siblings where one is aged 10 or more if there was a 5 year age gap. This is no longer the case as the new scheme applies the BS. (b) If the household comprises a mother aged under 21 with a daughter they will be eligible for a bedroom each, just as if the mother was aged 21.
A pair of children aged under 10, regardless of sex.	The previous allocation scheme assigned a separate bedroom to opposite sex siblings where one is aged 7 or more. This is no longer the case as the new scheme applies the BS.

\* A “three bedroom parlour house” therefore will be advertised as a 4-bedroom home, and those eligible for a maximum of 3 bedrooms will not be eligible to bid for it.

### 21.3. **Discretionary additional bedroom**

A housing assessment team leader will add a bedroom where the medical adviser recommends this as essential for the applicant's independence<sup>♦</sup>. We will always check with Housing Benefit whether they will agree to pay benefit for an additional bedroom and advise the applicant accordingly before completing our assessment, in case the answer is negative and the applicant would be unable to make up the rental shortfall.

### 21.4. **Ex-service tenants and Underoccupiers**

An additional bedroom may also sometimes be agreed for an ex-service tenant (by the manager responsible for the housing assessment service) or an underoccupier (by a housing assessment team leader). The manager agreeing an additional bedroom must first satisfy themselves that the property is going to be affordable for the applicant. In such a case, if it is necessary to meet the minimum occupancy criteria for the relevant property adverts, a "dummy" household member will be added to the application to ensure bidding eligibility for the agreed size of home.

### 21.5. **Overcrowding**

Only where a household lacks two or more bedrooms, as calculated by the bedroom standard set out in section 21.2 above, will they qualify for reasonable preference with Harrow. This is because, in the prevailing housing conditions in Harrow, many people lack a bedroom without a need for public rented housing being indicated. Unless there are other factors causing multiple needs that adversely affect a household's housing circumstances, lacking one bedroom no longer attracts any priority in Harrow.

### 21.6. **Flexible tenancies**

When flexible tenancies are reviewed prior to their renewal date, the assessing officer will look carefully at the number of bedrooms needed by the household. If people have left the household, or care needs have changed, since the tenancy was granted, and if it is agreed that the tenant continues to be eligible for a public rented tenancy, the new tenancy will be offered for a smaller home in line with the reassessed need. Such new tenancies will either be offered directly or through banding on Locata, as appropriate to each case. .























### 21.7. **Bedroom need (maximum and minimum) at a glance\***

The table on the next page specifies the maximum and alternative acceptable occupancy standards for bidding on Locata, subject to individual property advert restrictions.

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♦ Examples: (1) a live-in carer is essential, (2) the person's medical condition requires such a large amount of equipment to be stored in the home that it is not practical without an additional room, (3) a husband and wife are unable to share a bedroom because of a medical or welfare difficulty.

\* Shows the number of bedrooms needed - only where the current home is 2 bedrooms short of this number will preference for overcrowding be given.

	Studio/ Bedsit	1	2	3	4	5	6
Single person							
Cohabiting or Married Couple							
Adult siblings wishing to live together*							
Pregnant but childless woman (with or without partner)							
Parent(s) with one child♥							
Parent(s) with one girl and one boy both aged under 10.							
Parent(s) with two same sex children aged under 21							
Parent(s) with 1 girl and 1 boy where one is 10 or older							
Parent(s) with 1 girl/2 boys, or 2 girls/1 boy all aged under 21							
Parents with 4 children, 2 of each sex, all aged under 21							
Parent(s) with 4 children where 3 are of 1 sex and 1 of the other & all aged under 21							
Parents with 5 or more children all aged under 21 <sup>▲</sup>							

### 21.8. Realistic bidding

Members will be advised that they stand a greater chance of successful early re-housing if they bid for the smallest property for which the number of people in their household is eligible, because supply is greater the fewer bedrooms there are. Supply of 5 and 6 bedroom properties is almost non-existent.

### 21.9. Studio Flats

Although many applicants need, according to the BS, only a self-contained bedsitter or studio flat, we generally assess them so that they are able to bid for 1-bedroom homes because, unlike some of our west London partners, Harrow does not have many studios in its housing stock. Studios are less popular, so waiting times are shorter for applicants who

\* unless it is agreed that one sibling is the carer for the other

♥ parent(s) with one child in a bedsit or studio flat will not be regarded as 2 bedrooms short and therefore do not qualify for overcrowding priority. Similarly, if they have a room or rooms in a parental home they will not qualify for overcrowding priority unless there is a particular reason why they cannot establish their own home in the private sector.

▲ maximum bedroom need depends on age & sex of children

are prepared to consider one. They will also be regarded as a suitable offer should bidders, or applicants to whom we are making a direct offer, refuse them on the grounds of their relatively small size. Exceptionally, for special reasons, an applicant may be assessed as eligible to bid only for studios, called on the Locata system “0 beds”.



## **22. Verification of circumstances prior to an offer of housing**

### **22.1. Offer withdrawal or bypass**

We verify all people who are likely soon to be made an offer of housing, to check whether they still have the level of priority and bedroom requirements assessed when they were given their priority banding, and to check their identity and proof of where they are living. Our verification procedure is described fully in appendix 6. If we are unable to verify circumstances we may demote the applicant on Locata to band C until we can make contact and resolve outstanding queries.

Members will not be made an offer of accommodation, and their banding will be downgraded (to A, B, C) or they will be disqualified and removed from the register, as appropriate, if, at the time they bid for a property, any of the following circumstances exist:-

### **22.2. Change of circumstances**

The member has not informed us of a relevant change of circumstances or has completed their application inaccurately, resulting in an incorrect assessment. This might have given the member higher priority than they should have had, or over-calculated the bedrooms needed, or made them eligible for a type of property to which they were not entitled (e.g. mobility-adapted).

### **22.3. Disqualification**

The member is a person from abroad who has fallen out of eligibility because of a change in their circumstances.

Note: Such members will be excluded and cannot reapply unless and until their circumstances change, as described in appendix 3.

### **22.4. Unable to afford the rent**

The reductions in and caps on benefit introduced by the 2010-2015 government have resulted in problems for benefit dependent people, especially those with large families, living in all parts of London, including Harrow\*. In the event that an applicant is found to be unable to afford the rent they will not be verified for an offer.

### **22.5. Financial resources available to meet own housing costs**

Applicants who are found to have sufficient financial resources (income/ capital/ freehold, leasehold or joint interest held in a home) to obtain accommodation for themselves in the private sector or through a low cost home ownership scheme, taking into account the size and type of property needed (appendix 10 sets out the financial limits we apply).

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\* This is why we have introduced services to assist people to move to parts of the country where rent levels are lower and council waiting lists shorter.

Note: Such members will be given advice about home ownership options, disqualified from Locata, and cannot ask for a reassessment until they can show that there has been a change in their financial circumstances which was beyond their control. In exceptional circumstances the service manager responsible for housing assessment has discretion to make offers to underoccupying tenants and to those with negative equity and those who would be unable to manage a mortgage because of age, infirmity, disability, etc

#### **22.6. Right to buy application**

Tenants who have a current application to buy their dwelling or for a home purchase grant, e.g. Homebuy, at the time a bid is made for a property.

Note: Such members will be disqualified on grounds of “sufficient financial resources”. In order to have their high priority reinstated the member will need to withdraw their purchase application and show that they no longer have the financial wherewithal to purchase their own home.

#### **22.7. Behaviour which affects suitability to be a tenant**

Applicants who are found at verification to have one of the following issues:

- Council and housing association tenants, and homeless homeseekers placed in temporary accommodation, who have rent arrears (appendix 12 sets out the council’s rent arrears policy)  
Note: Such members will be downgraded to band C. Team leaders in Housing Needs have discretion to keep the high priority, or reinstate it at a later date, if the member is in band A\*, or where other exceptional circumstances apply, or where the arrears are paid off before a firm offer is made or, depending on the level of arrears, if the member has made a satisfactory agreement to clear the arrears and has kept to that agreement for at least three months.
- Tenants upon whom the council or housing association has served notice of its intention to seek possession or obtain an injunction, due to breach of one or more (non-rent-arrears) tenancy condition.  
Note: Such members will be excluded and cannot reapply for at least a year, as described in section 7.9. Reinstatement of registration with the previous high priority happens if and when the council or housing association withdraws legal action or a court decision is given in favour of the tenant.
- Ex council and housing association tenants, who have deliberately lost their accommodation e.g. eviction due to rent arrears.  
Note: Such members will be downgraded to band C. In order to have their high priority reinstated the member must wait at least one year and will need to demonstrate that they have conducted their tenancies well since the eviction.
- Council and housing association tenants and homeless homeseekers placed in temporary accommodation who have wilfully damaged or neglected their property, or who are refusing to allow repairs to be

carried out.

Note: Such members will be downgraded to band C. In order to have their high priority reinstated the member must demonstrate that they have remedied the damage.

- Tenants or homeseekers, where they or any member of their household has attacked or threatened staff or has a history of anti-social or criminal behaviour related to housing, or is found to have given false or misleading information in order to obtain a tenancy, as described in section 7.5 above.

Note: Such members will be excluded and cannot reapply for at least a year, as described in section 7.9.

- Tenants or homeseekers who owe the council money.

Note: Such members will be downgraded to band C. In order to have their high priority reinstated the member must demonstrate that they have repaid what they owe, or that they have made a satisfactory agreement to pay and have kept to that agreement for at least three months

#### 22.8. **Demotion after verification**

We will write to any member whose priority is reduced as a result of verification, explaining why and advising them of their right to request a review of our decision. (Appendix 4 sets out the Review Procedure)

## **23. Direct offers**

### **23.1. Circumstances for direct offers**

In certain limited circumstances, we use our discretion to allocate properties directly to the following members and to applicants ineligible to become members. Whenever possible the offer we make will be for a property for which a bid has been placed on Locata either by the applicant or by staff, and for which the applicant would be the highest priority bidder. We consider a reasonable offer of accommodation to be one which is not in an area which is known to be unsafe for that member and, so far as reasonably practicable, matches the size and type of property for which the applicant is eligible as set out in the table in section 21.7 above. As there is a shortage of large homes, the applicant may be offered smaller accommodation than they would prefer, in furtherance of the council's statutory homelessness duties.

### **23.2. Special circumstances**

Some applicants will not be allowed to bid under choice based lettings. Examples are public protection panel cases and applicants under the age of 18 (where the council has accepted a homelessness duty, or who are in the Leaving Care Quota). One offer, in line with policy, will be made and, if it is unreasonably refused, the applicant will be disqualified.

### **23.3. Band A emergency and band B urgent need**

Where a band A\* and A applicant has not been successful on Locata either because they have not been bidding, or because they have refused one or more reasonable offers, or they have not turned up to a viewing when invited, we may make a direct offer. The chart in appendix 16 outlines to which groups of applicants we may make direct offers.

### **23.4. Under-occupiers in very desirable properties**

Where an under occupier has highly specific requirements (e.g. they will only be tempted to move if a particular property is offered to them) we may decide to offer that property to them directly, outside Locata.

### **23.5. Temporary decants**

We will make one direct offer of a transit property to tenants who need to be temporarily moved out. If the offer is refused we will start possession proceedings.

### **23.6. Permanent decants**

We will make one suitable offer to tenants who need to be permanently decanted, but who have failed to make a successful bid for alternative

accommodation within the necessary timescale. If the offer is refused we will start possession proceedings.

**23.7. Non-statutory successors, unauthorised occupants and flexible tenants whose tenancy is not to be renewed**

One offer will be made to those who have failed to make a successful bid for alternative accommodation within the necessary timescale. If the offer is refused we will start possession proceedings.

**23.8. Over-riding emergency need**

Members in band A\* whose defining features (including their cumulative needs) are considered by a service manager in the Housing Needs team to be exceptionally severe may be made a direct offer in order to effect their immediate re-housing.

## 24. Non-secure tenancies

### 24.1. Tenancies which can be offered on a non-secure basis

If a block is scheduled, or being considered, for redevelopment or demolition, or for any other reason consistent with best use of council resources (as set out in section 4.7 above), the Council may decide to re-let vacant properties to homeless households on non-secure tenancies.

### 24.2. What happens when possession is required

If the Council requires possession of a property in order for redevelopment or demolition to proceed, the Housing Assessment Manager will place homeless households who are non-secure tenants of that property into the appropriate band depending on whether possession is imminent and whether it is appropriate to offer each applicant alternative temporary accommodation. This will also apply to housing association assured shorthold tenants living in the same block.

### 24.3. Asylum seekers

Asylum seekers who do not qualify for housing but who have been accepted as unintentionally homeless and in priority need may have been housed in a Council property with a non-secure tenancy.

If Asylum Seekers are granted exceptional leave to remain in this country, or refugee status, they will qualify for housing. In these circumstances, the Head of Housing will authorise the granting of a secure tenancy of the property they occupy unless one of the following applies:-

- the Council is taking or seeking to take action against the tenant due to rent arrears or other breach of tenancy
- the property is larger than the tenant needs
- the property is in a block that is scheduled for demolition or redevelopment or which the Council has a policy of letting only to non-secure tenants, because it is considering demolition or redevelopment.

## **25. Refusals following direct offers**

### **25.1. Recording the refusal**

The applicant must give their reasons for refusal in writing, or sign a written statement of their reasons. The property will not usually be held vacant while the refusal is investigated – it will normally be re-offered and let to another applicant unless the offer is to a homeless household. In such cases the offer may be held for a short period (usually no longer than 48 hours) while the reasons for the refusal are considered in consultation with one of the team leaders for homelessness advice and assessment and the applicant is advised of the possible consequences and given a chance to reconsider their decision to refuse.

### **25.2. Consequences for homeless applicants of refusing a reasonable offer.**

A team leader in either the assessment or provision team will interview the applicant and record the discussion. If, having heard the reasons for refusal, they consider the offer to be suitable, they will explain to the applicant the council's intention to discharge its homelessness duty, advise them of their right to seek a review of this decision (see appendix 4, review procedure), and of the importance of them accepting the property (which they can do while still pursuing a statutory review) if they wish to avoid being evicted from their current accommodation.

Following the interview they will inform the applicant of their decision by letter. In cases of unreasonable refusal we will advise the applicant of our intention to discharge the homelessness duty and, if the applicant is occupying temporary accommodation provided by the council, to commence eviction proceedings. Homeless applicants have the right to seek a formal review of our decision and, if still not satisfied, to pursue their disagreement with our homelessness decision through the courts. Priority will be reduced to band C.

### **25.3. Unsuitable offers**

If there is a clear mismatch e.g. where the homeseeker or property details were recorded incorrectly, the offer will be withdrawn and the applicant notified by letter.

The applicant may provide new information which substantiates their claim that the offer was unsuitable. The interviewing team leader may need to consult other appropriate officers before deciding whether the offer was unreasonable. If they find in favour of the applicant they will accept the refusal, withdraw the offer, and restore the applicant's priority.

If a reviewing officer finds in favour of the applicant their priority will be restored to the band and date that applied at the time of the offer. Applicants should note that the review officer normally has 8 weeks to review the decision, and may not agree to provide "accommodation pending" to a homeless applicant while doing so.

#### **25.4. Ex-service tenants**

Following a refusal of a reasonable offer ex-service tenants will be advised that their priority for re-housing has been withdrawn and that the council considers it has fulfilled its contractual obligation to offer suitable re-housing. The member will be invited to make their own housing arrangements and eviction proceedings from the tied accommodation will be started.

#### **25.5. “Special circumstances” and quota cases**

Following a refusal of a reasonable offer, applicants will be advised that their high priority has been removed and they will be placed in the appropriate band on the general waiting list if they are eligible persons. Children’s Services (in the case of looked after children), the relevant supported accommodation provider (in the case of the move on quota), or the professionals involved in a “special circumstances” case will be kept fully informed at all stages.

#### **25.6. Temporary/permanent decant tenant and non-statutory successors/occupiers holding over:**

Following a refusal of a reasonable offer by a tenant who needs to be decanted or by a person not entitled to succeed to a tenancy who the council has agreed to re-house, the relevant housing management officer will be advised so that they can commence possession proceedings (housing management teams will closely monitor such cases.)

#### **25.7. Emergency management transfer:**

Following a refusal of a reasonable offer by an emergency management transfer the housing assessment team will remove the priority status, place the tenant in the appropriate lower band, and inform the tenant and the relevant housing management officer.



## 26. Outgoing Mobility Nominations

### 26.1. The “housingmoves” scheme

Harrow council tenants wishing to move to another London borough will be advised of the “housingmoves” scheme and assisted, if necessary, to make an application. Housing association tenants will be referred back to their landlord to provide advice and support on *housingmoves*.

### 26.2. Non-housingmoves mobility

Members requesting re-housing in another borough which is not in the partners’ areas will be considered for nomination to another local authority or housing association, if they are eligible. The nominee will have to meet the criteria of the receiving authority, which sometimes includes needing to have a local connection with the borough they wish to move to. Older public rented tenants may qualify to be nominated to the Seaside and Country Homes scheme.

### 26.3. Checking a borough’s willingness to accept a nomination

Members meeting these criteria may have to complete an additional application form. The housing options officer will telephone the receiving organisation to find out if they will accept the nomination. The officer will let the member know in writing if their application is rejected.

### 26.4. The nomination process

If the receiving organisation is willing to consider the nomination, the housing options officer will make a nomination. Details are noted on the member’s file so that if they bid and are eligible for an offer via Locata a check is made, in order to avoid duplicate offers. If the nomination is rejected, this information is updated on the file. The officer will let the member know in writing whether or not the nomination has been accepted or rejected.

# Appendix 1 – Consultation on & context of this allocations scheme

In drawing up this scheme we consulted:

- all housing association landlords with which the Council has nomination arrangements
- other third sector organisations through the Voluntary Sector Housing Forum
- various departments of the council, including both children's and adults' social services
- various strategic partner agencies such as the mental health service in Harrow
- Harrow's partners in West London Locata.

We have given due consideration to the council's powers and duties contained in the Housing Act 1996, the Homelessness Act 2002, related legislation and the Secretary of State's 2012 allocation of accommodation statutory code of guidance for housing authorities. We have also drafted and framed the scheme to ensure that it is compatible with the authority's equality duties under various pieces of legislation including the Equality Act 2010.

In accordance with the Localism Act 2011 we have prepared this scheme having regard to the council's homelessness strategy and tenancy strategy and the London housing strategy.

An equalities impact assessment for the scheme can be found on the Harrow website.

## Appendix 2 – Harrow’s strategic aims to which the allocations scheme contributes

**Table 9: Aspects of Harrow’s strategy to which the scheme contributes, additional to those set out in section 4 of the scheme**

<b>Strategic aim</b>	<b>Example of how allocations policy can help</b>
a) Tackling homelessness	Ensuring that the priority scheme does not unintentionally offer an incentive to become homeless (e.g. by offspring asking their parent to exclude them).
b) Increasing the supply of affordable housing	Giving high priority for a move to tenants who no longer need a larger home or no longer need disability adaptations so as to take full advantage of the potential offered by the new fixed term tenancies. Providing clear financial guidelines so as to ensure that tenants and homeseekers who have the financial wherewithal to move to shared ownership or to their own housing in the private sector are directed down that pathway rather than occupying scarce public rented units.
c) Providing excellent customer service	Managing customer expectations by prioritising only those people who can realistically be re-housed with an acceptable wait and offering alternative housing solutions to those without priority.
e) Keeping neighbourhoods safe	Ensuring that people who are likely to cause nuisance on estates do not get priority.
f) Improving neighbourhoods	Ensuring that no one block or estate gets more than its fair share of people who are benefit-dependant.
g) Supporting independence of older people and people with disabilities	Ensuring that, where older people and people with disabilities can be assisted through an allocation of public rented housing to develop independence or remain independent for longer, or gain access to essential facilities, they are offered suitable housing.
h) Sustainability - local homes for local people	Ensuring, through the 5-year residence qualification, that priority for housing goes first to those with the strongest local ties to Harrow.

# Appendix 3 – Non-eligible people from abroad<sup>♥</sup>

## 1. Applicants who are eligible

- a. UK national, Irish national or commonwealth citizen with the right of abode (all subject to the habitual residence test<sup>♣</sup>)
- b. Person granted Exceptional Leave to Remain which is not subject to a condition of no recourse to public funds
- c. Person who has unconditional and unlimited leave to remain in the UK, is habitually resident in the Common Travel Area<sup>♣</sup> and who is not sponsored
- d. Person who has been granted Humanitarian Protection
- e. Person who has been recorded by the Secretary of State as a Refugee
- f. Person not habitually resident in the Common Travel Area but who has rights of residence under European Law
- g. Person not habitually resident in the Common Travel Area but who is in the UK as a result of having been deported or expelled from another country
- h. Person not habitually resident in the Common Travel Area but who is fleeing from Montserrat, Lebanon or Zimbabwe (and other limited exceptions as from time to time decreed by the Secretary of State)
- i. Person whose only right to reside in the UK arises under European law allowing a minor to exercise their right of residence
- j. Person whose only right to reside in the UK arises under European law allowing the minor of an European Economic Area (EEA) national to complete their education, providing that the child entered/ resided in the UK while the EEA national parent was exercising treaty rights
- k. Person who is already a secure, introductory, flexible or assured tenant of accommodation to which they have been nominated by a local authority<sup>♦</sup>

.../Cont'd...

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<sup>♥</sup> The statutory framework for eligibility is subject to alteration by the Secretary of State and over-rides this allocations scheme if the latter is out of date.

<sup>♣</sup> Generally most people are not habitually resident for the first 3 months, but this might not be the case if a British citizen is resuming occupation. Whether someone is habitually resident depends on their main centre of interest and their individual circumstances. There is no legal definition.

<sup>♣</sup> The Common Travel Area comprises the UK, Channel Islands, Isle of Man and Eire

<sup>♦</sup> Existing public renting tenants are free to apply for a transfer regardless of their immigration status

## 2. Applicants who are not eligible

- l. Person subject to immigration control who is an overstayer or visitor to the country
- m. Illegal entrant
- n. Asylum seeker
- o. Person in the country on condition that they have no recourse to public funds
- p. Person from abroad who fails the habitual residence test (with some exceptions as listed above)
- q. Person from abroad who is in breach of the European Community Right of Residence Directive
- r. Person whose only right to reside in the UK arises under European law based on their status as a job seeker or an initial 3 months right of residence
- s. Person from abroad who has been the subject of a sponsorship agreement for less than 5 years and whose sponsor is still alive
- t. Person with limited leave not granted as a result of a claim for asylum<sup>▲</sup>

## 3. Restricted Cases

Section 184(7) of the Housing Act 1996 defines those applicants, referred to as “restricted cases”, who are owed a duty under homelessness legislation because of the needs of someone in their household who is otherwise ineligible for housing assistance. Such applicants are not entitled to reasonable preference for public rented housing. If they are homeless the homelessness duty must normally be discharged by an offer of private sector housing.

If the restricted case meets the criteria of the council for medical, welfare or hardship priority, or for overcrowding or otherwise unsatisfactory conditions (see section 8.1 of this scheme: priority groups 2, 2A and 3), they will qualify to join the housing register and receive the appropriate banding applying to the level of need, so that they can be made an offer of public rented housing if it has not been reasonably practicable meanwhile to bring the homelessness duty to an end with a private accommodation offer,

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<sup>▲</sup> People with limited leave can apply directly to housing associations.

## Appendix 4 – Reviews

This appendix sets out the procedure for reviewing the following decisions:-

- Not to register someone who has applied for housing .
- To remove someone from Locata membership other than at his or her request.
- Other decisions relating to this allocations scheme, including banding, mobility group, assessed number of bedrooms and priority dates.

An officer senior to the officer making the original decision and who was not involved in making the decision will carry out these reviews.

### Procedure

1. A request for a review must be made within 21 days from the day on which the applicant is notified of the authority's decision and the reasons for it. The Council has discretion to extend the time limit if it considers this would be reasonable.
2. The officer carrying out the review will carry out an investigation in accordance with internal procedures and taking careful note of relevant legislative requirements, statutory instruments and codes of guidance. If not already received they will invite the applicant to make written representations or, if the applicant is unable to do this or would be disadvantaged by this method, the reviewing officer may hear oral representation. In some cases both written and oral representations may be allowed, and the applicant may appoint someone to act on their behalf in making them.
3. If the reviewing officer finds that the officer who took the decision did not take relevant information into account they will refer the file back to that officer for re-consideration of their original decision as part of the review process.
4. The reviewing officer will notify the applicant of their decision within eight weeks of the request for a review (although this time limit may be extended by agreement with the applicant).

### Outcome option 1: Original decision upheld

The review decision letter will give the reasons supporting the review decision. In cases of exclusion from registration or reduced or no preference banding (C or D), the applicant will be advised (as appropriate) that:-

- (i) A fresh application will be considered if the applicant was ineligible due to being subject to immigration control and the applicant's immigration status has changed.

- (ii) Members/ex-members who have been excluded from membership on grounds of serious anti-social behaviour must demonstrate good behaviour for at least a year (or more depending on how extreme the case was) before a fresh application will be considered.
- (iii) Members or any member of their household who knowingly gave false/misleading information or withheld information will not have a fresh application considered for at least one year (or more depending on how extreme the case was).
- (iv) Members who have assaulted a member of staff must demonstrate good behaviour for at least a year (or more depending on how extreme the case was) before a fresh application will be considered.
- (v) When the member has paid off rent arrears, remedied damage, legal action has been withdrawn or they can prove that a local connection has been established they can apply to have their former priority reinstated or their application reassessed.

There is no right to request a review of the decision reached on this review, but the review decision letter will advise the applicant that they can seek legal advice on judicially reviewing the decision if they remain dissatisfied.

### **Outcome option 2: Original decision Quashed**

The review decision letter will explain what action the Council will take as a result and their reasons for doing so. The file will be sent back to the housing options officer for fresh enquiries to be made and a fresh decision issued. Applicants will be advised of their right to request a review of the new decision.

### **Outcome option 3: Original decision overturned**

The review decision letter will explain the new status of the application and the file will be returned to the options team for the case to be updated (e.g. a new band to be recorded). In such cases applicants will be advised that the revised decision is not reviewable.

### **New information supplied**

If the applicant provides the reviewing officer with new information that was not known to the officer who took the original decision the review will take this into account as part of the review.

# Appendix 5 – Procedure for assessment of medical, welfare and multiple need

## 1. Who assesses & why

All applications to Harrow Council for housing or transfer are automatically assessed via the on-line self assessment tool. In all cases claiming a medical or welfare need to move the auto assessment will be considered by an officer in the housing assessment team (HAT) in accordance with our published allocations scheme.

## 2. Priority in Harrow

Those with a severe medical or welfare need to move are assessed as band A. Band A\* defines cases which warrant emergency status over and above the urgent priority given by band A.

*Those for whom the medical, welfare or overcrowding need to move is relatively mild, moderate, temporary or intermittent, do not receive priority under the Harrow scheme.*

The severity of cases is assessed according to the suitability of the current housing circumstances, not the clinical severity of the medical condition.

## 3. Procedure for applications presenting multiple needs

- 3.1. When assessing an applicant who is in more than one of the reasonable preference categories, or where more than one member of the household has a medical, welfare or disability need to move, i.e.:-
- Homeless (no duty) or homeless (duty accepted)
  - Living in unsatisfactory housing conditions
  - With a medical, welfare or disability need to move
  - Needing to move to a particular locality to prevent hardship

the decision as to the appropriate priority band will depend on both the combination and degree of the various factors, with a view to ensuring that we give the greatest priority to those in the greatest need.

- 3.2. The housing options officer who assesses an application must always ensure that they discuss cases presenting possible multiple needs with a senior housing assessment officer. Multiple need does not always warrant a higher band. An applicant may present a number of less severe difficulties. It is quite possible for these to be assessed as sufficiently minor that the banding that would apply because of one of the needs is not justifiably lifted to a higher banding by the combination of the needs. For example, an applicant warranting band B because they are homeless or in need of sheltered accommodation might not be lifted to band A because of medical need. Each case is taken on its merits.



#### 4. Mental health problems

- 4.1. Mental illness can range from severe conditions such as bi-polar affective disorder, schizophrenia and post traumatic stress disorder to mild depression. Even severe conditions can often be under control through medication, so none of these conditions automatically confers priority re-housing status.
- 4.2. In many cases re-housing will not alleviate the mental condition of the applicant. It is always the effect on health of the current housing circumstances that we look at, not the medical condition itself.

#### 5. Homelessness (duty owed)

- 5.1. The banding of accepted homeless cases is defined within the scheme. If an accepted homeless household has a medical, welfare, disability or location need and has been placed in emergency accommodation, their needs will be taken into account in any offer of temporary or private sector accommodation which is made to them in order to ensure that the Council discharges its duty to find suitable accommodation.
- 5.2. When Harrow accepts a homelessness duty to a housing applicant and places them in emergency or temporary accommodation, responsibility for management of that case passes from the housing options officer to an accommodation officer in the housing provision team (HPT). Any request by the applicant to have their banding raised will be investigated and considered by the responsible accommodation officer, who will then make a recommendation to the a housing provision team leader.
- 5.3. If, during the course of their homelessness assessment, or as a result of enquiries made during the council's continuing duty towards the applicant, it is found that there is severe social hardship even in the provided temporary accommodation, the applicant will be given band A or, if the need constitutes an emergency, band A\*.
- 5.4. If their current accommodation is unsuitable because of medical, welfare, or disability need, but it is conceivable that suitable temporary accommodation could be found, the applicant will be given band A until either they are successful in bidding for permanent housing, or until we can locate more suitable temporary accommodation for the household, whichever is the sooner.
- 5.5. **Decision and convening of a panel** – All reassessed (homeless duty owed) cases will be reviewed and agreed by a team leader in both HAT and HPT. When both parties cannot agree they will convene a Panel meeting (comprising the two team leaders and chaired by the manager responsible for housing assessment – or in their absence the manager responsible for housing provision) to discuss the case and decide the banding. All reassessed cases will be documented on a decision form, signed by both teams, and placed on file.

## 6. Criteria to be considered

In carrying out their assessment of a household's housing needs, in order to ensure that they give the greatest priority to those in the greatest need, the case officers will take into account such of the following matters as apply to the application concerned:-

- 6.1. any previous history of hospital admissions or incidents and the likelihood of further admissions
- 6.2. any relevant evidence as to whether there would be an adverse effect on the applicant of staying where they are and not being re-housed, and the likely extent and degree of any adverse effect
- 6.3. the number and severity of violence or harassment incidents against the applicant and the proximity of the perpetrator to the victim
- 6.4. any previous history of sexual abuse, rape, etc,
- 6.5. if the age, health and mental functioning of the person means they are less able to cope with, or remedy, their difficulties themselves.
- 6.6. minor medical problems that would not normally give any priority but which are combined with significant social difficulties
- 6.7. whether and to what extent the medical condition is controlled by medication and/or therapy
- 6.8. learning difficulties, even if mild
- 6.9. the extent to which any physical mobility difficulties are exacerbated by the current housing, for example where it causes the person to be unable to leave the building to carry out normal daily activities
- 6.10. the context, such as the number of people in the household, their ages and relationships, details about the accommodation occupied and its landlord, whether the household owns a car, the level of financial assets, and details of who provides day to day support to the household and where they live.

## 7. Types of report that may be relevant

- 7.1. **Self assessment** – In cases of medical or welfare need (or any claim for higher priority) we normally expect to see a letter or application statement from the applicant giving a clear picture of the impact of their housing circumstances on their everyday life. Equally acceptable would be a letter from an advocate such as Harrow Association for the Disabled, Harrow Mencap, Harrow Housing Advice Centre or the applicant's solicitor, friend or relation, provided such letters are accompanied by authorisation from the applicant.

7.2. **Professional assessment** – However, in addition to this self-assessment, we normally expect to see professional evidence relating to the applicant's claim for priority, such as one or more of the following:-

- **Medical** – Normally a consultant's report will be required, although reports from two or more of the following may carry sufficient weight if together they give a clear and informative picture of the difficulties being experienced by the patient in their home. A GP's letter on its own, simply stating the applicant's medical condition and their wish to move does not constitute proof of a medical need to move, especially where it is not clear that the housing conditions are having a severely adverse effect on the applicant's medical condition.

Other medical sources of information: G.P., health visitor, community mental health nurse, occupational therapist or fieldworker.

- **Social services** – key social care worker, supported housing worker, education welfare officer.
- **Housing management** – housing officer, anti-social behaviour co-ordinator, tenancy arrears officer.
- **Crime agencies** – Victim support, probation officer, police.

## 8. **Decision**

8.1. The case officer should make a file note on any multiple needs case to explain how they have taken the multiple needs into account in their assessment, and summarising why they have decided no significant housing need & therefore disqualified, band C or band B. If they consider that band A or A\* is warranted they will make a recommendation to a team leader in HAT who will agree the recommendation or give guidance to the case officer as to why they disagree.

8.2. The team leader can either over-ride the recommendation or specify the additional evidence that the case officer needs to obtain before the correct assessment decision can be reached. The HAT team leaders also review a sample of cases where case officers are not recommending that the banding be raised, to ensure that they are taking consistent decisions.

8.3. A small sample of cases is reviewed by the service manager responsible for housing assessment on a regular basis in order to ensure that consistent decisions are being taken by team leaders.

8.4. Applicants are advised that they can request a review of the banding if they disagree with the assessed level of priority, and the review will normally be carried out by the Reviews Officer, who reports regularly to the service manager responsible for housing assessment with a view to ensuring consistency of decisions.

## 9. Multiple needs examples

9.1. Where an application is received that has a combination of defining features or multiple needs, the housing options officer assessing the case must consider whether the applicant has “emergency medical need” or “emergency severe need” (band A\*) or “medical hardship” or “severe social hardship” (band A).

9.2. Common examples of such circumstances are as follows, but please note that this list covers typical and common cases and the considerations that need to be addressed and is not intended to be an exhaustive list of the types of multiple need that occur:-

- A family which is overcrowded (i.e. at least 2 bedroom deficient) gets band A. However the household may also include a member with a medical condition. An assessment is made as to whether the overcrowding is also affecting the medical condition to an extent that is so exceptional as to warrant **emergency** priority (band A\* medical).
- A family which is overcrowded (i.e. at least 2 bedroom deficient) may have particular welfare needs, e.g. child protection, which are exacerbated by the overcrowding. In this case an assessment is made as to whether the level of overcrowding is contributing to the risk to the welfare of the family to an extent that is so exceptional as to warrant **emergency** priority (band A\* severe need).
- A family where more than one family member has a medical condition, none of which individually is sufficient to warrant medical priority – hence disqualified. A view is taken as to whether the family’s cumulative need makes their current accommodation so unsuitable as to warrant **medical** priority, and thus band A medical.
- An adult couple who both have learning difficulties, where the Care Plan of each person requires their re-housing (band A). A view is taken as to whether the couple’s cumulative need is so exceptional as to warrant **emergency** priority, and thus band A\* severe need.
- Overcrowding or insanitary conditions in the property leave the applicant or a member of their household, with a medical condition such as AIDS, at increased risk of infection. If the situation is exceptional, and irremediable within 6 months, **emergency** priority, and thus band A\* medical, would be warranted.
- The applicant or a member of their household is unable to mobilise adequately in their accommodation and this is exacerbated by the lack of opportunity to provide the necessary adaptations (e.g. because of landlord opposition) and/ or the inability of the person to leave the property. If the situation is exceptional **emergency** priority, and thus band A\* medical, would be warranted.

## Appendix 6 – Verification

**All members must have their circumstances and housing conditions verified before they will be eligible to sign up for a secure or assured tenancy. There must be an up to date verification on file within 6 months of a tenancy offer, or 12 months in the case of social housing tenants and older residents moving to specialist schemes for older people. Verification may include a home visit where appropriate.**

All members will be required to provide the following documents:-

- Proof of identity and residence for all persons included on the application
- Proof that they are still eligible persons
- Proof of benefits being received
- Other proofs as appropriate.

Following verification the case officer will amend and update the application as appropriate ensuring that all necessary information is noted on the system. Where it is not possible to complete verification (for example because we are unable to confirm that the applicant actually lives at their stated address) the member will not be allowed to sign up for the tenancy, even if they are the top bidder for the property.

If it is confirmed following verification either that the member is ineligible for an offer or should be excluded from the scheme a case officer in the housing assessment team will write to them, giving reasons for the decision and advising them of their right to request a review of the decision (see appendix 4, Reviews).

### **Sensitive Lettings**

If the property to be let has been designated a sensitive letting, as described in section 17.6, the verifier will need to confirm that neither the prospective tenant nor any member of their household has:

- a history of anti-social behaviour or nuisance
- a history of drug or alcohol misuse
- a history of drug-dealing
- caused housing management problems in previous accommodation, including emergency and temporary accommodation.

### **Affordability**

For many households that rely on benefits, especially those with large families, living in London, even in public rented housing, may be unsustainable in the longer term. Applicants who are found at verification stage to be unable to afford the rent will not be made the offer of accommodation. Whether the accommodation is affordable will be determined taking account of the financial resources available to the household and the level of rent for the accommodation.

## Home visit

Members placed in band A and A\* and those members in band B who have been waiting the longest will be visited, unless their circumstances have already been verified by homelessness investigations. All those who are likely to be made an offer will be visited if they have not been visited within the last 6 months (12 months in the case of social housing tenants and older people bidding for specialist older people's schemes), unless a manager in the housing needs team deems a desktop check to be sufficient. One of the responsibilities of the visiting officer is to check that the correct banding has been applied to the case, so as to ensure that allocations are made to those with the highest level of need.

Homeless and formerly homeless households living outside the M25 may not need a home visit, although the continuing priority need of formerly homeless applicants will need to be confirmed. Such homeless applicants, and formerly homeless applicants who took a qualifying offer, who are accommodated outside the M25, cannot be verified if they give up employment in order to take up an offer of housing in Harrow.

At the home visit previous addresses and the reasons for leaving will be investigated to determine whether the applicant lost their accommodation by doing or failing to do something. This will include where the applicant is a former tenant of a social landlord and was evicted because of a breach of tenancy agreement or is a former council tenant with rent arrears.

If the visit takes place at the beginning of the application process the visiting officer explains the scheme fully to the member, stressing that **they will not be able simply to wait for the council to make them an offer – they must actively bid for homes if they are to be re-housed**. They will also ascertain whether the applicant will need any assistance such as interpretation, help with bidding or advice on their housing options.

## At the point of offer

If the visit takes place at the point of offer the visiting officer will advise the member to bring original documents into the Housing Department within the next few days if they have not been able to produce them at the visit, in order for verification to be completed.

## Desktop check

We will also check credit rating agencies and the land registry, wherever possible, to determine whether the applicant has accommodation available to them elsewhere and whether they have undeclared sources of income or savings.

## **Visit Report**

The visiting officer completes a housing visit report and places it on the file, and makes recommendations, if appropriate, to the officer who requested the visit. If the case cannot be verified, e.g. because the visiting officer was unable to find the applicant at home and could not satisfy themselves that the person was living there in the circumstances described, or because the applicant failed to supply documents when requested, the case will be demoted to band C until the required information is forthcoming. The case officer in HAT will update and reassess the application, amending the band, if necessary, make any further enquiries and request any further documents needed. The case officer will refer the case to the reviews and fraud officer and/or a team leader if the applicant has given false or misleading information or has withheld information.

## **Deadlines**

We are required to verify applicants who have successfully bid on other Locata partners' properties within 72 hours of receiving a verification request and, at the latest, within 24 hours of an offer being made.

## **Appendix 7 – Procedure for assessment of non-statutory succession/ occupiers holding over/ renewal of flexible tenancies**

### **Applications for Succession**

When a tenant dies, and remaining occupants of the property apply to take on the tenancy but are not legally entitled to succeed to the tenancy, the housing management officer for the area will interview the applicant(s). The housing management officer will then submit a report to the team manager responsible for housing management. The report will also be considered by a team manager in housing assessment who are required to reach a joint decision, taking into account of the following:-

- The applicant's relationship to the former tenant(s)
- The age of the applicant and any disability, medical or social factors
- The length of time they have lived with the departed/ deceased tenant
- Their ability to finance accommodation in the private sector
- Whether the person would have priority need if they applied as homeless
- Whether the person meets the current "positive residence test" (see below)
- Any other relevant considerations

### **Occupiers Holding Over**

In any case where a tenancy is due to end or has been ended by the tenant(s) serving Notice to Quit or a Surrender, the housing management officer for the area will interview anyone in occupation after the tenancy has ended or expected to be in occupation when the tenancy ends, and who makes an application for continued accommodation. The housing management officer will then submit a report to the team manager responsible for housing management. The report will also be considered by a team manager in housing assessment and they are required to reach a joint decision. Every effort will be made to reach a decision on the application before the tenancy ends.

In reaching a decision as to whether an allocation will be made, account will be taken of the following:-

- The applicant's relationship to the former tenant(s)
- The circumstances in which the tenancy ended
- The age of the applicant and any disability, medical or social factors



- The length of time the applicant has lived at the property
- Their ability to finance accommodation in the private sector
- Whether the person would have priority need if they applied as homeless
- Whether the person meets the current “positive residence test” (see below)
- Any other relevant considerations

## **The application process**

Unless there is good reason to exempt an applicant, applications to take on someone else’s tenancy, whether deceased or vacated, should be made using the online application, a standard format that helps to ensure that we assess the housing need element consistently. The housing management officer, upon receiving a request to take over a tenancy, should advise the applicant of how to make an online application.

Where, following reasonable attempts to interview an applicant, the applicant does not meet the housing management officer, or where they fail to provide on request sufficient information, the report should be submitted based on what information is known.

## **Decision options on applications from Non Statutory Successors and Occupiers Holding Over**

1. **Offer the tenancy of the existing property** – the housing management officer will make arrangements to sign them up.
2. **Offer the tenancy of a smaller, non-adapted, or other type of property** – the housing management officer will advise the housing options team that the applicant has been approved for band A priority on Locata. The housing management officer will give the decision in writing to the applicant advising them that they have a right to appeal against the decision to the service manager for Resident Services. Both the housing options officer and the housing management officer will advise the applicant that they have a limited period from date of registration to exercise choice by bidding for appropriate properties. The usual guidelines for time limited bidding are 3 to 6 months, but in the case of a property that has more than 1 bedroom or where there is a particular requirement such as ground floor or mobility adaptations the housing management officer should check with the housing options team in order to give a reasonable deadline. If they fail to secure accommodation within the given period they may be made one offer only in line with current policy. If they refuse this offer possession proceedings will be commenced (the housing management team will closely monitor this)

3. **Not to offer re-housing** – the housing management officer will write to the applicant advising them that they have a right to appeal against the decision to the service manager for Resident Services, initiate possession proceedings and refer the applicant to the housing advice service to explain how to move in the private sector. The housing management officer's letter will also advise the applicant of the reason for the decision and that, should they experience a significant change in their circumstances, they may request us to look at the decision again (e.g. if the decision was made on solely on the basis that employment income was sufficient to afford shared ownership, and the applicant loses their job).

## **Renewal of Flexible tenancies**

No decision has as yet been taken on who will be responsible for reviewing and taking decisions on the renewal of flexible tenancies, or on the composition of the panel to consider appeals against adverse decisions. The policy will be included in the next amendment to the allocation scheme, before the first flexible tenancy becomes due for review.

## **Current positive residence test**

- No ongoing culpable involvement in anti social behaviour
- No outstanding debt over £100 to the council or a partner housing association
- No breach of council or housing association tenancy (within last 5 years)
- No serious offence within last 5 years

## **Appendix 8 – Assessment of priority for working households**

### **Poverty**

The previous allocations scheme took no account of relative poverty, because the statutory “reasonable preference” categories do not consider this issue. Many people consider themselves in need of council housing but, because they are not overcrowded or in medical need they could not be considered under the old policy, no matter how deserving their individual case.

### **The poverty threshold**

The new policy aims to reward hard working households with primary school-age children by offering them a chance of being successful for public rented housing if they are particularly poorly paid. Recent research shows that the average Londoner spends 40% of their disposable income on paying for their rent or mortgage (compared with 30% in the rest of the country). We have decided, therefore, that any family with a primary school age child for whom the Local Housing Allowance level rent for the number of bedrooms they need would cost more than 50% of their disposable income (disregarding disability benefits) will qualify for band B, regardless of whether or not they are overcrowded or have a medical need. Those who have been accepted homeless or who were formerly homeless and accepted a qualifying offer will qualify for band A.

### **Preference**

Those who do not have a primary school age child cannot receive this priority because such families have more options and less of a welfare need to stay in the local area. Those who meet the poverty threshold and who have at least 1 primary school age child will be deemed to have a welfare need for public rented housing, and hence covered by the statutory reasonable preference categories. It should also contribute towards sustainable estates with more working people living there than before, and will reward those who wish to be less dependent on welfare benefits (i.e. housing benefit payments are lower for public rented housing because the rents are lower than in the private sector, and taper off for those earning a wage).

### **Assessment of the working qualification**

- Living now and have lived in Harrow for at least 5 years continuously, not disqualified because of nationality rules, above threshold financial assets or any other reason, and pass the “current positive residence test” (see below) & working either in Harrow or in a borough adjacent to (or at a maximum of one remove\*) to Harrow.
- If not living in Harrow (e.g. in temporary accommodation outside the borough or have accepted a qualifying offer outside the borough) must be working in Harrow or in a borough adjacent to (or at a maximum of one remove\*) to Harrow.

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\* An example would be Watford which, although not immediately adjacent to Harrow, borders Three Rivers and Hertsmere which are adjacent, and has very good transport links to Harrow.

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- Currently working and provide proof of being in receipt of working tax credit.
- Evidence that they have been working for 9 out of the last 12 months.
- Contract(s) of employment can be permanent, temporary or self-employed.
- In order to qualify for band B in the working category (or if accepted homeless in band A “working”) the applicant must submit at offer stage working tax credit evidence, payslips (or a verifying letter on headed paper), P60, and bank statements covering the whole of the period since they applied for working status.

**Current positive residence test**

- No ongoing culpable involvement in anti social behaviour
- No outstanding debt over £100 to the council or a partner housing association
- No breach of council or housing association tenancy (within last 5 years)
- No serious offence within last 5 years

## Appendix 9 – List of tables in the scheme

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## **Appendix 10 – Financial resources**

### **Assessment**

If an applicant has sufficient financial resources to resolve their own housing need, or they unreasonably disposed of financial resources that could have enabled them to purchase/obtain their own accommodation, or they own other accommodation, they will be assessed either as:

- Disqualified, but able to access alternative housing options

or, in exceptional circumstances:

- Higher priority (e.g., elderly owner occupiers who cannot stay in their own home, cannot sell it, and need to move into sheltered accommodation).

### **Financial Assets**

All households applying for housing will be assessed for their ability to buy a property within the Borough. This will include applicants who have been accepted under homelessness legislation and to whom the authority owes a duty under sections 193(2) or 195(2). Assets that may be taken into consideration include but are not limited to savings, bonds, commercial property, residential property, property abroad and money apportioned through the proceeds of a divorce settlement. Other valuables owned (e.g. cars) may also be taken into account. Asset assessments will be conducted at the time of application and also before any offer of public rented housing is made.

### **Property owners**

We will not make an allocation where any applicant owns or part owns a property that they can live in (even if they are not currently living in it) or where, if they sold it, they could afford to buy another property. Property ownership, or a share in a property, where the value of the share is greater than the savings limit, will count as “above benchmark” financial resources. We may make exceptions to this rule in the case of vulnerable older people who have substantial or critical care needs.

If an applicant owns a share in a property but is unable to live there, for example, if their relationship has broken down, we will assess their financial circumstances on the basis of the money that could reasonably be expected to be released if the property were sold.

In determining whether an applicant is eligible to receive an allocation of housing, the Council will consider the following:

- Whether the applicant can sell their current home.
- The expected equity after the proposed sale of the property.
- The applicant’s current financial circumstances and commitments
- Whether the applicant will be eligible for a mortgage.
- The supply of economically realistic accommodation suitable for the applicant’s specific needs on the private market for either sale or rent.
- Whether the applicant’s housing need can be met in the private market, taking into consideration the cost of housing in and outside of Harrow.

- Whether adaptation of the present property is a viable option. Whether significant care and support needs would impact on the ability of the applicant to secure and maintain accommodation.

Where the Council agrees to assist a home owner with re-housing, the applicant must undertake to place their home on the open market immediately. They may not rent their home or make any financial gain while waiting to sell.

### Savings

Any applicant with savings over £24,000\* (in line with the threshold for child tax credit qualification) will not be eligible for public rented housing as they will be deemed to have enough financial resources to rent in the private sector. Deliberate disposal of assets in order to become eligible for an allocation will disqualify an applicant.

### Income

Applicants with gross incomes (including notional income from capital assets but disregarding disability benefits) in line with or above the income required for low cost home ownership (including shared ownership\*) properties by bed size will not be offered public rented housing. This is because they are deemed to have sufficient financial resources to enable the applicant and their household to find other suitable accommodation. The following household income eligibility limits are (as at September 2012) an absolute income cap; that is anyone earning above these limits (including notional income from capital assets but disregarding disability benefits) would be expected to move either to rent or buy independently.

Maximum joint household income to qualify for housing*				
Bed size	Typical shared ownership open market value house price	10% deposit	Minimum gross household income required to purchase	Maximum joint gross household income to qualify for public rented housing
1 bed	£195,000	£4,875	£26,000	£30,000
2 bed	£249,950	£6,249	£32,000	£38,000
3 bed	£350,000	£8,750	£44,000	£48,000
4 bed	£430,000	£10,750	£54,000	£60,000

NB: To check whether income is above the limit it will be necessary to check the Allocations Scheme on the Harrow website as the limits will be reviewed and updated annually.

### Important Note

\* The figures are as a 1 Sept 2012. The Council will review the financial limits at least every two years, to consider if they still apply, and will take into account any significant changes in: house prices in the borough, income level, the availability of affordable home ownership properties and private rents.

\* Shared ownership requires an absolute minimum income of £17,000, together with savings of at least £3,000 for legal fees and surveys etc. There is usually also a requirement to have at least 10% deposit in place for the value of the share to be purchased, so at least another £4,000 to £10,000 depending on the value of the property and the share on offer. Visit the Low Cost Home Ownership page on the Harrow website at [www.harrow.gov.uk](http://www.harrow.gov.uk) for more information

Intentional unemployment in order to become eligible for an allocation will disqualify an applicant. The Council will not make an allocation where, upon verification, we determine that an applicant can afford a mortgage to buy or part-buy a property by using their assets and income.

In assessing “intentional deprivation of assets” the council will follow Department for Work and Pensions (DWP) guidelines wherever possible.



## **Appendix 11 – Housing application assessment process**

### **Registration**

If the officer assessing the incoming application is satisfied that the applicant is eligible for housing they will make an initial assessment based on the information on the application form and any other information available, usually within 28 days. In some cases the application may be activated automatically from the information given on the form. If the application does not qualify for registration, the applicant will be sent a LIN number and a letter explaining the reason(s) for disqualification and, if the applicant lives in Harrow, how to access targeted online housing options and advice, as stated in sections 7.7 and 7.8 of the scheme. If the application does qualify for priority on the scheme, the system or the officer will register the application in the appropriate bedroom category and in one of the four priority bandings with the priority date being the date of registration. If, in order to confirm high priority, they need to check identification documents or supporting information such as medical evidence, or carry out a home visit, they will do this before registering the application, so these cases may take a little longer. We will write to applicants to tell them if their assessment is likely to take longer than 28 days and the reasons for it.

### **Decision letter**

We write to all those who have been assessed as eligible with:

- the Locata Identification Number (LIN)
- the assessed band and the reason for it
- the right to request a review if you consider any of your registration details to be inaccurate (see Appendix 4 for review procedure)
- how to access alternative housing options via the Locata website.

In addition, if assessed as band A\*, A, B or C, we advise the applicant of:

- how to bid for homes using the Locata website
- the priority date
- the maximum bed size for which the applicant can bid
- mobility group (physical disability level) if applicable

The preferred means of communication as stated on the application form will be used to communicate with the applicant (i.e. e-mail or posted letter).

### **Banding appeal**

If the applicant does not agree with their band or priority date they should first discuss the matter with a housing options officer, whose job it is to make sure that applicants fully understand how their banding has been assessed. It may be, for example, that we need more information in order to make a more accurate assessment. If the applicant remains dissatisfied with the decision they have a right to ask for a review to be carried out by our reviewing officer, who is someone senior to the person who made the decision and who was not party to making that decision. Before asking for this, however, we make applicants aware that the reviewing officer has the authority to lower as well as increase a band (see Review Procedure at Appendix 4).

**Keeping an application up to date**

Applicants must keep the housing department informed of any changes in their circumstances, e.g. when they move house, have a baby, or someone leaves or joins their household. If this results in a band change we will inform the applicant in writing of the new band, the reason for it and the applicable priority date, and of their right to request a review of the decision (see Appendix 4 on the review procedure). Failure to tell us about a change in circumstances which would boost priority means the applicant may miss out on an offer of housing. Conversely, failure to advise us of changes (such as a member of the household leaving) may result in an offer being withdrawn on the basis that we gave a higher priority than the applicant was entitled to.

**Checks before offers of housing**

*We always carry out a full verification check before confirming any offer and allowing a tenancy sign-up to take place. See Appendix 6 which explains the verification process. If, as a result of our inquiries, we believe that an applicant has knowingly withheld information with the intention of obtaining a public rented tenancy we may decide to prosecute for fraud.*

## **Appendix 12 – Debts and arrears policy**

### **All applicants**

No offer will be made to an applicant, even one who is owed the statutory reasonable preference, who owes the council or a partner housing association money (either rent, service charges, council tax or any other debt) and has refused to make, or has failed to keep to for a minimum of 3 months, an agreed repayment arrangement to repay the debt.

### **Accepted Homeless Households in temporary accommodation**

Homeless households in Council-provided temporary accommodation will be advised that, if they fall into rent arrears, their bids on Locata will be rejected until such time as the arrears are cleared or an agreement has been reached to clear the arrears and this agreement has been kept to for at least three months.

This policy will also apply when the applicant either:

- refuses to pay the rent, or
- fails to make a commitment to repay arrears, or
- fails to provide supporting information for a Housing Benefit claim.

Depending on the amount of the arrears and the nature of the agreement, discretion will be exercised to review cases and make the applicant eligible for an offer earlier or later than three months. Exceptions can be agreed by a team leader in the housing needs team to this policy, particularly for those cases in bands A\* or A.

### **Tenants**

Tenants, like homeseekers, are allowed to be members of Locata even if they have rent arrears. However, at the time that they bid for a property they must have a clear rent account. Their bids on Locata will be rejected until such time as the arrears are cleared or an agreement has been reached to clear the arrears and this agreement has been kept to for at least three months. Consideration will be given to varying this rule where other exceptional circumstances apply such as:-

- Tenants with rent arrears and urgent management, medical or social hardship priority in band A\* or A may be transferred at the discretion of the service manager responsible for tenancy management. In most cases, tenants will be less than 10 weeks in arrears or on Housing Benefit and have been reducing the arrears regularly for at least six months, or the urgency of the case is considered to warrant a move despite the arrears
- Tenants who need to move because they are underoccupying their current home or where a permanent decant is essential may be transferred despite rent arrears. Tenants in arrears who qualify for a tenants' underoccupation incentive payment will be transferred with the payment offset against the arrears.

## **Appendix 13 Processing applications from people over 60 years of age**

Members may indicate on the application form if they wish to be considered for sheltered accommodation. Relatives, social workers, or doctors may also refer them, or the Council's Medical Adviser may recommend sheltered accommodation.

Following registration a home visit is arranged for verification (see **appendix 6, Verification**).

The Visiting Officer will carry out a Sheltered Assessment, setting out, in detail, the member's ability to manage independently, any medical problems and how these may affect day to day activities, their present living conditions and any difficulties experienced in the accommodation.

At the home visit the member is asked if they are interested in other Locata partners' areas or in other areas of London or the country.

The Visiting Officer evaluates the Sheltered Assessment, taking into account the advice of the Council's medical advisor if applicable, and recommends that the applicant is either suitable or not for sheltered accommodation. Those who appear to need a higher level of support and or care are referred to the Social Services Elderly Care Management Team for an assessment of their suitability for extra care sheltered housing or Residential Care.

If members express an interest in sheltered accommodation outside west London, following agreement the completed assessment is sent to the relevant authority to decide if they are able to assist.

The housing options officer will advise members about Locata and explain how to bid and, if the person needs it, bid for properties on their behalf.

Members agreed for sheltered housing will be placed in band B unless there are other particular reasons to re-house which qualify them for a higher band.

Elderly members who do refuse to consider sheltered accommodation will be disqualified unless they qualify for a higher band for other reasons.

## **Appendix 14: Legally not defined as lettings and therefore not necessary to be covered by the allocations scheme**

1. An offer of accommodation to a tenant of Harrow Council who does not meet any of the grounds for priority in this scheme (such lettings will be very infrequent and justification for any such lettings will be noted on the tenancy file).
2. Statutory succession and assignment of a tenancy to the successor on the tenant's death (the procedure for making a non-statutory succession decision is described in appendix 7).
3. Assignment of a tenancy by way of mutual exchange.
4. Transfer of a tenancy by Court Order under family law provisions or under the Civil Partnership Act 2004.
5. Council initiated transfers (e.g. decanting to alternative accommodation to allow for major works to take place). Permanent (but not temporary) decants are normally done through the allocations scheme, but do not have to be if it is in the council's interest, especially in cases where the applicant refuses to co-operate in making an application to move.
6. Re-housing required because the council is displacing a person from their accommodation or needs to re-house them pursuant to the Land Compensation Act 1973.
7. A person being granted a family intervention tenancy.
8. Provision of non-secure temporary accommodation in discharge of any homelessness duty or power.
9. Lettings made by housing associations outside their nomination agreements with the council.
10. Allocations to individuals subject to the Multi Agency Public Protection (MAPP) arrangements (although we will usually assess according to the priorities set out in the scheme and make the person a direct offer, as per section 23 of the allocations scheme).
11. Offers of tied accommodation to council employees.
12. Urgent management transfer cases (although we will allow such cases to exercise choice wherever practical before making them a direct offer, as per section 23 of the allocations scheme).
13. Contractual duty to re-house council employees in tied accommodation (although we will allow such cases to exercise choice wherever practical before making them a direct offer, as per section 23 of the allocations scheme).

## **Appendix 15 – Lettings to staff, Board members of relevant organisations, council members, and relatives**

The following procedure must be undertaken to ensure that any lettings can be justified under a high level of scrutiny.

1. The housing applicant must have no direct input into any decisions about their re-housing. This includes no inputting of any data about their application into the housing needs databases nor assessing their own level of priority.
2. Staff members must not have any involvement in the inputting of application data or assessing priority for a relative.
3. Applications should be clearly marked on the housing databases that this is a staff member, board member, councillor or relative of any of these. The team leaders in the housing assessment team will keep a confidential record of all such marked applications.
4. When such an applicant has bid for a property and is showing near the top of a bidding list, or is to be made a direct offer, a “record of interest” note must be completed and signed off before any offer is made. The details of the offer must be scrutinised and signed off by the service manager responsible for housing assessment or housing provision.
5. Attached to the note must be copies of the computer screens of all appropriate information, including the Locata advert, the date the property was advertised, the shortlist from which the applicant is being offered, and any policy evidence for any applicants above them not being made the offer.

## Appendix 16 – Chart of bands, band reasons, priority dates, time limits and refusal consequences

Reason for band A*	Description of band A* priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
<b>Band A* – Emergencies and underoccupiers</b>				
<b>Guideline waiting time: 0 bed &amp; sheltered = 2 months, 1 bed = 3 months, 2 bed = 4 months, 3 &amp; 4 bed = 6 months</b>				
Emergency medical (group 1 emergencies)	<ul style="list-style-type: none"> <li>Exceptional circumstances when the applicant or a member of their household has a life threatening condition which is seriously affected by their current housing.</li> <li>OR:</li> <li>Housing conditions and/or other circumstances are having such a major adverse effect on medical condition or disability of the applicant or a member of their household as to warrant emergency priority</li> </ul>	Date approved as an emergency	We expect most medical & welfare emergencies to be re-housed within 3 to 6 months maximum. If there is a failure to bid, failure to attend a viewing or a refusal of a reasonable offer, one direct offer of housing will be made (see section 23)	Downgrade to band A if direct offer is also refused (groups 1 & 2).
Severe need (group 2 emergencies & group 21)	<ul style="list-style-type: none"> <li>Exceptional circumstances and/or multiple needs which warrant emergency priority, including risk of imminent significant harm to children or vulnerable adults.</li> <li>Ex-service personnel who qualify in band A or B, if they have urgent housing needs.</li> </ul>			
Emergency management transfer ( <i>transfers only</i> ) (group 12 emergencies)	<ul style="list-style-type: none"> <li>Exceptional circumstances because of significant and insurmountable problems associated with the tenant's occupation of the home <i>and</i> imminent personal risk to the tenant or a member of their household if they remain there (e.g. because of harassment). These transfers will be to properties of the same size and type (i.e. management transfers are always "like for like" – i.e. same number of bedrooms and flat to flat or house to house)</li> </ul>			(Management transfers group 12) downgraded to band C if direct offer is also refused.

Reason for band A*	Description of band A* priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
Enabling adoption or fostering (group 10)	<ul style="list-style-type: none"> <li>Where agreement has been reached to provide public rented housing on the recommendation of Children's Services as suitable to adopt or foster one or more children. In order to do this they need more appropriate housing but do not have the means to source the accommodation themselves. In these cases we will offer flexible tenancies which are unlikely to be renewed if fostering ceases.</li> </ul>	Date of approval/referral.	Normally 3 – 6 months. We will make a direct offer if there is a failure to bid, view or accept offers	Downgrade to band C if direct offer is refused
Underoccupa- tion ( <i>transfers only</i> ) (group 7)	<ul style="list-style-type: none"> <li>Applicant is willing to move to a property with fewer bedrooms or needs to downsize because their home is no longer affordable. They <i>may</i> be eligible for the Underoccupation Incentive Scheme*</li> </ul>	Date applied to downsize	No time limit	No refusal penalty <sup>♥</sup>

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\* If the applicant requests we may be able to re-house them and their adult child separately (for example if they need 2 bedrooms and live in a 3-bedroom home we could re-house in two separate 1-bedroom homes and give the tenant underoccupier priority for giving up 1 bedroom)

♥ If the applicant is moving because of unaffordability (because of the "bedroom tax" for public sector tenants on benefit) and gets into arrears, or their arrears increase, following a refusal or failure to bid, one direct offer will be made and notice of seeking possession issued if this is refused. Priority will remain A\* until re-housed, evicted, or the arrears are cleared.



Reason for band A	Description of band A priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
<b>Band A – Urgent and high priority cases</b> <b>Guideline waiting time: 0 bed &amp; sheltered = 4 months, 1 bed = 6 months, 2 bed = 1 yr, 3 bed = 2 yrs, 4 bed = 3 yrs</b>				
Medical hardship (group 1)	<ul style="list-style-type: none"> <li>Other than emergencies and cases of exceptional multiple need, reasonable preference for housing will only be given where current housing conditions are having a <i>major</i> adverse effect on the medical condition or disability of the applicant or a member of their household.</li> </ul> <p>N.B. Medical priority will not apply where the effect of housing conditions on health is comparatively moderate, slight or variable, because the prevailing housing conditions in Harrow find many people in that position without a need for public rented housing being indicated.</p>	Date medical information submitted that warrants a band A assessment.	Time taken to re-house will vary according to bed size & adaptations needed – not normally longer than 3 yrs in band A	Failure to bid, failure to attend a viewing or a refusal of 2 reasonable offers will result in downgrade to band C.
Severe social hardship (group 2)	<ul style="list-style-type: none"> <li>Multiple welfare needs that warrant high priority.</li> <li>Social care services or police/ probation or other welfare agency referral agreed by a housing assessment team leader for an urgent move in order to give or receive care and support as part of a care plan, because of a risk to a vulnerable person's independence in the current accommodation, or other social welfare reasons.</li> </ul>	Date all relevant information submitted that warrants a band A assessment.	In cases of risk of harm we will make a direct offer if failure to bid, view or accept offers.	Failure to bid, failure to attend a viewing or a refusal of 2 reasonable offers will mean downgrade to band C
Overcrowding and high priority hardship (group 3)	<ul style="list-style-type: none"> <li>reasonable preference for housing will only be given where overcrowding is severe, as defined in Section 21.2. This is because, in the prevailing housing conditions in Harrow, many people lack a bedroom without a need for public rented housing being indicated.</li> <li>with dependent children and living in insecure accommodation with no bedroom and lacking or sharing amenities.</li> </ul>	Date the tenant became severely overcrowded. <sup>♥</sup>	We will review any case not re-housed within the expected timescale.	Failure to bid, failure to attend a viewing or a refusal of 2 reasonable offers will mean downgrade to band C.

<sup>♥</sup> The date cannot precede the date the applicant actually made a transfer application.

Reason for band A	Description of band A priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
Statutory overcrowding ( <i>transfers only</i> )	<ul style="list-style-type: none"> <li>• Statutorily overcrowded as defined in Part X of the Housing Act 1985, the proviso that household members over 20 will not count towards the assessment unless they are giving or receiving care (see section 21 on overcrowding)</li> <li>OR</li> <li>• Court order to re-house</li> </ul>	Date the tenant became statutorily overcrowded <sup>v</sup> or court order issued	We will make a direct offer if there is a failure to bid, view or accept offers	Failure to bid, failure to attend a viewing or a refusal of 2 reasonable offers will result in downgrade to band C.
Unsanitary conditions	<ul style="list-style-type: none"> <li>• The applicant lives in a private sector property that the council's environmental health team has determined poses a category 1 hazard under the Housing Health and Safety Rating System and the council is satisfied that the problem cannot be resolved by the landlord within 6 months, and that continuing to occupy the accommodation will pose a considerable risk to health of the applicant or one of their household.</li> </ul>	Date the applicant reported the property to Environmental Health	We will review any case not re-housed within the expected timescale	Failure to bid, failure to attend a viewing or a refusal of 2 reasonable offers will mean downgrade to band C.

Reason for band A	Description of band A priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
Homeless & formerly homeless (QO) applicants who have at least one primary school age child and are working (groups 4 & 6 plus group 8)	<ul style="list-style-type: none"> <li>Applicants who are accepted homeless under S. 193(2) or S. 195 (2) of the 1996 Housing Act or S. 65 of the 1985 Housing Act*, or who were formerly accepted homeless and took a qualifying offer of private sector housing, who are in low-paid full time employment in Harrow (or in a borough adjacent to or at one remove from Harrow), have at least one primary school age child, and who are suffering financial hardship. (see appendix 8 for the full criteria)</li> </ul>	1 year after the date the applicant started working full time*	No time limit but at the date of the successful bid the applicant must be verified as meeting all the financial & other criteria for working priority.	No refusal penalty
Releasing adapted property or making the best use of adapted stock ( <i>transfers only</i> ) (group 9)	<ul style="list-style-type: none"> <li>At the council's discretion where there is an unmet need for the property occupied – e.g. where the tenant does not require walk-in shower or other wheelchair accessible features.</li> <li>Where the current property needs major adaptations in order to meet the household's needs and it is in the council's interest for the tenant to move.</li> </ul>	Date of transfer application or date the occupant with a disability deceased/ moved out.	We will review any case not re-housed within the expected timescale for the bed size.	No refusal penalty unless a direct offer is made to a tenant who needs adaptations, in which case demotion to band C will be considered.

\* provided Harrow has not decided to refer to another authority under S.198 of the 1996 Housing Act.

♦ The date cannot precede the date of the homeless application unless the applicant already had band A for some other reason when they started working full time.

Reason for band A	Description of band A priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
Tenancy succession/ occupiers holding over (group 11)	<ul style="list-style-type: none"> <li>Those without a right of succession and those occupying property of which they are not the tenant, if approved jointly by the tenancy management and housing assessment service managers for an offer of suitable alternative housing (see Appendix 7 on the assessment process for this).</li> </ul>	Date approved for re-housing	We will make a direct offer if there is a failure to bid, view or accept offers	Possession proceedings will be commenced usually after 3 - 6 months
Council interest transfers - Permanent decants (group 13) - Non-emergency management transfers (group 12) - Service tenants (group 14)	<ul style="list-style-type: none"> <li>Decanting needed from a property imminently required because of lease expiry or for essential works and the tenant will not be returning (e.g. development schemes)</li> <li>Agreed by the service manager for tenancy management for non-emergency transfer. These transfers will be to properties of the same size and type ("like for like" – see Section 19.3)</li> <li>Ex-service tenants (e.g. caretakers and sheltered wardens) where the council has a contractual obligation to re-house.</li> <li>Tenants on a flexible tenancy where it is decided that they still need public rented housing, but in a different property from their current home (see Appendix 7 on the assessment process for this).</li> </ul>	Date approved for re-housing	We will make a direct offer if there is a failure to bid, view or accept offers, or if there is a need for the property to be handed back before bidding is likely to be successful	Possession proceedings will be commenced usually after 3 - 6 months
Ex-tenant discharged from institution (group 15)	<ul style="list-style-type: none"> <li>Where a commitment has been made in order to get a tenant to relinquish their public housing tenancy on entering an institution such as a prison or nursing home. The priority will normally only be given for studio and 1-bedroom properties.</li> </ul>	Date of application	Normally 3 – 6 months. We will make a direct offer if there is a failure to bid, view or accept offers	Failure to bid, failure to attend a viewing or a refusal of 2 reasonable offers will result in downgrade to band C.

Reason for band A	Description of band A priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
Young people leaving care move-on quota (group 16)	<ul style="list-style-type: none"> <li>Approved for move-on by Social care Services as part of their annual fixed quota of studio and 1-bedroom properties, provided they meet the eligibility criteria set out in appendix 3.</li> </ul>	Date put forward to Housing for the quota	Normally 3 – 6 months. We will make a direct offer if there is a failure to bid, view or accept offers	Failure to bid, failure to attend a viewing or a refusal of 2 reasonable offers will result in downgrade to band C.
Supported housing move-on quota (group 17)	<ul style="list-style-type: none"> <li>Approved for move-on by the Supporting People Move-On panel (comprising representatives of council accredited supported schemes) as part of their annual fixed quota of studio and 1-bedroom properties.</li> </ul>	Date of panel meeting		
Move-on from residential care (group 18)	<ul style="list-style-type: none"> <li>Where agreement has been reached to provide public rented housing on the recommendation of a Social care service or equivalent that the person is able to live independently.</li> </ul>	Date all relevant information submitted to support suitability for independent living.	Expected to bid regularly and move fairly quickly or risk being downgraded to reduced preference band C	

Reason for band B	Description of band B priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
<b>Band B – Standard priority cases*</b> <b>Guideline waiting time: 0 bed &amp; sheltered = 1 year, 1 bed = 3 yrs, 2 bed = 4 yrs, 3 bed = 5 yrs, 4 bed = 6 yrs</b>				
Accepted homeless not included in band A (group 4)	<ul style="list-style-type: none"> <li>Applicants accepted homeless under S. 193(2) or S. 195 (2) of the 1996 Housing Act or S. 65 of the 1985 Housing Act who are occupying suitable temporary accommodation outside the M25 provided under the Housing Act 1996 Part VII, who do not meet the criteria for employment priority (as defined in Appendix 8).</li> <li>Applicants who applied as homeless after 08/11/12, for up to 1 year from the date of discharge of duty into a private rented sector property outside the M25.</li> <li>Another council has accepted the full duty under homelessness legislation and Harrow is satisfied that the council that owes the duty is unable to provide accommodation.</li> </ul>	Date applicant became roofless and was placed by the council in emergency or temporary accomm.	Expected to bid regularly and move fairly quickly or risk being downgraded to reduced preference band C	Failure to bid, failure to attend a viewing or a refusal of 3 reasonable offers will result in downgrade to band C
Previously accepted homeless “qualifying offer” applicants (group 6)	<ul style="list-style-type: none"> <li>Households who were accepted homeless and who have subsequently accepted a <i>qualifying offer</i> outside the M25 allowing them to remain in private sector accommodation after the duty has ceased, who do not meet the criteria for employment priority (as defined in Appendix 8). The applicant must renew their registration every year and continue to have a priority need in order to retain this priority.</li> </ul>		No time limits	Refusal of 3 reasonable offers will result in downgrade to band C

\* NB. Those protected for a transitional period of 1 year under the arrangements set out in section 6.6, 6.7 and 6.8 will adversely affect the waiting time for others newly assessed in this band, thus increasing the expected waiting times for band B applicants by about one year during the first year of operation of the new scheme. Sheltered applicants will, however, not be adversely affected.

Reason for band B	Description of band B priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
Older people approved for sheltered accommodation (group 19)	<ul style="list-style-type: none"> <li>Applicants (usually 60 years+, but exceptionally 55 years+) who are assessed as likely to benefit (e.g. by retaining their independence for longer) from sheltered or other specialist older people's accommodation.</li> </ul>	Date of registration or becoming eligible for older people's housing, whichever is the later	Expected to bid regularly and move fairly quickly or risk being downgraded to reduced preference band C	Failure to bid, failure to attend a viewing or a refusal of 3 reasonable offers will result in downgrade to band C
Working families (groups 8 & 9)	<ul style="list-style-type: none"> <li>Non-homeless applicants who meet the criteria for employment priority (as defined in Appendix 8), have at least one child of primary school age, and who are suffering financial hardship in the private sector, or are prevented by low income from moving to be independent of their extended family.</li> </ul>	1 year after the date the applicant started working full time*	No time limit but at date of successful bid applicant must be verified as meeting all the financial & other criteria for working priority.	Failure to bid, failure to attend a viewing or a refusal of 3 reasonable offers will result in downgrade to band C

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\* "Fulltime" as defined in appendix 8. The date cannot precede the date of the housing application.

Reason for band C	Description of band C priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
<p><b>Band C – Non urgent</b>  <b>There are no guideline waiting times for this band, as it is difficult to anticipate the frequency with which people in this category will be successful on Locata. This group will always be considered <i>after</i> other property bidders in bands A*, A and B.</b></p>				
<p>Other homeless people within the meaning of part VII of the Housing Act 1996, including those owed a duty by another borough</p>	<ul style="list-style-type: none"> <li>• Applicants accepted homeless under S. 193(2) or S. 195 (2) of the 1996 Housing Act or S. 65 of the 1985 Housing Act who are occupying emergency accommodation in any location or suitable temporary accommodation within the M25 provided under the Housing Act 1996 Part VII, who are in employment but do not have a child of primary school age, or are not in employment (as defined in Appendix 8).</li> <li>• Applicants who applied as homeless after 08/11/12, for up to 1 year from the date of discharge of duty into a private rented sector property in Harrow.</li> <li>• Applicants accepted homeless since 30/11/12 under S. 193(2) or S. 195 (2) of the 1996 Housing Act or S. 65 of the 1985 Housing Act who have refused a reasonable offer of private sector housing since they approached Harrow for housing.</li> <li>• No duty accepted because not in priority need or because found to be intentionally homeless (verification will be carried out at the time of any offer and, if the applicant is no longer homeless, or has spent some of their waiting time in suitable housing, no tenancy will be offered or, if now homeless again, their priority date adjusted).</li> </ul>	<p>date the applicant became homeless*</p>	<p>No time limits</p>	<p>No penalties</p>

\* The date cannot precede the date of the homeless application.



Reason for band C	Description of band C priority reason	Relevant priority date	Time limits for bidding	Consequence of Refusal
Previously accepted homeless “qualifying offer” applicants (group 6)	<ul style="list-style-type: none"> <li>Households who were accepted homeless and who have subsequently accepted a <i>qualifying offer</i> allowing them to remain in private sector accommodation within the M25 after the duty has ceased, and who are in employment but do not have a child of primary school age, or are not in employment (as defined in Appendix 8). The applicant must renew their registration every year and continue to have a priority need in order to retain this priority.</li> </ul>	Original priority date when first accepted homeless	No time limits	No penalties
Council & partner housing association debtors	<ul style="list-style-type: none"> <li>People who owe the council or one of our partner housing associations money– original band can be restored upon satisfying the criteria for arrangements to repay the debt.</li> </ul>	Original priority date in band A*, A or B		
Deliberate damage to Property	<ul style="list-style-type: none"> <li>people who, even though they are owed the statutory reasonable preference, have left their temporary accommodation or public rented housing in such a bad state, as judged on pre-inspection or by failure to allow access for inspection, that the cost of bringing it back to a lettable standard far exceeds the acceptable level of costs that would normally be incurred – if still living in the property original band can be restored upon the tenant making good the damage</li> </ul>	Original priority date in band A, B or C		
Serial refusers	<ul style="list-style-type: none"> <li>One reasonable offer refused (band A* emergencies)</li> <li>Two reasonable offers refused (band A urgent)</li> <li>Three reasonable offers refused (band B reasonable preference)</li> </ul>	Original priority date in band A*, A or B		

## **Appendix 17 - Confidentiality and Data Protection**

The Council treats housing applicants' personal information as confidential in accordance with data protection legislation. In normal circumstances, this information is only disclosed to landlords participating in the choice based letting scheme within Harrow (and outside where applicants bid on cross partner properties) to enable them to consider an application and to determine whether an offer of accommodation can be made. Applicants give their consent to this disclosure in completing the online housing application.

Personal information is only disclosed to other parties with applicants' consent or in exceptional circumstances where disclosure without consent is warranted, defined as follows:

- Where there are over-riding legal, social or public interest considerations, for example, a risk of serious harm to the person themselves or to others if the information is not disclosed, where there is a serious threat to another party's staff or contractors
- Where the information is required by a local authority department or its external auditors to carry out statutory functions
- Where the information is required by the police as part of a criminal investigation (Crime and Disorder Act 1998, Section 115)

Medical information obtained from an applicant's GP or other healthcare staff cannot be passed on without prior consent from the professional(s) involved.

All applicants for housing have the right to see information the Council holds about them, regardless of the date the information was recorded. This extends to their housing application records, and information about members of their family held for the purposes of that application. The right of access covers "personal" information, namely, factual information and expressions of opinion, which relate to a living individual.

In certain circumstances the Council may refuse access. This arises where, for example, the information:-

- may identify a third party and that party has not consented to the Disclosure;
- concerns an individual's health, and disclosure may cause serious harm to the wellbeing of the applicant; or
- is held for the purpose of prevention or detection of crime or in respect of some other legal proceedings

Requests for access to records must be made in writing to the officer dealing with the applicant's case.

**.../end...**