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Manual Outline and Scope

- 1) To provide supporting information to staff implementing the Council's allocation policies.
- 2) To comply with the Council's statutory duty to publish its housing allocation scheme and make it available to any member of the public on request.

i) Version Control

Date	Section	Version No.	Reason For Amendment
15.04.1997	All	1.0	First issue
09.09.1998	All	2.0	Full revision of content & format
27.07.2000	All	3.0	Departmental Reorganisation (Added Para19 Carpenters TMO)
01.05.2001	All	4.0	Full revision of content & format
09.11.2001	19	4.1	Revised to reflect true procedure at Carpenters
16.05.2003	All	5.0	Revisions to reflect changes to iSYS and CBL
04.03.2004	All	6.0	Full revision of content & format.
25.02.2005	All	7.0	Full revision to reflect staff re-organisation and policy/procedure changes that have been implemented since 04.03.2004

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General Introduction and Statement about Discretion

This Allocation Policy document sets out in detail the Council's general policies relating to the allocation of social housing and the procedures and processes used by officers to implement those policies.

To ensure fairness, the policies described in the document are applied consistently.

The individual circumstances of each applicant are considered in every case using the information provided by the applicant on their Housing Registration Form and subsequently upon any requests for additional information that may result from the answers that the applicant gives.

The policy allows for any provision to be considered and waived in exceptional circumstances and at the discretion of the appropriate senior officer with delegated authority (as stated in the Department's Scheme of Delegations). This would normally require a full report of the circumstances of the individual case to be prepared by a senior housing officer for the consideration of the delegated officer (currently the Head of Housing Needs).

1.0 LEGAL BACKGROUND

1.1 Housing Act 1996 Part VI – Allocation of Housing Accommodation

1.1.1 Allocation of housing accommodation

Section 159

- (1) A local housing authority shall comply with the provisions of this Part in allocating housing accommodation.
- (2) For the purposes of this Part a local housing authority allocate housing accommodation when they:
 - (a) Select a person to be a secure or introductory tenant of housing accommodation held by them,
 - (b) Nominate a person to be a secure or introductory tenant of housing accommodation held by another person,
 - (c) Nominate a person to be an assured tenant of housing accommodation held by a registered social landlord.
- (5) The provisions of this Part do not apply to an allocation of housing accommodation to a person who is already a secure or introductory tenant unless the allocation involves a transfer of housing accommodation for that person and is made on his application.
- (6) Subject to the provisions of this Part, a local housing authority may allocate housing accommodation in such a manner, as they consider appropriate.

1.1.2 Abolition of duty to maintain housing register

- (1) As a result of the introduction of the Homelessness Act 2002, local housing authorities are no longer required to maintain a housing register and accordingly sections 161 to 165 of the 1996 Housing Act (the Housing Register) shall cease to have effect.
- (2) After section 160 of the 1996 Act (cases where provisions about allocations do not apply), the following new section (160A) now applies:

1.1.3 Allocation only to eligible persons

Section 160A Allocation only to eligible persons

- (1) A local housing authority shall not allocate housing accommodation to:
 - (a) a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (3) or (5);
 - (b) a person who the authority has decided is to be treated as ineligible for such an allocation by virtue of section (7); or
 - (c) a two or more persons jointly if any of them is a person mentioned in paragraph (a) or (b)

- (2) Except as provided in subsection (1), any person may be allocated housing accommodation by a local housing authority (whether on his application or otherwise).
- (3) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (c.49) is (subject to subsection (6)) ineligible for an allocation of housing accommodation by a local housing authority unless he is of a class prescribed by regulations made by the Secretary of State.
- (5) The Secretary of State may by regulations prescribe other classes of persons from abroad who are (subject to subsection (6)) ineligible for an allocation of housing accommodation, either in relation to local housing authorities generally or any specific housing authority.
- (7) A local housing authority may decide that an applicant is to be treated as ineligible for an offer of housing accommodation by them if they are satisfied that:
 - (a) he, or a member of his household has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the authority; and
 - (b) in the circumstances at the time of his application is considered, he is unsuitable to be tenant of the authority by reason of that behaviour.

1.1.4 Applications for housing accommodation

Section 166 Applications for housing accommodation

- (1) A local housing authority shall secure that:
 - (a) advice and information is available free of charge to persons in their district about the right to make an application for an allocation of housing accommodation; and
 - (b) any necessary assistance in making such an application is available free of charge to persons in their district who are likely to have difficulty in doing so without assistance.
- (2) A local housing authority shall secure that an applicant for an allocation of housing accommodation is informed that he has rights mentioned in section 167(4A).
- (3) Every application made to a local housing authority for an allocation of housing accommodation shall (if made in accordance with the procedural requirements of the authority's allocation scheme) be considered by the authority.
- (4) The fact that a person is an applicant for an allocation of housing accommodation shall not be divulged (without consent) to any other member of the public.
- (5) In this Part "district" in relation to a local housing authority has the same meaning as in the Housing Act 1985 (c.68).

1.1.5 Allocation in accordance with allocation scheme

Section 167

- (1) Every local housing authority shall have a scheme (their “allocation scheme”) for determining priorities and as to the procedure to be followed in allocating housing accommodation.

For this purpose “procedure” includes all aspects of the allocation process, including all the persons or descriptions of persons by whom decisions are to be taken.

- (1A) The scheme shall include a statement of the authority’s policy on offering people who are to be offered housing accommodation:

- a) a choice of housing accommodation; or,
- b) the opportunity to express preference about the housing accommodation to be allocated to them.

- (2) As regards priorities, the scheme shall be framed so as to secure reasonable preference is given to:

- a) people who are homeless (within the meaning of Part 7);
- b) people who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any such authority under section 192(3);
- c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- d) people who need to move on medical or welfare grounds; and
- e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).

The scheme may also be framed so as to give additional preference to particular descriptions of people within the subsection (being descriptions of people with urgent housing needs).

1.1.6 Information about the allocation scheme

Section 168

- (1) A local housing authority shall publish a summary of their allocation scheme and provide a copy of the summary free of charge to any member of the public who asks for one.
- (2) The authority shall make the scheme available for inspection at their principal office and shall provide a copy of the scheme, on payment of a reasonable fee, to any member of the public who asks for one.

- (3) When the authority make an alteration to their scheme reflecting a major change of policy, they shall within a reasonable period of time notify everyone on their housing register, explaining in general terms the effect of this change.

1.1.7 Co-operation between registered social landlords and local housing authorities

Section 170

Where a local housing authority so request, a registered social landlord shall co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority on the authority's housing register.

1.1.8 False statements and withholding information

Section 171

- (1) A person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part:
 - a) he knowingly or recklessly makes a statement which is false in a material particular; or
 - b) he knowingly withholds information which the authority has reasonably required him to give in connection with the exercise of those functions.

1.2 **Housing Act 1985, Clause 92 (mutual exchanges)**

- (a) Every "secure" council and housing association tenant (and some "assured" housing association tenants) has the legal right to exchange their tenancy by way of assignment.
- (b) Before an exchange can take place the tenants must get the written consent of their respective landlord(s). Such consent can only be withheld on one of the grounds given in Schedule 3 of the Housing Act 1985. These are:
 - Where the tenant, or proposed assignee, is under a court order to give up possession; proceedings for possession have commenced, or a Notice of Seeking Possession has been served.
 - The accommodation offered is substantially larger than the assignees reasonably require.
 - The accommodation was let as a consequence of employment and forms part of, or is in the grounds of, a non-housing building or a cemetery.
 - The landlord is a charity and the proposed assignee's occupation would conflict with its objectives.
 - The accommodation offered is not reasonably suitable to the needs of the assignee (e.g. it is too small).

- The accommodation was designed for a physically disabled person, or the landlord is a "special needs" housing association, or the accommodation is sheltered, and if the proposed assignee moved in there would be none with the relevant needs in occupation.
- (c) If a landlord wants to rely on one of these grounds for refusal, a notice specifying the ground and reason for using it must be given to the tenant within 42 days of the request for consent. If the landlord gives a reason for refusal that is not in Schedule 3, consent is treated as given.
- (d) The only condition the landlord can impose before the consent given is actually used is that the tenant complies with any outstanding obligation of the tenancy and pays any outstanding rent (if no conditions are imposed the tenant can use the consent at any time).

2.0 CHOICE BASED LETTINGS (CBL) AND DIRECT OFFERS

2.1 Introduction

From 9 September 2002 the London Borough of Newham moved from a needs based points system to a choice based allocation scheme called ELLC Choice Homes. Newham and other housing providers including registered social landlords have joined together to increase applicant choice in line with the Government's view that: *allocation policies for social housing should provide choice for applicants wherever possible, while continuing to meet housing need* (Allocation of Accommodation – code of guidance for local housing authorities, November 2002).

The Government has made a target that by 2005 all housing providers will move to making applicant choice a key factor in any allocation policy they adopt. Newham has therefore made the decision to implement choice early in that timetable.

2.2 Initial assessment of applications

For the purposes of the choice-based scheme, applications are placed broadly in one of three applicant groups by the Allocations Officer/Assistant, based on information supplied by the applicant on the registration form:

Priority Homeseeker (pH)

This group contains those applicants (both Council tenants wanting to transfer and general housing applicants) whose circumstances are such that they fulfil one or more of the 'reasonable preference' (RP) criteria defined in s167 Housing Act 1996 (see 1.1.6).

Homeseeker (H)

This group contains those applicants (not including Newham Council tenants applying for a transfer) who do not fulfil any of the RP criteria.

Tenant Seeking a Transfer (T)

This group contains Newham Council tenants who are applying for a transfer who do not fulfil any of the RP criteria.

2.3 Direct offers

Additionally, and after appropriate assessment, some applicants within these groups may receive direct offers of accommodation. These 'direct offer' groups are:

- Additional Preference (Emergency Rehousing)
- Multiple Needs
- Underoccupation Transfers
- Decants
- Special Schemes

2.4 Additional Preference Group (emergency rehousing)

This group contains applicants with exceptional circumstances and who need to move urgently on harassment, medical or social/welfare grounds.

2.4.1 Harassment grounds

Applicants with an assessed emergency rehousing need on harassment grounds are, in the case of Newham Council tenants, referred to the Lettings Agency by the Rents & Enforcement Section (Community Housing) and are authorised by the Enforcement Manager. In the case of other applicants, such cases are referred by the Housing Aid Centre and are authorised by the Housing Aid Centre Manager. These referral agencies have their own procedures for determining and agreeing emergency rehousing status, but this would normally involve people who would be in serious danger by remaining at their current address and where perpetrator action has either been unsuccessful or considered to be inappropriate.

2.4.2 Medical grounds

Applicants who have been assessed by the Housing Department's Medical Assessment Officer (MAO) as having a medical condition that is so severe that it is impossible for them to live in their current homes. More information is given in Section 11 (Medical Assessments).

2.4.3 Social/welfare need grounds

Emergency rehousing status on social/welfare grounds is authorised by a joint Housing/Social Services panel, containing senior officers from both departments. The panel considers referrals from social workers, and the Social Services Department have their own procedures for referrals to the panel. The criteria (one or more must apply) for emergency awards in this category are:

- Likelihood of admission to residential care of a family member if rehousing is not made.
- Likelihood of a child being accommodated by the local authority if rehousing is not made.
- Discharge from hospital or residential care is required and is prevented by the housing situation.
- A child experiencing abuse needs to be moved away from the perpetrator.
- The applicant, or member of their household, is at serious risk of harm either to themselves or to other people in their present accommodation.

In addition, the following conditions also have to be met:

- The applicant is receiving significant support from the Social Services Department.
- The applicant's wellbeing is seriously affected by their housing situation.

- The applicant cannot reasonably be expected to find accommodation for him or herself.

2.5 Multiple Needs Group

This group comprises applicants whose households are entitled to reasonable preference in the allocation of housing on more than one of the RP grounds (see 1.1.6). The Lettings Agency will conduct an additional assessment of the needs of these applicants in order to determine whether the household should be accorded any additional preference to that already being given because of their position in the pH group.

The mechanism for carrying out the assessment is the completion of a proforma (see 2.13 at the end of this section) by an Allocations Officer/Assistant, either at the initial assessment stage or after an applicant's circumstances have changed in such a way that they should be afforded a reasonable preference within the allocation scheme on more than one ground. The assessment is endorsed by a senior manager within the Lettings Agency.

For the purposes of the assessment, the test used for determining overcrowding is non-permissible statutory overcrowding as defined in the Housing Act 1985. If an applicant's overcrowding was brought about through natural growth during the period of their tenancy (e.g. through the birth of children), this is 'permissible' overcrowding as defined in the Act and is not taken into account in the assessment.

Following the assessment, applicants will be notified in writing of the decision.

2.6 Underoccupation Transfers

These are transfers for council tenants who are occupying accommodation larger than their needs and are willing to move to smaller accommodation.

Underoccupation transfers are entitled to two direct offers, and have free choice of district and property type in respect of these offers.

Underoccupation transfers have priority over all other cases (except emergency rehousing cases). Those tenants vacating 4-bedroom or larger accommodation have priority over other council interest underoccupation cases.

Where a council tenant qualifies for a transfer under this scheme the Lettings Support Team (Special Schemes Officers) must write to the applicant informing them of their ability to restrict their district of choice/property type requirements.

The Special Schemes Officer updates the applicant's computer records, by including them on the underoccupiers' list.

The Special Schemes Officer makes personal contact with the applicant to discuss rehousing options and compensation amounts available.

Any subsequent offer results are recorded on the iSYS "offer record" using the following codes:

2BDRM	Releasing 2 Bedrooms
3BDRM	Releasing 3 Bedrooms
4BDRM	Releasing 4 Bedrooms
5BDRM	Releasing 5 Bedrooms
6BDRM	Releasing 6 Bedrooms.

2.7 Decants

The decant group includes those where a household must be rehoused as a result of Council action, such as major repairs, rehabilitation or improvement works or Environmental Health enforcement action. Rehousing may be either on a permanent or temporary basis. Council tenants made homeless as a result of fire or flood are also dealt with as an emergency decant.

Decants are prioritised by date order in which rehousing is required. The original application date is replaced when decant status is agreed.

A monthly report listing all outstanding decant cases is available on the iSYS reporting service. The Lettings Support Team (Special Schemes Officers) monitor all cases listed to check the progress of decant cases on a regular basis.

In the case of an individual Council property, the decision to award decant status, and whether rehousing is to be temporary or permanent, is taken by the Tenancy Services Manager (TSM) within the appropriate Community Housing Team who then refers the case to the Lettings Agency using a standard proforma. The TSM makes this decision following consultation with relevant staff within the Repairs & Maintenance Division.

All decant cases are registered using the following rehousing codes on iSYS:

EMERGE	Decant 3 Months
HIGH	Decant 6 Months
MEDIUM	Decant 9 Months
LOW	Decant 12 Months

2.7.1 Temporary or Permanent Rehousing

With the exception of decants due to Closing or Demolition Orders, private sector applicants are offered only temporary rehousing by the Council until their property has been reinstated.

Decisions about whether a council tenant is temporarily or permanently rehoused depend on a number of factors. The Community Housing Team makes such decisions at a very early stage, in consultation with the Repairs & Maintenance Division and the tenant. In all cases, temporary rehousing must be considered as the first option. However, permanent rehousing may be provided where:

- (a) the tenant is unable to manage two moves on medical grounds or because of their age. This must be confirmed by the Medical Assessment Officer. However, if the tenant is over 70 years old no confirmation is required; or
- (b) the property is being reduced in bedroom size and the tenant's household would be too large for the improved dwelling; or
- (c) the tenant is being decanted because of major repairs and these repairs will take an excessively long time; or
- (d) the tenant is already registered for a transfer, and it is considered preferable to accelerate their rehousing instead of temporary decanting.

Where temporary rehousing is required, and the tenant is unable to find their own alternative accommodation with family or friends, the council will provide:

- bed and breakfast for decants less than 4 weeks in duration;
- non-secure council stock for decants lasting more than 4 weeks.

2.7.2 Sign-ups

The sign-up procedure for both permanent and temporary decants is given in section 8.

2.7.3 Compensation payments

Details of the various types of compensation payments, the level of payment, and method of administration for processing payments made to applicants who are either decanted on a temporary or permanent basis are given in section 10.

2.7.4 Allocations

Where an applicant is to be offered temporary or permanent rehousing on a decant basis, the applicant completes and returns a Housing Registration Form. The Special Schemes Officers create an application record on the iSYS computer system, using the appropriate decant code.

2.7.5 Block decanting programmes

When deciding how to decant an entire block (i.e. on a floor by floor basis), the decant programme should:

- (a) consider the needs of tenants who are vulnerable in terms of racial or sexual harassment, age, medical condition, or other social factors;
- (b) have regard to the need to minimise the possibility of discriminatory effects; and
- (c) be reported to the Director of Housing for agreement, prior to implementation.

2.8 Special Schemes

There are a number of individual schemes, which the Housing Department operates which are administered by the Lettings Support Services Team (Special Schemes Officers).

These cases receive one direct offer of accommodation. Any medical requirements must be investigated at the time of the application and not at the offer stage. If no medical conditions are stated on the registration form then they can be offered any type of accommodation and any floor level.

2.8.1 Fostering and Adoption Scheme

The Housing Department gives assistance to the Social Services Department by providing a small quota of three bedroom units to enable families to foster children on a short-term basis, thereby overcoming the need to place children in residential care.

The Placement Services (Fostering & Adoption) team in the Department of Social Services decides which case to nominate. The Placement Services team asks the applicant to complete a Family Registration Form, and sends this, together with a covering memorandum requesting that the case be considered through the Fostering & Adoption Scheme.

Upon receipt of the completed form, the Special Schemes Officer registers the applicant on the iSYS computer system, using application category "FOSTAD", Where a nominee is not an existing Newham Council tenant, an investigation visit is then arranged in order to confirm the nominee's general eligibility for rehousing.

Applicants may be offered either council or housing association property.

Any medical requirements must be assessed at the time of the application and not at the offer stage.

2.8.2 Leaving Care Scheme

The Housing Department gives assistance to the Social Services Department by providing a quota of units for young adults who are either leaving long-term care, be that a residential or foster home environment, or any other child for whom the Local Authority has a responsibility under the Children Act 1989. These are mainly one bedroom units, but a small quota of 2 bed units is available for sibling sharers and young parents.

The aim of the scheme is to provide independent living for vulnerable teenagers.

The 'Leaving Care Team' (SSD) decides which cases to nominate. Applicants must meet the following criteria:

- 1) The young person has been looked after or placed on a residence order with a family member other than parent, by Newham Social Services for a minimum of six months.
- 2) The young person must be at least 18 years old. In exceptional circumstances, under 18's will be rehoused when approved by the Service Manager, Young People's Team.
- 3) A satisfactory assessment is carried out by the social worker and young person, to ensure that the young person has adequate basic skills to live independently.
- 4) There is an after-care agreement in place for the young person.

The Leaving Care Team helps the care leaver to complete a housing application form and sends it, together with a covering memorandum (including details of the name and contact number of the applicant's social worker) to the Special Schemes Officer.

Upon receipt of the necessary documentation, the Special Schemes Officer registers the applicant on the iSYS computer system, using application category "LEAVEC".

Leaving Care applicants may be offered either council or housing association property.

Any medical requirements must be assessed at the time of the application and not at the offer stage.

2.8.3 Hostel Move-On

A quota of 1-bed units is given to various organisations that provide hostel accommodation for single homeless people in Newham that have a move-on requirement. The quota is distributed on the basis of 'notional' turnover of residents and performance in terms of successful referrals from the Council's Housing Advice Service.

Hostel residents may be nominated under this scheme by these organisations where the applicant is in need of settled accommodation and unable to secure it for themselves. If this does not apply, they cannot be accepted through the Hostel Move-On Scheme, but are advised to register on the housing list in the normal way.

Where the resident is eligible for nomination through the Hostel Move-On Scheme, they complete the housing application form, which the hostel sends together with a covering letter to the Special Schemes Officer. The applicant is then registered on the iSYS computer system, using application category "HOSTEL". An investigation visit is then arranged in order to confirm the nominee's general eligibility for rehousing.

Hostel Move-On applicants receives one direct offer of accommodation. If any medical requirements are stated on the Registration form these must be assessed at the time of application, before any offers are made.

Hostel Move-On applicants can be offered any type of property and any floor level unless specific medical recommendations are made in advance.

2.8.4 Retiring Council Employees

This scheme provides alternative permanent rehousing to council employees with service tenancies on termination of employment through retirement, redundancy or resignation. In addition, where a caretaker dies in service, their partner is rehoused in accordance with the caretaker's entitlement under this scheme.

Retiring Council Employees have a range of entitlements depending on their level of service as a caretaker and employing department these are:

- (a) Caretakers who were in service at the 31st December 1989 and have been in post for:
- more than 15 years if less than 50 years old, or
 - more than 10 years if 50 years or older,

on the 31st December 1989 do not have to move. In these circumstances, the Head of Community Housing Services has authority to make the tenancy secure.

The only exceptions to this are where:

- (i) the property is designated as a caretaker unit and required by a successor; or
- (ii) the person is currently occupying a 4-bed unit, and is under-occupying by 3 bedrooms,

in these cases the entitlements outlined in (b) below apply.

- (b) Where the exceptions outlined in section 2.7.4(a) apply, will be rehoused according to the following:
- (i) caretakers who need a one or two bedroom property, as determined by the reasonable offer policy, will be entitled to an extra bedroom;
 - (ii) caretakers who need a 3 bedroom property or larger, as determined by the reasonable offer policy, will not be entitled to an extra bedroom.
- (c) Caretakers with more than 2 years' service but less than 15 years if under 50 years of age or less than 10 years if over 50 years old as at the 31st December 1989 are only entitled to their needs.

- (d) Caretakers who were not in service at 31st December 1989, but have two or more years' service, are only entitled to an offer in accordance with council policy, regardless of age/length of service.
- (e) Caretakers with less than 2 years' service are not entitled to any permanent rehousing assistance through this Scheme. They may, however, apply for rehousing via the general waiting list.

All caretakers rehoused through the Retiring Council Employees Special Scheme are entitled to offers of low-rise accommodation of no more than 8 storeys.

The employing department notifies the Special Schemes Officer of any employee who qualifies for rehousing through this scheme at least 6 months before the termination date, giving details of:

- (a) the date of termination of employment
- (b) employment history with Newham including relevant dates
- (c) a completed Housing Registration form.

The Special Schemes Officer registers the applicant on the iSYS computer system, using application category "RETIREM". A copy of any subsequent offers must be sent to the contact officer in the relevant department.

2.8.5 Travellers Move-On

The Housing Department provides permanent rehousing assistance on a yearly basis for two families who want to move from the official travellers' site at Clays Lane. The Community Housing Officer (Stratford Community Housing Team) responsible for managing the site informs the Special Schemes Officer of any applicants requesting rehousing, who then registers the application on the iSYS computer system, using application category "TRAVELL".

2.8.6 Mobility-In

Newham participates in the HOMES Mobility Scheme, which helps households who need to move to Newham from other local authority areas, for example on employment or social grounds.

Newham also gives a number of units to the HOMES Central Quota, which provides permanent accommodation for single homeless people living in hostels throughout London.

In terms of non-council tenants, the nominating authority and the Special Schemes Officer must carry out a formal joint assessment before accepting the nominee where:

- (i) the applicant is in need of settled accommodation and unable to secure it for himself or herself, the applicant can be accepted through the HOMES Mobility Scheme.
- (ii) the applicant does not meet the criteria given in (i) they cannot be accepted through the HOMES Mobility Scheme and the nomination must be rejected.

All Mobility-In applicants are entitled to one offer in line with their bedroom requirements and may be offered any type of property unless there are medical requirements that are taken into account by the Medical Assessment Officer at the time the application is accepted. Mobility-In applicants may be offered either council or housing association property

The Special Schemes Officer registers applicants who are being made an offer through any of the schemes on the iSYS computer system. Any subsequent offer results are recorded on the lettings schedule using these codes:

HOMESL	HOMES (London)
HOMESN	HOMES (Special Needs)
HOMESUK	HOMES (Rest of UK)
RECIPLA	Reciprocal (Other LA)
RECIPRSL	Reciprocal (RSL)

2.9 Applicants in direct offer groups who have property-related debts

Where an applicant within any of the direct offer groups mentioned above has a property-related debt to the Council, such as rent arrears relating to an existing or former Council tenancy, the policy detailed in section 3 (at 3.2.2) applies.

However, where the applicant qualifies for compensation payments, and the payments offset all arrears resulting in a credit rent balance for the applicant, the debt will be disregarded. The following should also be noted:

- (a) where an applicant is eligible for discretionary compensation payments equivalent to Home Loss, the Council can withhold some or all of the payment to offset the rent arrears without the approval of the tenant. In these cases, the payment will automatically be paid directly into their rent account. The Community Housing Officer will advise the applicant that the payment, if made, will be used for this purpose.
- (b) where the applicant is entitled to statutory Home Loss compensation payments the Council can only withhold payment with the approval of the tenant. In these circumstances, formal authorisation must be given by the applicant to waive some or all of the compensation payment to offset their rent arrears, before an offer is made.

2.10 Choice of property type and area requirements for direct offer groups

Applicants in these groups may be offered any property type unless there are medical requirements, which will be taken into account if the Medical Assessment Officer has assessed them before an offer is made.

Applicants in the underoccupation transfer group however, can choose the type of property they are willing to accept.

The property offered to direct offer groups may be either council, or housing association property.

Applicants must choose at least four of the seventeen 'lettings areas' within Newham but should be encouraged to choose as many areas as possible in order to maximise their chances of rehousing.

2.11 Property allocation – CBL or direct offer

It is expected that the majority of properties will be let through CBL through advertisements in the ELLC Choice Homes magazine/website. However, even if a property has been advertised it may be withdrawn before the end of the bidding cycle in exceptional circumstances.

The Principal Officer (Lettings Support Team) in consultation with the Allocations Manager decides which 'void path' (CBL or direct offer) a property will take. This will depend on the number of direct offer cases queuing and any specific rehousing schemes being undertaken by Newham Council at a particular time. For example the supply of properties going to CBL may be reduced when there are large numbers of permanent decants to be achieved to fulfil any requirements of a particular regeneration scheme such as New Deal for Communities or the Canning Town Regeneration area.

When the Lettings Agency receives details of a property these are input onto the Novalet computer system (the 'front-end' system for CBL) to create a property record that is used in the advertisement. Those that are subsequently identified by the Principal Officer (Lettings Support Team) and/or the Special Schemes Officers for a direct offer case are removed from Novalet prior to any deadlines for the advertising of properties.

Properties advertised are open to bids from all eligible applicants within the Priority Homeseeker (pH) and the Tenant Seeking a Transfer (T) categories (see 2.2).

Some properties advertised, because of their special characteristics, may be restricted to bids from clients above a minimum age (such as sheltered housing, or housing in blocks or individual units that have been specially identified for older applicants) or to clients who have special needs (such as wheelchair-accessible housing).

Properties advertised are generally not open to bids from the Homeseeker (H) group except in the case of sheltered accommodation and occasionally where properties are proving difficult to let, as agreed by a senior Lettings Agency manager.

2.12 The Choice based lettings process

2.12.1 Advertisements

Properties identified for CBL are advertised every second Wednesday in the Choice Homes magazine and on the dedicated website at: www.ellcchoicehomes.org.uk. Adverts provide property, location, landlord, rent and other relevant details to provide information to applicants. There is also, in most cases, a photograph of the property/block. The magazine is distributed to all

Local Service Centres and libraries. Where an applicant is housebound, or lives outside Newham, the magazine can be posted on request.

The property adverts also indicate which categories of applicant may bid for the properties.

2.12.2 Bidding

Applicants may bid (apply) for up to two properties in every fortnightly cycle. Bids are made either by calling the bidding hotline number (0845 650 4125 – local call charges apply), or by using the website. When bidding, applicants need to have to hand their housing registration number, the date of birth of the lead housing applicant, and the reference numbers of the properties they are applying for. This information will need to be entered when an applicant makes a bid.

Once a bid has been placed, the system will check that the applicant is eligible to bid and that the properties they are bidding for are appropriate to their circumstances. The system will also inform the applicant of their position in the queue, at the time the bid is placed, for that particular property. Queue positions will change as other bids are placed, so the system allows applicants to subsequently transfer their bids to other properties.

Bids are accepted from the Wednesday of publication of the property adverts through to midnight of the following Tuesday.

2.12.3 Procedure following close of bids

When bidding closes, the bids received for each property are ranked according to the length of time the households bidding have been registered on the Housing List. Once ranked, the lists are provided to the Lettings Agency. Allocation Officers then allocate the properties from the list in ranking order. If necessary, subsequent eligibility checks, including investigation visits, may be required before the allocation is made and the property offered (or, in the case of RSL properties, before a nomination is made). Should any offer be refused, the list is used again by an Allocations Officer to find the next candidate, and so on until the property is let. The offer process is described in Section 6.

2.12.4 Allocations to applicants in the 'Tenant Seeking a Transfer' (T) category

As stated above (2.10), eligible applicants in the Tenant Seeking a Transfer (T) category may bid for all advertised properties in order to allow some tenants to move to alternative properties of the same bedroom size. However, the total number of tenants in this category rehoused in any single financial year (April-March) will not exceed 5% of the total number of applicants rehoused via the choice-based (advertising) process. This is in order to ensure that the Council continues to fulfil its responsibilities to afford a reasonable preference in its allocation scheme to applicants in one of the groups defined in s167 of the Housing Act 1996 (see 1.1.6). To achieve this, the Lettings Agency monitors all lettings on a monthly basis. Should the 5% ceiling be exceeded in any one month,

applicants in the 'T' group may be restricted from bidding for an appropriate period to redress the balance to ensure the annual 5% ceiling of lettings to this group is maintained.

2.13 Miscellaneous

2.13.1 Rehousing outside normal policy where there are exceptional circumstances - delegated authority

The Head of Housing Needs and the Divisional Director (Regeneration & Sustainability) have delegated authority from the Council to agree rehousing outside policy in *exceptional circumstances*. This will normally apply where there are special cases not covered by normal allocation rules, which warrant special priority. For example, additional priority to ensure a speedier offer may be requested.

Where a delegated decision is requested, the relevant Community Housing Services Team/Housing Advice Service/HPU will prepare a report containing all of the relevant facts. The report will initially be checked and then endorsed by the relevant Tenancy Services Manager, Housing Advice Centre Manager or HPU Manager, who then refers the report to the Head of Lettings Agency. The Head of Lettings Agency will pass the report to the Head of Housing Needs/Divisional Director together with any recommendations/comments.

2.13.2 Residential caretakers

Residential caretakers, such as wardens in sheltered housing schemes and caretakers/door porters on estates, who are employed by Newham Council, are given accommodation as a condition of their service.

The property allocated will depend on household size, based on normal allocation criteria, up to the maximum bedroom size available. It will also be a flat or a maisonette (but not a house).

When they are appointed, the Estate Services Manager, in consultation with the Tenancy Services Manager, will identify a property for them, with the help of the Registration & Allocation Team. In relation to wardens, this will normally be a designated flat within the sheltered scheme in which they will be employed.

The Tenancy Services Manager must authorise any offers made and must liaise with Housing Personnel to ensure that the employment conditions of service are complied with. The Lettings Service carries out any subsequent sign-up documentation.

Where an existing residential caretaker requires a transfer due to a change in household size, the Estate Services Manager identifies a suitable property and obtains approval from the Tenancy Services Manager before making any offers. However, where a sheltered housing scheme warden requires a move, and there are no employment vacancies of the correct size in any of the other sheltered schemes, the Director of Housing may authorise alternative accommodation off-site.

Residential caretakers do not pay rent on their service tenancies, but are liable for optional service charges such as insurance, garage, heating. Where applicable these are entered on the tenancy agreement under the rental charges.

The Allocations Team registers the applicant on the iSYS computer system using the special scheme category and the appropriate sub-category.

2.13.3 Homeless households - non-secure rehousing

Due to the severe housing crisis most homeless households accepted by Newham are unable to be directly rehoused and have to spend time in temporary accommodation prior to being offered a permanent home.

In addition to bed and breakfast, hostels, private sector leasing and housing association leasing, some Council properties may be used as non-secure temporary accommodation for homeless families.

The households that are offered non-secures will normally consist of the following:

- single people
- single pregnant women
- couples
- couples where the women is pregnant
- parent/guardian with up to two children
- couples with one child

The policy on choosing applicants for a non-secure offer is made by the Allocations Team in consultation with HPU.

The Allocations Team (HPU) creates applications on iSYS for non-secures. When a suitable property is identified the Allocations Team telephones the Allocations Team (HPU) to nominate a case for the property. The Allocations Team enters details of the offer on the iSYS computer system.

Council stock that has been let on a non-secure basis must, upon vacation, be re-let on a permanent basis.

2.14 **Multiple Needs Assessment Form**

This assessment of Additional Preference (AP) is to be conducted following an initial assessment that a household's housing needs fall into more than one Reasonable Preference category. If there is a positive response to any of checks 1 or 2 the AP assessment is not required.

Title:

Allocation Policy - Section 02

Issue Date: 25.02.2005

Multiple Needs Assessment of Additional Preference Form

This assessment of Additional Preference (AP) is to be conducted following an initial assessment that a household's housing needs fall into more than one reasonable preference category. If there is a positive response to any of checks 1 or 2 the AP assessment is not required.

Checks	If Yes	If No
1) Current Housing Prospects Could the household currently secure suitable housing through the East London Lettings Company (ELLC) Choice Homes service?	Advise households of East London Lettings Company (ELLC) Choice Homes service & check household know how to use it.	Continue
2) Homelessness Is the household homeless or owed a duty of homelessness?	Liase with Homeless Persons Unit to ensure circumstances have been properly assessed and that suitable temporary accommodation is available.	If no suitable temporary is available, score 1 in box below and continue <input type="checkbox"/>
Assessment		
1) Unsatisfactory Accommodation Is the household's current accommodation statutorily overcrowded or subject to Environmental Health abatement action?	Score 1 in box below and continue <input type="checkbox"/>	Continue
2) Housing Related Health/Welfare Does more than one member of the household have reasonable preference to move on medical grounds. If yes score one for each additional member of the household.	Score 1 in box below and continue <input type="checkbox"/>	Continue
3) Hardship Has the household a need to move to another part of the Borough to avoid hardship?	Advise of transport services. If transport services not appropriate score 1 in box below and continue <input type="checkbox"/>	Continue
Assessment		
Total score from assessment questions 1, 2 and 3 and check question 2		<input type="checkbox"/>
1 = no Additional Preference 2/3 = AP will be made one direct offer of a suitable property 4 or more = AP+ where a property becomes available suitable for several AP cases it will be offered first to AP+ case.		

Signed: _____

3.0 WHO QUALIFIES FOR REHOUSING

3.1 Who can register on the Allocation Scheme?

Persons over 16 years of age and living in Newham, or with a strong local connection with Newham (as described below) can normally be registered on the Housing List, subject to some exceptions given in 3.3 below.

3.1.1 Local connection rules

People registering on the Housing List who live outside Newham, where they have a strong local connection with the borough, can be considered in the same way as applicants who live in the borough.

'Local connection' applies when at least one of the following conditions is met:

- (i) Have lived 3 years out of the last 5 in Newham
- (ii) Have lived 6 months out of the last 12 months in Newham
- (iii) Have employment in Newham
- (iv) Have close relatives who presently live in Newham and who have lived in Newham for at least the previous 5 years. (Close relatives are defined as parents, children, brothers and sisters.)
- (v) Newham tenants living in one of the out borough estates at Brentwood, Rainham or Aldersbrook
- (vi) Split households where one applicant lives in Newham and it is reasonable to include others as part of their household
- (vii) Households where Newham has accepted a duty under the homelessness legislation (Part VII of the Housing Act 1996 and the Homelessness Act 2002)
- (viii) Applicants placed in a women's refuge outside Newham who were referred there either by the Council or another organisation in Newham and who lived in Newham immediately prior to occupying the temporary accommodation
- (ix) Applicants who have been placed in such accommodation by the Council or the Health Authority, and who are continuing to receive services from the Council or Health Authority
- (x) Members of Her Majesty's forces who have completed five years service and enlisted from an address in the borough or will have permanent employment in Newham
- (xi) Households nominated to the London Borough of Newham through the HOMES Mobility Scheme.

The Local Authority Association Joint Local Connection agreement contains full details of what constitutes a local connection.

Where an applicant does not meet at least one of the above residency criteria, they may still register, but they will be given less priority than other applicants. Because of the huge housing demand from local residents and others with a connection to the borough, this would mean that such applicants are unlikely to be offered accommodation. Where this applies, they will be informed in writing.

Where an existing applicant registered on the waiting list subsequently moves out of Newham, their applications will still be considered in the normal way as long as they continue to fulfil the local connection requirements.

3.1.2 Homeless households placed in Newham by other local authorities

A number of local authorities use temporary accommodation in Newham for their homeless households. Applicants who in the opinion of the London Borough of Newham are owed a duty under Part VII of the Housing Act 1996 by another local authority are entitled to register on the Council's Allocation Scheme, but they will not normally be considered for a housing allocation.

Where this applies, they must be informed in writing and a copy of the letter is kept on the applicant's file.

Where the particular local authority discharges its duty under Part VII of the Housing Act, and the applicant remains in Newham, or remains having a local connection with Newham, the application then becomes active and the iSYS records updated accordingly.

3.1.3 Housing association tenants

Housing association tenants may apply and be considered for inclusion on the Housing List in the same way as other applicants. They should, however, be encouraged to apply to their own landlords for inclusion on their transfer schemes, where appropriate.

3.1.4 Owner occupiers

Unless exceptional circumstances apply, any applicants who own their homes, or own residential accommodation elsewhere, will not normally be considered for a housing allocation, although such applications will be registered on the Housing List. The applicant is notified of this in writing and a copy retained on the file.

Where an owner-occupier requests permanent rehousing from the Council, they will normally be referred to the Housing Advice Centre who will offer practical advice about how to resolve their housing need. This may be, for example, by way of renovation grant/disability adaptations to enable them to remain in their current home, advice about alternative housing options in the private sector, or a referral to the Homeless Persons Unit.

Where an owner occupier cannot remain in their current home, for example on harassment or medical grounds, and there are exceptional circumstances, a report may be presented to the Head of Housing Needs (under delegated authority) to authorise rehousing.

Exceptional circumstances are when the applicant has the required priority for an offer and:

- (i) for "**general needs**" accommodation, are unable, in the opinion of the Housing Advice Service, to resolve their housing need by repurchasing/renting in the private sector;

- (ii) for "**special needs**" accommodation (e.g. sheltered housing), are unable to find suitable alternative accommodation within the private sector, regardless of the financial circumstances of the applicant.

Where the Head of Housing Needs (under delegated authority) agrees rehousing the applicant will be required to sell their home. However, the actual sale may take place after they have accepted an offer from the Council.

Reports are also submitted to the Head of Housing Needs for approval of the temporary decanting of owner-occupiers, whilst renovation grant-aided works are being carried out, where they are unable to find their own temporary accommodation.

In addition, there may be owner-occupiers who are seeking rehousing as a consequence of action arising from the Land Compensation Act 1973 (as amended). This may be, for example, the result of a Compulsory Purchase Order. In these cases, the Council may have a statutory obligation to re-house owner-occupiers who are unable to find "suitable alternative accommodation on reasonable terms". This may be on a temporary or permanent basis. Therefore, where a rehousing obligation for an owner-occupier arises under the Land Compensation Act 1973 (as amended) the report to the Head of Housing Needs must have regard to the legal obligations contained within the statute.

3.2 Other situations where applicants may be given less (or no) priority

3.2.1 Applicants who have unreasonably refused an offer

Applicants who have unreasonably refused their entitlement to offers under a direct offer rehousing scheme will be removed from the relevant scheme. However, they may still be considered under the rules of the normal choice-based allocation scheme.

3.2.2 Applicants who owe the Council money

Applicants who have any property-related debts (such as rent arrears, council tax arrears or a housing benefit overpayment) to the Council, either relating to their existing home or a former home, are normally given less priority than other applicants when being considered for offers of accommodation, or when being considered for a nomination to a Registered Social Landlord for housing, until such time as they clear all debts owed.

The decision about whether an applicant owes the Council money will normally be made as part of the visit/investigation process. Prior to the actual visit or investigation taking place, the Investigation Officer will carry out the following checks:

- In respect of rent arrears relating to an existing or former tenancy, the Investigation Officer will check on the iSYS rent accounting system or directly with the Rent Arrears Team/Formal Tenant Arrears Team to see if a debt exists.
- In respect of council tax arrears, the Investigation Officer checks the Council Tax computer system to see if there are any arrears for the end of the last or any previous financial years.

Any council tenant who has breached the terms of a suspended possession order cannot be made an offer without the express approval of the Director of Housing.

Council tenants in rent arrears who wish to be nominated through one of the "HOMES" schemes are also subject to rules that are given in Section 13.

3.2.3 Private sector applicants who are in substantial rent arrears with their landlords

Applicants with rent arrears owed to their landlords who are not existing tenants of the Council and who, in the Council's opinion, could reasonably have paid the arrears, are also normally given less priority than other applicants.

Rent arrears checks will normally be carried out at the visit/investigation stage. The Investigation Officer will check tenancy agreements and rent books, if any.

If it appears that the applicant has rent arrears, the Investigation Officer will ask questions to find out why, and warn the applicant that this might affect whether or not an allocation is made.

The Investigation Officer will then refer the case to the Housing Advice Service to judge whether it is reasonable to afford the applicant less priority. The Investigation Officer will request the Allocations Team to temporarily defer the applicant on the iSYS computer system.

The Housing Advice Centre may wish to interview the applicant further, or simply check their files. A decision to afford the applicant less priority should not be recommended unless the applicant is considered wilfully at fault.

If the Housing Advice Centre is satisfied that the applicant could reasonably have paid they will ask for the applicant to be considered in the normal way for an allocation. In these cases, the Allocations Officer will amend the applicant's computer records accordingly.

Where this occurs the applicant must be informed in writing. A copy of the letter is kept on the applicant's allocations file.

Where the Housing Advice Centre is satisfied that the applicant has cleared the debt or, in the opinion of the Housing Adviser, the arrears are technical or a reasonable arrangement has been made to clear the debt, they will ask the Applications Team to ignore the debt for the purposes of determining the applicant's priority.

3.2.4 Right to Buy & Transfers

Where a Council tenant has submitted a Right to Buy application, an offer of rehousing can only be made if the tenant has not accepted their Section 125 Offer Notice, after which time the rehousing application is deferred on the iSYS computer system.

Upon receipt of the standard notification from Home Ownership & Leasehold Services that the offer acceptance stage has been reached, the Allocations Team defer the applicant on the iSYS computer system and enter a text note indicating the reason for the deferment. A letter is sent to the tenant, a copy of which is retained on their allocation file.

Once the council tenant has completed the Right to Buy, the deferment on iSYS records is amended to show the applicant is now an owner occupier. The applicant is sent a letter and a copy is retained on their allocations file. Any subsequent requests for rehousing are determined by the rules relating to owner-occupiers given in 3.1.4

3.2.5 Joint Council tenants

Where an existing Council tenant wishes to apply for a transfer, the Allocations Officer checks with the appropriate Community Housing Team if a joint tenancy exists. Where a joint tenancy exists, and the rehousing application does not include all parties to the tenancy, the applicant will be registered on the iSYS computer system as a general list case.

No offers can be made to the applicant that results in their existing property being under-occupied, without the specific approval of the Head of Housing Needs (under delegated authority). In these circumstances, a text note should be entered on the applicant's computer records to indicate that such approval is required.

3.2.6 Applicants under investigation

This procedure applies to:

- (a) Applicants who are being investigated as to the correctness of information supplied by to the Council;
- (b) Applicants who have been adjudged to have provided fraudulent information to the Council in support of their application.

Many of the issues thrown up by the application form or visit will be factual issues. Some of these may require further investigation e.g. of property ownership or of immigration checks, to establish eligibility. These cases should be temporarily deferred on the iSYS computer system.

In many cases, applicants will have provided wrong or inadequate information on their application form but there is no reason to suspect deliberate fraud.

The first judge of this should be the Investigation Officer. If they are satisfied, then the applicant's iSYS computer records will simply be amended and the routine procedure will be carried out.

If the Investigation Officer has concerns, these should be discussed with the Senior Officer in the Lettings Support Team who will decide if they:

- (i) are satisfied that there is insufficient evidence to defer the applicant on these grounds;

- (ii) want more information to be gathered locally before a decision can be made;
- (iii) feel they there is insufficient evidence at the moment but wants a formal fraud investigation;
- (iv) are satisfied that the applicant has provided fraudulent information.

The Visiting & Investigation Officer may seek advice from the Chief Executive's Audit Section, and should notify the Registration & Allocation Manager and Head of Lettings Agency in all cases where fraud is suspected.

Applicants should not be deferred simply on the basis of suspicion - there must be some evidence. In cases that are *self-correcting* we would normally take no further action.

If an applicant has given incorrect information at the time of the application/visit that subsequently comes to light, this could be deliberate concealment of a debt, or an eviction, or a deliberate worsening of circumstances. In these cases, a correct deferment will be an adequate response, with a warning letter being sent.

The Investigation Officer may recommend some checks themselves if they have any doubts about the information provided.

In other cases the putative fraud may be reasonably obvious, for example, the applicant may admit that they have tried to claim a priority they are not entitled to, in that a household member doesn't exist. The self-correcting principle should be applied here in the first instance, and a warning letter should be sent. In other cases the applicant may not admit it, but it is still obvious e.g. they have failed to demonstrate that they live where they are supposed to. In these cases, the applicant will be treated as a non-qualifying person, and they will be advised that they have a statutory right of review if they wish to challenge the decision. If they cannot prove the household membership claimed they will be registered only on the basis of the family members we are willing to accept.

If there is a second offence, or the Principal Officer in the Lettings Support Team considers that the fraud to be deliberate and serious, and adequately proved, they may defer the applicant directly on grounds of fraud. However, this should be done in consultation with the Allocations Manager, Head of Lettings and the Head of Housing Needs who may also decide on further action that should be taken. This is a permanent deferral and will apply to any subsequent applications from another address. The applicant must be advised that this has been done and given the reasons why. In these cases, the applicant's computer records are updated with a text note "Fraudulent Information Provided". There is no provision for lifting this deferment other than through an exceptional circumstance report.

Where the Principal Officer in the Lettings Support Team is satisfied that there is a reasonable prospect of fraud, but this cannot definitely be resolved on the evidence available, nor by simple routine enquiries, they will defer the application for investigation. They will then make a referral to the Allocations Manager for further investigation.

The Allocations Manager will not investigate potential frauds, but will make a recommendation as to what needs to be done. The Allocations Team will carry out any deferral or other action (including sending out the appropriate letter) as requested by the Allocations Manager.

In cases where it is suspected that the applicant does not live where they say they live, a check should be made whether there is a Housing Benefit claim. If there is, the case should be referred to the **Fraud Investigation Team** (Department of Finance) *regardless of what action is taken to the application itself*. Housing Benefit checks may also be appropriate if there are suspicions about the rent being claimed, or about household composition.

3.2.7 Applicants who request temporary suspension of their application

Applicants who have specifically stated that they do not wish to be considered for an offer at the present time may be deferred on the iSYS computer system.

The applicant is sent a letter confirming that they have been deferred, and that they should inform the Allocations Team when they wish to be considered for an offer.

3.3 **Circumstances where applicants may not be registered on the Housing List**

3.3.1 Immigration and Persons from Abroad status

Households will not be entitled to register on the Housing List where they are subject to specific exclusion on the grounds of their immigration status, or persons from abroad, as defined in s160A (1)(a), (3), or (5) of the Housing Act 1996 and associated statutory instruments.

Staff should refer to the information contained in the relevant parts of Chapter 4 (and annexes) of the Code of Guidance for Local Housing Authorities (ODPM, November 2002) for guidance on this issue.

A senior manager within the Lettings Agency must endorse any exclusion on this basis.

3.3.2 Unacceptable behaviour

Applicants may be excluded from registration on the Housing List if, in the past, their behaviour as a tenant of the Council, or the behaviour of a member of their household, has not been acceptable and there are reasonable grounds to believe that the applicant will not, therefore, be a suitable future tenant. An example of this might be where an applicant was previously evicted from accommodation because of serious anti-social behaviour or rent arrears. Applicants in these circumstances may, however, sometimes be allowed to register on the Housing List but are either given no preference in the allocation scheme, or given less preference than others when determining priority between applicants. The procedure and guidelines to be followed are given below.

Staff should also refer to the information contained in the relevant parts of Chapter 4 (and annexes) of the Code of Guidance for Local Housing Authorities (ODPM, November 2002) for guidance on this issue. All decisions must be endorsed by a senior manager within the Lettings Agency.

Procedure

- a) The Crime & Anti-social Behaviour (C&ASB) Legal Officer (LO) in the Enforcement Team, or Senior Enforcement Officer (SEO) in their absence, will notify the Head of Lettings at each stage of the court proceedings. Notification will include full names (including aliases), date of birth, last known address(s) the date and stage of action taken and (where appropriate) the duration of the order. If known, the iSYS person number will be included.
- b) The Head of Lettings will arrange for agreed action, and a letter to be sent to the applicant informing them of this decision. This letter will include their right to review.
- c) The LO will keep lettings informed of changes in status.
- d) The LO will send complete lists every six months to the Head of Lettings.
- e) The Head of Lettings will send lists periodically to the LO for checking.
- f) Reviews will be dealt with by the lettings quality and review section. C&ASB input will be provided on request. Where a review is on the basis that behaviour is not likely to continue, the Lettings Agency will obtain a report on the current situation from the C&ASB team. Applicants who disagree with the outcome of a review can seek a judicial review of the decision.
- g) The above applies to all applicants, including those who have been accepted as homeless.
- h) Where the C&ASB wishes the policy to apply to someone not in accommodation provided by the council, an assessment of the evidence and the behaviour will be carried out jointly by the LO and EIM/SEO and a decision made.

Schedule of Action Possible

Stage of Action	C&ASB	Lettings Agency	Duration
NOSP served	No action	No action	No action
Proceedings issued to Court	LO notifies lettings	Less priority in relation to others**	Until final court hearing
Undertaking to Court	No further action		Maximum of 1 year
Interim injunction	No further action		Maximum of 1 year
Final Injunction	LO notifies lettings	No preference*	For duration of injunction (up to 2 years)

			maximum)
Suspended PO	LO notifies lettings	Less priority in relation to others	Usually for duration of suspension, but no more than 2 years)
Demoted tenancy	LO notifies lettings	Less priority in relation to others	For duration of demotion (usually one year)
Outright Possession Order	LO notifies lettings	No preference	Until eviction
Eviction	LO notifies lettings	Excluded from Registration	Usually 5 years from date of eviction

*Less priority in relation to others means that if the applicant makes a bid for a property through CBL, they will be given less priority than other bidders. In the case of applicants within one of the groups who are made direct offers, they are given less priority than other applicants in the same group when being considered for an offer of a suitable property.

**No preference means that the applicant is placed in the Homeseeker category and is not normally eligible to make bids under CBL. Such applicants would not be considered for inclusion within any of the groups who are made direct offers.

Where applicants are excluded from registration, the Allocations Team enter the appropriate deferment code on the iSYS computer system.

Nominations to other Local Authorities and RSLs

Where an applicant has less priority in relation to others or no preference, they will not be nominated to other local authorities. If a nomination has already been made and the council is approached for a reference, the anti-social behaviour allegations will be made known to the receiving local authority. This information must be accurate and officers must make clear whether allegations have been proven in court or not.

Private sector applicants who are subject to a court order for breach of tenancy conditions

Applicants who are not existing tenants of the Council and who are subject to a court order or an interlocutory order for breach of tenancy conditions in their present dwelling are not entitled to register on the Housing List.

Checks will normally be carried out at the visit stage. The Investigation Officer will ask the applicant directly if there are any court orders outstanding against them, and record any details given.

Where the applicant states they there is an outstanding court or interlocutory order against them for breach of tenancy, the Investigation Officer will refer the case to the Housing Advice Service, who will then judge whether it is reasonable to defer the applicant.

The Investigation Officer will request the Allocations Team to temporarily defer the applicant on the iSYS computer system.

The Housing Advice Centre may wish to interview the applicant further, or simply check their files. A deferment should not be recommended unless the applicant is considered wilfully at fault.

If the Housing Advice Centre is satisfied that the applicant is wilfully at fault they will ask for the applicant to be excluded from the Housing List. In these cases, the Allocations Officer will enter the appropriate deferment code on the applicant's iSYS computer records.

Where this occurs the applicant must be informed in writing. A copy of the letter is kept on the applicant's allocations file.

Where the Housing Advice Centre is satisfied that the applicant is not at fault, they will ask the Registration & Allocation Team to remove the deferment.

3.3.3 Right of review

Applicants excluded have a statutory right to have the decision reviewed – see Section 16 for further details.

4.0 REASONABLE OFFERS – DIRECT OFFER GROUPS

4.1 Introduction

The reasonable offer policy represents the current rehousing standards by which allocations and decisions on reasonableness of offers and refusals are made for applicants receiving a direct offer of accommodation.

Criteria by which permanent offers are made are given in this section. The reasonable offer policy as it affects *temporary* rehousing is given in Section 3.

4.2 Size of bedrooms

In determining the needs of a particular household regard must be given to the following:

- (i) A couple are entitled to a double bedroom (2 bedspaces)
- (ii) A single person may be offered a studio (bedsit) or a one bedroom property
- (iii) Single people who are, or have been HIV symptomatic or have an AIDS diagnosis, must not be offered a bedsit.
- (iv) Single people who have overnight access to children must not be offered a bedsit.
- (v) Pregnant women do not qualify for a bedspace for their unborn child until the birth of the child.
- (vi) Adult siblings of the same sex and generation, who are children, grandchildren or nephew/nieces of the applicant are expected to share a bedroom regardless of age.
- (vii) Adult brothers, sisters and cousins of an applicant and same sex sibling applicants are entitled to their own separate bedroom. This means, for example, if two brothers apply for rehousing together they will be classed as a 2-bed need.
- (viii) Non-sibling adults, other than partners, are entitled to a separate bedroom.
- (ix) Children of any generation, sibling or non-sibling, are expected to share a bedroom unless the children are of opposite sex and one of them is eight or older. For example, where a household consists of a child and nephew of the applicant, they will be expected to share a bedroom until either one reaches the age of 18 (same sex) or the age of 8 (different sex).
- (x) Where a property has two living rooms, the second reception room is counted as an additional bedroom, providing the first living room is 110 square feet (10.22 square metres) or larger.

It is also important to have regard to the number of people a property can accommodate. For example, a property consisting of one double and one single bedroom could not be allocated to a household with 2 children. The table below gives an indication of bedroom requirements by size of household.

<u>Bedsit</u>	Single Person (including pregnant woman)
<u>1-bed</u>	Single Person or Couple (including pregnant woman)
<u>2-bed</u>	Parent/s + 1 child <u>or</u> Parent/s + 2 children of the same sex <u>or</u> Parent/s + 2 children of opposite sex if both under 8
<u>3-bed</u>	Parent/s + 2 children of opposite sex where 1 is over 8 <u>or</u> Parent/s + 3 children <u>or</u> Parent/s + 4 children if: (a) all are of the same sex; (b) 2 of each sex; (c) 3 of same sex, 1 of different sex, and 1 of each sex is under 8
<u>4-bed</u>	Parent/s + 3 children of same sex and 1 of different sex, where child of different sex is over 8 <u>or</u> Parent/s with 5 or more children

Three bedroom properties with 3 double bedrooms can only be offered to families with at least four children

There may be occasions where a household will be offered larger or smaller accommodation. These are:

- (a) Where an additional bedroom is required on medical grounds, as outlined in 11.
- (b) Where a household is prepared to accept smaller accommodation. This may be, for example, where 4 brothers apply for rehousing together, but are prepared to forego their separate bedroom entitlement for an improved chance of an offer. Offers can only be made in these circumstances where the applicant agrees to this in writing and the overall permitted occupancy of the property, in terms of the rehousing standards outlined above, is not exceeded.
- (c) Council Interest Underoccupation Transfers may opt to have an extra bedroom.

- (d) Retiring Council Employee Special Scheme applicants who require 1 or 2-bedroom accommodation may be entitled to an extra bedroom depending on their length of service (see Section 2.7.4).
- (e) Occasionally, there may be no priority need cases on the 4-bed and 5-bedroom access queues due to the space standards of the property. Where this occurs, allocations can be made to applicants providing this does not result in *underoccupation* of the property. In these cases, the allocating officer will match the personage of the household with the personage of the property. For example, a 4-bedroom 6-person property, in the absence of priority cases on the 4-bed list, could be offered to a household on one of the 3-bedroom priority lists that consisted of 6 persons, i.e. parent(s) and 4 children.

4.3 Space standards

Allocations are based on the number of bedrooms there are in the vacant property. The following space standards are used to measure the inadequacy of an offer in terms of size. In measuring space standards, children under 8 are only counted as $\frac{1}{2}$ a person.

<u>Area of Room</u>	<u>Number of Persons</u>
110 square feet/10.22 square metres or more	2
90 square feet/8.36 square metres or more but less than 110 square feet/10.22 square metres	1½
70 square feet/6.5 square metres or more but less than 90 square feet/8.36 square metres	1
50 square feet/4.65 square metres or more but less than 70 square feet/6.5 square metres	½
Less than 50 square feet/4.65 square metres	0

Individual room measurements are not required when making an offer to any particular household. However, it is assumed that these standards will not be breached.

Where a household has a member with mobility difficulties or a wheelchair user there may be additional space requirements to meet their needs. This will be considered on the advice of the Occupational Therapists (Social Services Department) as part of the accompanied viewing procedure.

4.4 Type of property

Most applicants do not have any choice of property type. However, in determining the needs of a particular household regard must be given to the following:

- (a) Underoccupation Transfers may limit the property types they are willing to accept;

- (b) Any medical recommendations made declared by the applicant, which the Medical Assessment Officer assesses before an offer is made; and
- (c) The Head of Housing Needs (under delegated authority) may agree to property type restrictions/requirements as a result of exceptional circumstances not covered by Council policy.

4.5 Condition of the property

Where a property is handed over to the Lettings Agency for allocation it will either be ready for immediate occupation, pre-allocation or for an accompanied viewing whilst works are in progress. In some cases, there may be outstanding minor works, repairs or decorations that will be carried out prior/or during occupation of the incoming tenant. In either case, the property will be habitable by the time the new tenant takes up occupation and will be a reasonable offer.

4.6 Area of choice

Each applicant must specify a minimum number of Lettings Areas in Newham where they are willing to be rehoused. They may choose more than the minimum number if they wish. The number differs between rehousing groups, and a summary is given below.

REHOUSING CATEGORY	MINIMUM NUMBER OF LETTINGS AREAS
Emergency rehousing cases Decants Leaving Care Scheme applicants Hostel Move-On applicants Fostering and Adoption Scheme applicants Travellers Move-On Mobility-In Scheme applicants	FOUR
Underoccupation Transfers	UNRESTRICTED

Newham Council tenants who live on one of the out-borough estates in Dagenham, Havering or Brentwood do not have to choose any in-borough districts. They may restrict their choice to areas within the same borough in which they currently live.

Applicants cannot specify certain properties, blocks, streets, or areas within a particular district that they are willing to accept, subject to the exceptions given in 4.7.

4.7 Exemptions from minimum area choice requirements

There are a number of exceptions to the area choice requirements:

- (a) Applicants being rehoused through the Fostering & Adoption Special Scheme may restrict their districts of choice to less than 4 to avoid living near to the natural relatives of the adopted child providing the Social Services Department confirm that this would be in the best interests of the child.
- (b) Where a member of the applicant's household needs to regularly attend a special school, day centre, hospital etc., on a long-term basis and there is a mobility or transport problem.
- (c) Where a member of the applicant's household needs to remain in, or move to, a specific area to continue receiving/providing care.
- (d) Applicants being rehoused as a result of harassment may specify less than 4 areas where:
 - (i) they have experienced harassment;
 - (ii) there is fear of further violence from the perpetrator;
 - (iii) the property is close to the homes of friends or relations of the perpetrator from whom they fear further violence.

In addition, where there is fear of violence, the applicant can also exclude specific streets/areas within a district of their choice where they would be at risk of further violence when this is supported by an agency such as the Police.

Where an applicant requests an exemption from the minimum area choice requirements the Allocations Officer (AO) decides whether it meets the above criteria.

Where the request meets the criteria listed above, the AO gives details of the case and recommended action in writing to the Allocations Manager for decision. The applicant is informed of the decision and a record is kept on the allocation file. If the request is refused the applicant can make a complaint through the Council's complaints procedure, details of which are given in Section 15.

Where the request does not meet one of the specified criteria and the AO supports the exemption, a report may be submitted to the Head of Housing Needs for approval under delegated authority. Where officers do not support the request, the applicant can complain through the normal complaints procedure.

4.8 Offers of housing association property

The Council has nomination rights to housing associations operating in Newham (and occasionally outside Newham). Applicants cannot choose to be specifically allocated a housing association or London Borough of Newham property.

5.0 MAINTENANCE OF HOUSING LIST

5.1 Registration

Any person who requests housing assistance from the Council is given a housing registration form to complete.

Upon receipt of the completed registration form, the Allocations Assistant checks that:

- (a) the applicant is at least 16 years of age. If not, the procedures outlined in section 3 apply.
- (b) the applicant lives within Newham. Where the applicant does not live in Newham, and does not meet the criteria applicable to non-Newham residents, the procedures outlined in section 3 apply,
- (c) the applicant does not have an existing application (which is not closed or deleted) registered on the iSYS computer system. Where a current application already exists:
 - (i) the new registration form is linked-up with the previous application;
 - (ii) any change in circumstances, e.g. family composition, is updated on the iSYS computer system;
- (d) full details of the household are available, including the sex, dates of birth and relationship of any household members listed;
- (e) full accommodation/tenancy details are available:
 - (i) where the applicant states that they own or have owned residential property the procedures outlined in section 3 apply;
 - (ii) where the applicant states that a member of their household has a tenancy elsewhere, the Allocations Team will request full details, which are retained on file;
 - (iii) where the applicant is a Newham council tenant, the Allocations Assistant must confirm with the relevant Community Housing Team if the applicant is a joint tenant and that all members of the tenancy are included in the application. Special rules may apply in these circumstances, details of which are given section 3.
 - (iv) where the applicant meets the criteria of the Underoccupation Transfer Scheme, a Special Schemes Officer writes to the applicant informing them of their entitlements to free choice of district, property type and in some cases an extra bedroom (see section 2 for full details).

Where the applicant indicates that they have medical problems, or any other special housing requirements (either on their registration form, verbally, or in

writing) the Allocations Assistant sends them a medical assessment application form. The medical assessment process is detailed fully in section 11.

Where the applicant indicates that they would like disability adaptations to be carried out at their current home, details should be given to the relevant Community Housing Team (for Council tenants) or Housing Advice Service (for non-Council tenants).

Where the applicant states that the repair condition of their home is poor or very poor, and they have not previously informed the Council of this, the applicants are referred to their Community Housing Team (for Council tenants) or Housing Advice Service (for non-Council tenants).

If the applicant is a Newham Council tenant and makes a statement on the form that they are receiving domestic violence, racial, or other forms of harassment, the Allocations Assistant reports this to the appropriate Community Housing Officer in writing or by e-mail.

Where the application does not have all the necessary information or has not been correctly filled in, and the information can not be obtained through other sources, the Allocations Assistant requests the missing information in writing.

Where the application is complete, the Allocations Assistant loads the details onto the Applications Registration Database for record keeping and monitoring purposes, and assesses the form. The Allocations Assistant registers the applicant on the iSYS computer system. Full details are given in the iSYS Computer System User Manual. The Allocations Assistant also updates any record keeping systems accordingly.

New applications are loaded onto the iSYS computer system by the Allocations Team. An acknowledgement letter, automatically generated by the computer, is sent directly to the applicant by Computer Services (Director of Finance). This acknowledgement letter advises the applicant of their application number, registration date, rehousing category and details of the choice based lettings scheme.

5.2 Changes of circumstances

When notified of a change in the applicant's circumstances, either verbally or in writing, an Allocations Officer/Assistant amends the relevant iSYS computer records to reflect the change. This may be, for example, a change in address, household size, bedroom requirement, or district of choice, or rehousing priority.

Where re-assessments lead to an applicant being awarded "emergency" or "decant" status, a Special Schemes Officer (Lettings Support Team) must update the applicant's computer records on iSYS. Where the applicant has not previously been advised of their reasonable offer entitlement in terms of district of choice, the Special Schemes Officer will write to the applicant advising them that they are only required to specify 4 districts of choice. In these cases, the Special Schemes Officer will make a note on the notes screen of the iSYS computer system "Awaiting the return of the District Choice form".

5.3 Referrals to the Homeless Persons Unit

Applicants should only have one “live” application on the iSYS computer system at any one time.

Where an applicant is referred to the Homeless Persons Unit by a Customer Services Officer (CSO)/Initial Contact Adviser (ICA)/Housing Advice Caseworker they must notify the Allocations Team. The referring officer must also enter the iSYS number on the referral form to inform the HPU caseworker of the applicant’s registration. If a CSO/ICA is in any doubt about whether an applicant should be referred to HPU, they should consult with the Housing Advice service.

Where HPU accepts a duty to the applicant under the Housing Act 1996 (Part VII), they will ensure that the sub-category ‘HOMELESS’ is recorded on the applicant’s housing application record on the iSYS computer system. And where the applicant has been rehoused into temporary accommodation, they must update the iSYS records to show this. Whilst the applicant remains an active homeless case, HPU are responsible for maintaining the application, e.g. entering changes to household membership, changes of address etc.

5.4 Visits & Investigations

Who gets visited

All General List applicants are subject to a visit and/or other appropriate investigations as to an applicant’s eligibility for housing, by an Investigation Officer prior to receiving an offer.

Roofless applicants cannot by definition be visited. In these cases, the Investigation Officer should check if there are any council debts, and if there is any evidence of the applicant not being a qualifying person or otherwise ineligible for an offer. This will normally be dealt with by discussion with the Customer Services Officer/Initial Contact Officer/Housing Advice Caseworker who “owns” the case. If issues do require further explanation, the Investigation Officer should ask the applicant to come to the Lettings Agency for an interview.

Homeless applicants are exempt from the visits procedure, as in-depth checks on their housing circumstances are carried out at point of application.

The purpose of a visit is to check that all information relating to the applicant’s housing application is properly recorded, that their housing need has been correctly assessed, and that they are a “Qualifying Person” and otherwise eligible for an offer (see section 3).

Pre-visit action

The iSYS computer system should always be checked both for the address and the applicant’s name before the visit is carried out. This check may raise questions that need to be asked and a note should be made of the items that need clarification.

A routine “debt check” on NORA/CTAX and iSYS estates module should also be made before the visit. This may affect whether they get visited (see section 3).

Further eligibility checks may be made via approved credit reference agencies, such as Experian.

A name check on NORA/iSYS should also be carried out to check for any previous council tenancy. Where the applicant is an ex-tenant, the old tenancy should be checked to look at the circumstances in which they ceased to be council tenants, as well as the debt.

Other checks (e.g. electoral register, school registration) would only need to be done where there is a suspicion of fraud or need to prove residence.

The Investigation Officer writes to the applicant with an appointment to meet at the property. Where there are translation requirements, the letter is translated into the relevant language, and an interpreter must be arranged to accompany the Investigation Officer.

At the visit

The Investigation Officer completes the Visiting Form after carrying out the following checks:

- (a) check proof of identity and date of birth for all people on the application e.g. birth certificate, child benefit book, medical card, driving licence.
- (b) check proof of residency (see section 3) e.g. letter from Benefits Agency/Tax Office/Utility Bill. In some cases the applicant will be living with family and may not have proof of residency. Where this applies, an electoral register check post-visit could be useful.

The onus of supplying proof of identity and residency is on the applicant. The applicant will be deferred until they can provide satisfactory proof. A further visit is not required to present further evidence; the applicant can bring the evidence to the Visiting Officer at Newham Lettings Service.

- (c) check that the rooms, facilities, and tenure claimed are correct and that the rent is actually being paid at the level required. The applicant will be asked to show details of rent books/agreements/payments etc. If they are in rent arrears the reason will need to be checked (see section 3).
- (d) check that the applicant is a "Qualifying Person". In addition to the residency check the Investigation Officer will check:
 - (i) that they are not ineligible on grounds of immigration status or persons from abroad;
 - (ii) whether they are the responsibility of another borough's homeless families unit (see section 3).
- (e) check whether they are eligible for an offer:
 - (i) do they have a tenancy elsewhere?

- (ii) if they have any property related debts which the Council is satisfied that they could have paid? (see section 3)
- (iii) do they have a court order for breach of tenancy against them? (see section 3)
- (iv) have they provided fraudulent information? (see section 3)
- (f) check that separated families are in fact separated;
- (g) check that the applicant has chosen the correct number of districts (direct offer cases only);
- (i) ensure that any "special needs" mentioned on the application form have been assessed, and seek further information where required;
- (j) where the applicant states that they are threatened with homelessness, check if they have contacted a Customer Services Officer/Initial Contact Adviser/Housing Advice Caseworker, and if not refer them to their nearest office. If they have, but there is no referral/assessment on file, then contact the Housing Advice Centre on return to the office to check the situation.

The applicant should not be told at the visit if they are likely to be deferred or have their priority reduced, as this must be discussed with the Allocations Team on return from the visit.

After the visit

If there are no further problems arising from the visit, the Investigation Officer requests the Allocations Team to clear the applicant for an offer. Where the case has been cleared the Allocations Team updates the applicant's computer records, and makes any necessary minor amendments. Details of any changes should be recorded on the applicant's allocations file. The Visit Form is filed on the allocation file.

Where there are problems arising from the visit, the Investigation Officer should bring them to the attention of the Allocations Team. Where the Investigation Officer feels that the applicant is not a qualifying person, or has given false information, they must refer the file with a memo to the Allocations Team with a view to deferring or disqualifying the applicant. The Principal Officer (Allocations Team) will make the actual decision.

If any problems cannot be resolved immediately, the Allocations Team will ask either for more checks to be done locally, or for the issue to be referred to the Principal Officer (Allocations Team) for further investigation.

Where an applicant is deferred or excluded from the Housing Register, the Allocations Team must inform the applicant of their decision in writing, with details of the reason why. The applicant must also be informed of their statutory right of review (for exclusions) or their right of complaint (for other deferments/reduction in priority). A copy of the letter is retained on the applicant's allocations file.

Where the applicant is cleared for an offer the action outlined in section 6 applies).

Allocations if no-one has been visited

If on attempting to make an offer, the Allocations Officer reaches an unvisited/uninvestigated case on their list, they should refer this immediately to the Investigation Officers to arrange a visit/investigation.

Offers to an applicant who has not been visited

If an exemption from the visit requirement is given, it will still be necessary to carry out the following checks when the applicant comes to collect their offer:

- (i) identity checks for all family members (see 6)
- (ii) proof of residence for all family members

The offer will have to be withdrawn if the applicant is not in fact eligible. If further investigation is required to establish if an applicant is a qualifying person, the offer should be held if necessary evidence can be produced quickly. Otherwise the offer should be withdrawn and the usual procedure continued to establish eligibility.

A record of any authorisation to let a property to an applicant who has not been visited should be kept on file, and noted on their iSYS computer record. Authorisation can only be given by the Principal Officer (Allocations Team) other Lettings Manager.

5.5 Interpretation/translation facilities

Where a language need is identified, from whatever source, all written material given to an applicant must be translated into the relevant language. This will be given together with a copy of the English version. Any translation requirements should be entered on the applicant's iSYS computer records.

An interpreter must be arranged for any subsequent interviews with the applicant. In addition, where it becomes apparent during the course of an interview that an applicant has language difficulties, the Allocations Officer must ask them if they want an interpreter to be present and make a record on the file note of the applicant's request. The Allocations Officer will then arrange for an interpreter to be present, which may be a colleague who is fluent in the language, or arranged through the Interpretation Unit. Whenever an interpreter is present, a note of their name and relationship to the applicant should be noted on the interview notes.

5.6 Household membership

An applicant can include any household member on their housing application providing it is reasonable to expect them to reside with the applicant on a permanent basis. Household members may already be living with the applicant or they may be living elsewhere.

Where deemed necessary, the Allocations Team may request proof from the applicant in order to determine that it is reasonable for household members to be included as part of the application. A common example would be the proof of custody for children following relationship breakdown.

The Allocations Team can accept people as members of the applicant's household regardless of any decisions made by the appropriate Community Housing Team to include them as part of the tenancy. For example, the Community Housing Team may not want to formally add new members to the existing tenancy where overcrowding has occurred.

There is no time limit by which new household members must first live with the applicant before being recognised as part of the housing application.

Proof of residency is not requested from the applicant at registration stage. However, full residency checks for each household member included in the rehousing request must be carried out each time an offer is made to the applicant. Where appropriate, these checks may be done at visit stage. The following list provides guidance on acceptable proof of residency:

- Medical card
- Hospital appointment letter
- Driving licence
- Rent book
- Tenancy agreement
- Correspondence from landlord
- DSS letter/payment book e.g. child benefit, income support
- Council Tax, Housing Benefit registration details
- Letter from employer/educational establishment
- Full birth certificate (shorts not acceptable)
- Telephone/electric/gas bill
- Residence Order
- Bank/Building Society statements or books

N.B. the name and address must be clearly shown.

5.7 Family members who live abroad

Family members who currently live abroad can be included in the application. In these cases the applicant should be advised:

- (a) to notify the Registration & Allocation Team as soon as the family member(s) who currently live abroad are resident in the UK;
- (b) that they will be made an offer based on the bedroom need of the household resident in the UK;
- (c) if the family member(s) currently living abroad are not resident in the UK at the time of the offer, they can then apply for a transfer once they have moved to the UK.

5.8 Relationship breakdown

Where an applicant has equal joint parental responsibility for any child(ren) with an ex-partner, the Allocations Team will determine which partner has the most "access" to the child(ren). In most cases, the parent with the most access will be awarded any bedroom entitlement based on the child(ren) living with them on a permanent basis. However, regard must be given to the housing circumstances of the parent who does not have the most access - if they already occupy family accommodation which would adequately house the child(ren), then the child(ren) are accepted as part of their family regardless of the most "access" rule.

Where both ex-partners have full-time parental responsibility for some of the children, and the Allocations Team is reasonably satisfied that the relationship has ceased, the bedroom entitlement of the respective parents is assessed including the children who will live with them on a permanent basis. This could result in two family-sized units being offered if both parents submitted separate housing requests.

Where "custody" is being disputed by the parents, this will normally be determined by the courts. However, where custody arrangements have not been legally determined, only the applicant that currently has physical custody of the children will be assessed for any bedroom requirement. It should be made clear to the applicant who does not have physical custody of any child(ren) that they expect to live with about the difficulties in getting a transfer to larger accommodation later on if they get custody. In these cases, the applicant may decide to delay their application until "custody" has been settled.

5.9 Children currently in care

Where a child is currently in the care of a statutory authority e.g. Social Services Department, the child will only be included as part of the application for bedroom standard purposes where the statutory authority confirms in writing that the child(ren) will be returned to the applicant upon rehousing into suitably sized accommodation.

5.10 Carers

An additional bedroom will be awarded to applicants who:

- (a) have a permanent illness/disability; or
- (b) is, or has been, HIV symptomatic or has an AIDS diagnosis, and has a carer who currently lives with the applicant on a permanent basis; or
- (c) has a named-carer ready to commence upon rehousing, and that a carer is recommended by a statutory agency e.g. hospital, GP, Social Services Department.

5.11 Prisoners

Where an existing applicant is given a custodial sentence their application is deferred on iSYS. If upon release, they re-establish residency in Newham their application is un-deferred. If they move outside of Newham their application is closed, unless they have a suitable local connection.

New applications are not accepted from applicants who are undertaking a custodial sentence until they are released and have established residency in Newham.

5.12 Squatters

Squatters can register on the housing list in the normal way.

5.13 Applicants who are known to be violent

The Allocations Team note on iSYS that the applicant is known to be violent or been banned from any office. In these cases the Lettings Agency may want to ensure that any accompanied viewing of an offered property is carried out by two officers. The Allocations Team should also make reception staff aware of the applicant and that any interviews are carried out with another member of staff.

The Health Authority, Social Services Department and Probation Service will complete a standard form for all clients who they know are suffering from mental illness or a personality disorder and who have a known history of violent behaviour which presents a danger to the public (whether they have been before the courts or not). This standard form is called "Supporting Application for Ordinary Housing - Recovering Mentally Ill Clients with Forensic History or History of Dangerousness".

All standard forms will be sent to the Homeless Persons Unit which maintains a central file of this information. The contact is:

Senior Homelessness Officer (Forensic Cases)
LBN Housing Department
Homeless Persons Unit
3 Prugel Street E13

The Allocations Team will know that information is held on this file when they see a computer screen note stating "contact Senior Caseworker Dealing with Forensic Cases before making any offers".

Where this applies, the Allocations Team must contact the Senior Caseworker for information. They will be sent a copy of the standard form and any other information that has been attached.

Information that an agency does not want to be seen by the client will be clearly marked.

Agencies are expected to share information on a need to know basis.

Clients may not withhold disclosure of information where it is needed to reduce the risk of danger to themselves, staff or the public.

Note section B of the standard form is for completion by either HPU or the Allocations Team. Where an offer of housing does not result in the client taking up the tenancy, the form must be returned to the central file in HPU. Where the client is rehoused the standard form must be passed on to the relevant Community Housing Team.

The Allocations Team must ensure that RSLs receive a copy of the standard form and any attached papers when nominating. Similarly other local authorities must receive the information with nominations made through HOMES.

6.0 THE VOID PROCESS AND OFFERS OF ACCOMMODATION

6.1 Introduction

Void (empty) properties affect the Council in terms of a loss of rental income, the continuing provision of temporary accommodation for homeless families, the possible deterioration of the property and increased risks of squatting and vandalism, and a poor public image. It is therefore essential that void properties are let quickly and without unnecessary delay.

According to departmental targets 100% of voids that are ready for letting must be offered:

- within two days from property becoming ready for letting (direct offers);
- within two days from close of shortlist for properties advertised by choice based lettings; and
- subsequent offers to be offered within one day following a refusal.

6.2 Notification of voids

Lettings are notified of property terminations by Local Service Centres, Rents & Enforcement (e.g. evictions), or are known anyway as a result of a transfer.

Within a week of the property becoming vacant the Lettings Agency receives a "voids inspection report" from the Voids Team in the Repairs & Maintenance Division. This gives details of the property in terms of size, type, facilities such as heating, cooking, and access to a garden, any special characteristics such as disability adaptations, details of decoration allowance, and whether the property is suitable for an accompanied viewing whilst works are in progress.

Where a property is not ready for letting immediately, for example, because there are outstanding repairs, the Allocations Officer (AO) may pre-allocate the property, in accordance with the procedure given in 6.10, or offer the property as an "accompanied viewing whilst works are in progress". The Voids Team will advise the Lettings Agency when the property becomes ready for immediate occupation.

Offers will be made either from choice based lettings shortlists or to a direct offer candidate (see section 2).

6.3 Checks undertaken before an offer is made

Having decided which applicant will receive the offer the AO then carries out a series of checks before making the offer. An applicant who is not an existing tenant of the Council or who is not an accepted homeless case may not be made an offer without first having appropriate investigative checks carried out to verify their circumstances and determine eligibility (fuller details are given in 5.4).

The applicant's computer records are examined to determine eligibility; that they do not have any outstanding offers; and have not exhausted their entitlement to offers (for direct offer cases). Family composition details are checked to ensure

that the applicant has been awarded the correct bedroom entitlement. Checks are also made to ensure that specific requirements, such as essential heating factors are also taken into account. Any ambiguous information must be confirmed with the relevant section or officer, for example, where pregnancy dates have expired, or there are comments regarding rent arrears.

Providing the application is eligible for the offer, the AO carries out a detailed tenancy check, for all non-homeless allocations the AO obtains the applicants file and the following checks are made:

- (i) if the applicant is a council tenant, are they eligible for an offer in line with the rent arrears/right to buy policies?
- (ii) are the applicant's computer details correct i.e. is there information, which may affect the offer, which has not yet been updated on the computer?

The applicant's file will be obtained for all non-homeless allocations, however, offers are made with reference to the manual tenancy checks and offers must not be delayed if the file is not available.

6.4 Offers to Council employees, Councillors or their relatives

Where an offer is being made to a Council employee, Councillor, one of their relatives or friends, the Head of Housing Needs or Divisional Director of Housing (Regeneration & Sustainability) must authorise the offer before it is made. The AO completes the "Request for approval to rehouse staff/council members and/or their relatives Form" (Ref.: F/Request for Approval to Rehouse Staff/council Members and/or their Relatives) and sends it to the appropriate manager for approval. When the AO receives written confirmation that the offer is approved, the offer can be made.

6.5 Making offers - LBN property

Offers of sheltered housing, adapted dwellings, and housing association properties are subject to separate procedures, which are given in sections 12 and 14 of this manual.

The procedures for making offers to homeless non-secure and to mobility-in applicants are also different, and are outlined in section 6.7.

The additional procedures for multiple offers and pre-allocations are given in 6.6 and 6.10 below.

The AO makes an offer by:

- a) sending a standard offer letter to the applicant by first class post, hand delivery, or recorded delivery where necessary;
- b) telephoning the applicant on the offer day, where a number is given, to arrange a viewing, the offer letter can be passed to the applicant on the viewing where appropriate.

To select the correct standard letter to send the applicant, the AO must consider whether:

1. the applicant's offer is part of a multiple offer to a hard to let property (see section 6.6);
2. the applicant is viewing by collecting the keys or is to be accompanied;
3. the applicant is entitled to any further offers (for direct offer cases);
4. the applicant is homeless or non-homeless;
5. the property is being pre-allocated (see section 6.7).

The letter must be completed with the following information:

- (a) full postal address of applicant to which it will be sent;
- (b) names of all applicants applying for rehousing together;
- (c) case reference number;
- (d) date of letter;
- (e) property size;
- (f) deadline for contact or appointment time and place;
- (g) details of all family members for which I.D. is required;
- (h) details of the officer generating the letter.

The applicant's deadline to contact the office and make a viewing is three days. This can be extended where the applicant can demonstrate extenuating circumstances.

The AO must check on the applicant's iSYS computer records to see if there is any translation requirements. Where required, the offer letter is translated into the relevant language and is sent together with the English version to the applicant. Where the applicant has literacy problems, the AO contacts the applicant's Community Housing Officer (in the case of Council tenants) or Investigation Officer (for non-Council tenants) to arrange a home visit to make them aware of the offer. The offer letter in these circumstances is given to the CHO/IO who explains it to the applicant on visit, which must be made within 48 hours of receipt.

The Allocations Team retains a copy of the offer letter. The AO updates the applicant's offer history details on the computer immediately.

The AO must action any requests on the computer which state that a copy of the offer letter is sent to a named officer or organisation. This must be done at the same time that the offer letter is sent to the applicant. The AO must also take

notice of any text note messages e.g. "Contact HPU caseworker before making any offers".

6.6 Making multiple offers

Multiple offers are for properties advertised through choice based lettings which have already been refused on two occasions in the current void period, or for properties which are known to be hard to let, or for any other appropriate reason as may be agreed.

The purpose of a multiple offer is to reduce the void period, where there have been or are likely to be (as defined above) sequential refusals. The AO, having decided on the number of offers to be made (usually three), selects applicants off the top of the shortlist.

The AO checks each applicant in accordance with section 6.5 and when satisfied, on the information known, that the applicant is suitable (as defined by policy) creates an offer on iSYS using the standard procedure.

An accompanied viewing is arranged to take place within three days of the offer. As stated accompanied viewings are carried out by an AO in the Allocations Team. Other officers involved in special schemes such as the Canning Town Regeneration project may also carry out accompanied viewings.

The AO carrying out the accompanied viewing must be given the following:

- (a) a list of the applicants and their queue position;
- (b) details of the special needs of any of the applicants in order for the Housing Officer to make appropriate arrangements;
- (c) property details held on the allocations file.

Once an appointment time has been arranged, the AO sends out the relevant standard letter.

In addition to the points given above with respect to the sending out and completion of letters, the applicant is informed of their queue position with respect to this offer.

If the appointment is unsuitable, the applicant must contact the office immediately and satisfy the AO that they are unable to attend. Their case must be updated appropriately with a text note explaining their non-attendance.

Applicants who fail to contact the office prior to the appointment and do not attend the viewing will be recorded a refusal due to no call.

When applicants arrive for a multiple viewing at the appropriate office the reception staff will log their arrival and inform the AO of their arrival.

The AO will then:

- (a) check the identity of the applicants;

- (b) check that the applicants have understood that their appointment is for a multiple viewing;
- (c) explain to all, except the first applicant, that if an applicant higher up the queue accepts the offer, the property will not be available to them and their application will be returned to the queue for another offer.

At a multiple offer viewing the AO states clearly that the property to be viewed will be offered in queue position order and that the viewing is not suitable for discussing the particulars of an individual's housing application. Following the viewing applicants will be able to discuss their individual concerns with a member of the Allocations Team in a private interview.

The AO will inform the applicants that the viewing is an opportunity to:

- (a) view the vacant property internally and externally;
- (b) receive information on any outstanding repairs and the date scheduled for their completion;
- (c) discuss the possibility of any improvements they would like;
- (d) raise any queries about the local facilities and housing management.

The AO must keep notes on (c) and discuss which remedial and decorative works can be offered to the applicants with the Allocations Manager, and/or the Principal Officer (Allocations Team), and/or the Voids Team, if when being interviewed such expenditure makes the difference between an acceptance or a refusal.

After the multiple viewing, the AO advises the first applicant of the arrangements for the sign-up/refusal interview.

The other applicants are informed that:

- (a) they have an appointment with the Lettings Agency;
- (b) the Lettings Agency will try to see them as quickly as possible;
- (c) if an applicant higher up the queue takes the property they will immediately be informed that an interview regarding the offer is optional.

The AO carries out the sign-up (see section 8) or refusal procedure (see section 7) with the first applicant and subsequent applicants until a sign-up is agreed or there are no more applicants from this multiple offer.

6.7 Offers of non-secure tenancies to homeless households

The Allocations Team has a target to let one bedroom Council stock on a non-secure basis, and as necessary larger properties may be let on the same basis. (N.B. properties that have previously been let on a non-secure basis must

always be let on a permanent basis following the vacation by the non-secure tenant).

To offer a property on a non-secure basis to an HPU applicant, the Allocations Team consult the non-secure list and/or consult the Allocations Team in HPU in order to obtain a suitable candidate. When a suitable candidate has been selected the AO makes the offer on the iSYS computer system, an offer letter is not sent to the applicant at pre-allocation stage.

When the property is ready for occupation, the applicant is sent a non-secure offer letter, and is invited to the office to pick up the keys to view the property (when appropriate ID checks are done). If the applicant accepts the offer, the sign-up process takes place (the sign up procedure is covered in section 8).

Note that HPU clients do not have to move into the non-secure property in order to complain about the allocation. If an applicant refuses to sign for a property they may be responsible for finding their own temporary accommodation and will have to contact HPU within 48 hours (2 working days) to have this point clarified. The Allocations Team will have to hold the offer open during this period.

Non-secure homeless tenants are entitled to claim the decoration allowance but regardless of financial circumstances this is made through the voucher scheme (see section 10).

HPU allocations are notified by email using the special email address box.

6.8 Collection and issue of keys

When the applicant arrives to collect the keys, the AO must check that the information concerning the address, family circumstances, and anything else relevant to the offer is correct.

If any new information comes to light which results in the withdrawal of the offer the AO will advise the applicant that the offer is no longer valid and that their computer records will be updated as appropriate. Where the offer is still valid, the AO updates the applicant's computer records.

The applicant is given the address of the offer, directions to reach the property (where they will be met by an AO if this is an accompanied viewing) and other relevant details including:

- (a) any outstanding repairs;
- (b) whether there has been previous racial harassment at the property;
- (c) information about the behaviour of a potential neighbour, providing:
 - (i) the previous occupant of the vacant unit has been moved as a direct result of the conduct of the neighbour; and
 - (ii) action is being taken against the neighbour; and

- (iii) the appropriate Tenancy Services Manager (Community Housing Team) agrees to disclosure of the information.
- (d) Where the offer is in a block with a concierge, the AO advises the applicant to take a copy of the offer letter with them and also telephones the concierge to advise them that the applicant is calling.

Keys are only given to the applicant on production of proof of identity/residence for all named applicants. Acceptable proof includes driving licences, Income Support or Child Benefit books, and bank account books/cards. Full details of acceptable documents are contained in section 5.4 (Visiting Procedure).

The applicant is advised that the keys must be returned on the same day of issue unless there is a good reason why the keys need to be held longer. They are also informed that they must speak to the AO when returning the keys with their decision regarding accepting/refusing the offer.

6.9 Accompanied Viewing

An accompanied viewing may take place where there has been harassment at the property, if the applicant is vulnerable, if the property has been offered to an applicant who requires a wheelchair-accessible unit, or for any other appropriate reason. This gives the prospective tenant the chance to raise any questions they may have, for example, outstanding repairs, and for other involved parties, where appropriate, to give their advice.

N.B. Accompanied viewings should not take place where the applicant is known to be violent.

An AO, as determined by the Principal Officer (Allocations Team) or other Lettings Agency manager carries out the accompanied viewing. In addition, a social worker from the Leaving Care Team (Social Services) will also take part in any accompanied viewing for applicants made offers through the Leaving Care Scheme. Occupational Therapists (SSD) may also be involved in any accompanied viewing for disabled applicants, see section 14 for further details.

- (a) The AO, if appropriate, confirms with other necessary officers, such as Occupational Therapists, a suitable time for the appointment. An AO must also be available on this day to carry out any sign-ups/refusals that result from the viewing.
- (b) The AO sends the relevant "Accompanied Viewing" Offer Letter to the applicant by first class post, hand delivery or recorded delivery where necessary.
- (c) The viewing must take place within three working days of the offer letter, with those who contact to say they are unable to attend being given two further working days to re-arrange the appointment.
- (d) The applicant must come to the viewing base at the appointed time. The AO checks the applicant's identity and completes part A of the "Accompanied Viewing Form" in preparation for the visit, following which the AO accompanies the applicant to the property.

At a one to one viewing the AO gives advice on:

- (a) any outstanding repairs and indications of when they will be carried out;
- (b) the consequences of refusal and realistic prospects of the applicant receiving another offer;
- (c) where applicable, details of any harassment experienced by previous occupiers or harassment in the vicinity of the property. The applicant is advised that should they refuse the offer due to fear of harassment that this will be counted as a "reasonable refusal", but should they decide to accept the offer, the Housing Department will offer support;
- (d) any queries which the applicant may raise.

The AO may also offer a further £250 on minor remedial works where it is considered that such expenditure will make the difference between acceptance and refusal. This may be for example, plumbing connections, extra socket outlets or additional security locks. These works should be ordered after signing up the tenant, and the cost charged to the voids budget using expenditure code J81118003500.

After viewing, the AO advises the applicant of the arrangements to sign-up or refuse the property. The applicant may keep the keys for a further 24 hours if they wish to re-view the property, but any additional viewings will be unaccompanied. However, the AO or applicant must return the keys to the Lettings Agency by the next day.

The AO also completes part B of the "Accompanied Viewing Form" and keeps a copy for the file. The Principal Officer (Allocations Team) then keeps a ring binder of completed original accompanied viewing forms.

At an accompanied viewing with multiple applicants the AO's role is as outlined in section 6.6

The AO carries out the sign-up/refusal procedure.

If the applicant fails to respond to the offer letter/appointment this is recorded as a refusal and the applicant is notified in writing, as per section 7.7.

6.10 Pre-allocation of Council accommodation

The pre-allocations procedure is where a property is offered in advance of it becoming ready for letting. In most cases, repair/decoration works are required which means the property is not ready to let.

Pre-allocations can only take place where the property will be ready for letting within four weeks of the offer being made. Offers on ready properties should take priority over pre-allocations.

Following receipt of the Voids Inspection Form the AO checks whether the property will be ready for letting within 4 weeks. If so, the property may be allocated immediately.

The usual procedure for making offers is then applied; there is no difference in the method for selecting applicants for an offer and such offers are equivalent to any offers made where properties are ready for immediate letting.

The Allocations Team may pre-allocate to non-secures by following the procedure detailed in section 6.5.

The AO sends the applicant the pre-allocation offer letter, along with the "Pre-Allocation Decision Form" and a copy of the offer letter is retained on the Lettings file.

The AO creates the offer details on the applicant's computer records.

The applicant contacts the office and is informed of the following:

- (a) the address of the property;
- (b) the type of repairs being carried out;
- (c) the expected completion date of the repairs;
- (d) any other property or housing management information as requested.

The applicant is asked to view the property externally and to return the "Pre-Allocation Applicants Decision Form", which was enclosed with the offer letter.

The applicant must be given the deadline to return the form, i.e. three days from the offer date.

The applicant must be informed what will happen if they fail to return the form on time or refuse the property at this stage (for direct offer cases).

In the case of an offer to one of the groups receiving direct offers (see section 2), if the offer is refused, the refusal is assessed in accordance with the Council's definitions of reasonableness (see section 4). If the refusal is considered to be unreasonable, the action following an unreasonable refusal applies. If reasonable, the property can be re-offered on a pre-allocation basis or directly (if it has since become ready for letting).

Where the applicant fails to respond to the offer, this counts as an unreasonable refusal.

Where the applicant fails to return the "Pre-Allocation - Applicants Decision Form" this will be recorded as an unreasonable refusal, (for direct offer cases) unless telephone contact has been made.

If the offer has been accepted, the Allocations Team carries out the following, as soon as the property is ready for letting:

- telephones the applicant to arrange a viewing;
- sends an offer letter to the applicant with an appointment for an accompanied viewing, if telephone contact has already been made the Registration &

Allocations Officer can hand the offer letter to the applicant at the viewing where applicable;

- where an accompanied viewing is not possible, sends an offer letter advising the applicant that the property is available for viewing, and that they can collect the keys to inspect internally (unaccompanied viewings only in exceptional circumstances);

The standard allocation procedure in respect of offers then applies.

If the pre-allocated property is unlikely to be ready for letting for another 3 weeks from the time originally anticipated the applicant must be given the option of withdrawing their interest in the offer. If this is agreed by the applicant, the AO updates the applicant's computer records to "withdrawal of offer", to enable the applicant to receive another offer or make future bids.

6.11 Withdrawal of offers

A written offer can only be withdrawn from an applicant, prior to the tenancy being signed, where:

- (a) the applicant has made a false declaration, or failed to provide up to date information, and this substantially alters their eligibility for the property offered;
- (b) the information available at the time of offer about the vacant property was incorrect, and it is subsequently discovered that the size and type is no longer suitable to the applicant's needs;
- (c) as a result of an officer's failure to input or update the applicant's computer records, which means that the applicant's eligibility is substantially altered;

For circumstances not covered above, where an incorrect offer is made the AO must contact the Principal Officer (Allocations Team) or other Lettings Agency manager immediately for instructions.

7.0 REFUSAL OF OFFERS OF ACCOMMODATION

7.1 Introduction

After viewing the property the applicant decides whether or not they are prepared to accept the offer. If they accept, the applicant will be asked to sign a tenancy agreement.

If the applicant refuses the property they will return the keys to the property to the Allocations Officer (AO).

The consequences of a refusal will depend whether the offer was made as a result of a bid made through the choice based lettings (CBL) scheme or as a result of a direct offer of accommodation

7.2 CBL refusals

If an applicant refuses a property advertised through the CBL scheme it will generally be recorded as a reasonable refusal. The property should then be re-offered in the normal way.

However, the department reserves the right to impose penalties on applicants refusing offers after making successful bids when they could have reasonably accepted them. This applies particularly to homeless applicants in temporary accommodation. It is up to the Homeless Persons Unit to decide what further action to take in these cases. However, this may involve a decision to discharge any further duty to assist an applicant under homelessness legislation and termination of the applicant's temporary accommodation where appropriate.

7.3 Direct offer refusals

Where an offer is being refused every effort must be made to interview the applicant to ascertain the reasons. During the interview the AO decides whether the offer is reasonable or unreasonable (see section 4). The decision is made during the interview with the applicant and is based on the information available on the applicant's computer records and their housing application file.

When considering the applicant's reason for refusal it is important to note whether there is any information that either contradicts or adds to that which was available at offer stage. If it is confirmed that the new information is known to them and is correct, but was not made available at offer stage due to officer error, then the refusal may be considered reasonable.

If the relevant section or officer does not know the information, and it is therefore new information provided by the applicant at the refusal stage, the refusal will normally be considered unreasonable. In such circumstances, a note should be made of the change in circumstances for further action.

Where an AO is unsure whether a refusal should be considered reasonable or unreasonable, they should ask the Principal Officer (Allocations Team) or other Lettings Agency manager for advice.

7.4 Reasonable refusals

Where a refusal is considered to be reasonable, the applicant completes Part A of the "Refusal of Offer of Permanent Accommodation" Form (Ref.: F/Refusal), stating in writing their reasons for refusal. The AO completes Part B of this form stating that the refusal was reasonable.

The AO then advises the applicant that their application will be returned to the "live" list, and that they are either entitled to another offer in due course or able to bid again through the choice based lettings scheme

The offer history details on the applicant's iSYS computer records are updated to show a reasonable refusal, together with the date of, and the reason for, refusal.

The AO also updates any internal records, returns the file (where applicable) and a copy of the "Refusal of Offer of Permanent Accommodation" Form to the filing bank.

7.5 Unreasonable refusals

It must be made clear to the applicant that an offer can only be considered unreasonable if it was made in breach of the Council's Reasonable Offer Policy (see section 4). A refusal of an offer of the correct size, type, and district will normally be considered unreasonable. However, there are a number of special circumstances where the refusal may be reasonable, and detailed guidance is given in section 7.11.

7.6 Unreasonable refusal of the first offer, where an applicant is entitled to two offers

Where the applicant is entitled to two offers and they are unreasonably refusing their first offer the following action applies:

- (a) the applicant is advised that they are entitled to one further offer, but there is no guarantee that the offer will be comparable or better than the offer being refused, or when the offer will be made;
- (b) a letter is given or sent to the applicant confirming this and a copy is placed on the applicant's file;
- (c) the applicant's file and a copy of the refusal form are returned to the Allocations Team;
- (d) the offer history details on the applicant's iSYS computer records are updated to show an unreasonable refusal, together with the date of, and the reason for, refusal;
- (e) Any Lettings Agency records are also updated. Full details of the offer will appear on the lettings schedule as per the appropriate SSM monitoring period via the iSYS reporting service.

7.7 'No calls'

If the applicant does not respond to the offer letter within the time given, the AO will telephone the applicant immediately, if there is a contact number, to see if they received the offer letter and to arrange a viewing. Where the applicant still refuses to view the property or fails to respond to the offer letter (where no contact number is available) the offer is automatically deemed to be an unreasonable refusal.

If there is no contact number, the AO checks immediately for errors in the applicant's address, and possible translation requirements that have not been met. For homeless applicants, HPU should be contacted and asked to make these checks. Where it is apparent that an error has been made, or translation requirements have not been met, the property should be re-offered (where it has not already been re-let) or the refusal record amended from unreasonable to reasonable.

For homeless applicants the offer must be held open after the "no call" for a further 48 hours before being offered to another applicant. For decant applicants the offer should also be held open for a further 48 hours upon request from the registration district.

Where the applicant is entitled to one further offer a letter is sent advising them of the "no call", and the procedure outlined in section 7 applies.

If at a later date the applicant can prove that they did not receive the offer then the offer history details should be updated from an unreasonable to a reasonable refusal, and where there is a defer code this should also be deleted.

For "no calls" the following are acceptable grounds for a reasonable refusal:

- (a) the offer letter was sent to the wrong address;
- (b) there is language (other than those translated on the offer letter) or literacy problems which mean that the applicant did not recognise the urgency of responding to the offer;
- (c) there were unforeseen and urgent circumstances which resulted in the applicant not being at their normal correspondence address and they could not reasonably have been expected to contact the department to inform them of this e.g. emergency hospitalisation of the applicant or a child, death of a close family member;
- (d) the offer letter was sent when the applicant was away on holiday;
- (e) it can be satisfactorily demonstrated that the applicant did not receive the offer.

7.8 Unreasonable refusal of the final offer

Officer action following an unreasonable refusal differs for different categories of direct offer cases. However, in all instances, the AO must inform the applicant at

the interview that the offer was reasonable. The "Refusal of Offer of Permanent Accommodation Form" is then completed by the applicant (Part A) and the Registration & Allocation Officer (Part B). The applicant will also be asked to reconsider their decision.

7.9 Consequences of unreasonable refusal of final offer

Emergency rehousing cases

Refusal of a reasonable offer will result in the loss of Emergency status. The applicant will then be able to bid for properties along with all other applicants using their application date to determine priority.

Underoccupation transfer cases

Following the second unreasonable refusal of accommodation the applicant is informed that their application will be deferred for three months. After that time they will be entitled to a further two direct offers of accommodation.

The applicant can still bid for properties advertised through the CBL scheme.

Succession Underoccupation and Specialist Accommodation no longer Required Transfers

The application is deferred. During this time the appropriate Community Housing Team will pursue any necessary court action to recover possession of the property and will advise the Lettings Agency regarding further action (i.e. if the case should be closed/further offer to be made).

Decants

The application is deferred. The applicant may be subject to legal action to recover possession of their properties or a further offer of accommodation made. The relevant Community Housing Team or appropriate Scheme Manager makes this decision.

Mobility

The application is closed on both HOMES and iSYS computer systems. The application is then referred back to the nominating authority, who can re-nominate after 12 months.

Special decisions made under delegated duties

Any special priority awarded as a result of the delegated decision is deleted, and the applicant must then bid for properties along with all other applicants using their application date to determine priority.

Special schemes

(i) Leaving Care

A Special Schemes Officer liaises with the relevant social worker to discuss the reason for refusal. Further information may be provided that results in the refusal being deemed reasonable, and the offer history would then be update appropriately. If the refusal is still considered unreasonable the application is closed on the iSYS computer system and referred back to Social Services for further action.

(ii) Hostel Move-On

The application is closed on the iSYS computer system and referred back to the nominating hostel. The hostel can re-nominate after 12 months. In addition the applicant can also bid for properties along with all other applicants using their application date to determine priority

(iii) Retiring Council Employees

The application is closed on the iSYS computer system and referred back to the nominating Council Department. A further offer may be made, if there is a court date for eviction, at the request of the nominating Council Department in consultation with Legal Services.

(iv) Fostering & Adoption

Applications are closed on the iSYS computer system and referred back to Social Services for further action.

(v) Travellers Move-On

The application can now bid for properties along with all other applicants using their application date to determine priority.

7.10 Miscellaneous

Caretakers

The refusal and appropriate action is discussed with the relevant Estate Services Manager.

7.11 Guidance on reasonable and unreasonable refusals

7.11.1 Property size

The property must be the appropriate size for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small/large for the applicant's needs, the refusal is recorded as reasonable. Such details may only appear at the offer stage. The new information must be given to the Allocations Team to update the applicant's records.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the Council's rehousing standards, this will normally be considered to be

an unreasonable refusal. However, this may subsequently be changed to a reasonable refusal. This may be, for example, where the applicant provides new medical information at the offer stage, which following the Medical Assessment Officer's decision results in the offer being unsuitable.

7.11.2 Property type

Most applicants receiving direct offers do not have a choice of property type. Therefore they cannot reasonably refuse an offer because for example, it is in a tower block, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. If the applicant states medical grounds for refusing the property these should already have been disclosed on the registration form and assessed by the Medical Assessment Officer

The refusal will also be deemed reasonable if the applicant is a Council Interest Underoccupation Transfer and they stated that they did not want this property type, or were not advised of their entitlement to restrict the type of property they wanted, before the offer was made.

Where specialist accommodation is offered to a household inappropriately this is considered to be a reasonable refusal. This may be for example:

- (a) offers of wheelchair standard housing to households which do not have wheelchair users;
- (b) offers made to disabled applicants which are unsuitable for their needs, e.g. where they are unable to open a door entry system because the doors are too heavy;
- (c) offers of sheltered housing where the applicant is not of the appropriate age.

7.11.3 Property condition

Where a property is refused on grounds of repair/decoration this will be considered an unreasonable refusal. Where an applicant refuses a property on these grounds, the AO must ask the Voids Team (Repairs & Maintenance Division) to re-inspect the property immediately.

Where the property has already been inspected following a refusal on grounds of disrepair, there may still be a need for repeat visits. The Lettings Agency may not, for example, be aware of vandalism or squatting which has since taken place.

If the Voids Team decides to withdraw the property from letting for further works to be carried out, the Allocations Team amends the offer history/deferral records of all applicants who have previously refused the property, regardless of their reason to a reasonable refusal.

Refusals on grounds of mice/cockroach or other pest infestation are usually considered unreasonable. The Allocations Team will ask the Voids Team to arrange any necessary works to be carried out by Environmental Health.

7.11.4 Squatted properties

Applicants can reasonably refuse any property that is squatted when viewed, or after viewing but before moving in. This is regardless of them agreeing to take any Court action to evict the squatters.

7.11.5 Area of choice

Where the offer is not within one of the applicant's specified areas, or where the applicant was not informed of their right to restrict their areas of choice before the offer was made, the refusal is considered to be reasonable. However, where the applicant has failed to specify the requisite number of areas, and is therefore registered for all in-borough districts, any refusal on grounds of area of choice is considered unreasonable.

7.11.6 Racial harassment

Where an applicant from a black or ethnic minority household refuses the property prior to viewing because the previous tenant was rehoused as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal is considered reasonable.

Where an applicant from a black or ethnic minority household refuses the offer as a result of racial harassment whilst viewing the property, the refusal is reasonable. This is regardless of the outcome of any subsequent investigation by the Community Housing Team. The Allocations Team must advise the appropriate Community Housing Officer of any refusals on these grounds.

7.11.7 Fear of violence

Where an applicant is being rehoused as a direct result of harassment, an offer can be reasonably refused where:

- (a) the applicant:
 - (i) sees a member or friend of the perpetrator's household when viewing the property; or
 - (ii) learns of their existence within the area subsequent to choosing their districts of choice; and fears further violence;
- (b) the applicant feels insecure because the property is isolated, for example it has a dark entrance or is end of terrace, and the Tenancy Services Manager in consultation with the officer leading on women's issues, decides, if appropriate, that the property offered cannot be made secure to a satisfactory degree.

In addition, where an applicant refuses an offer as a result of disclosure of information about their neighbour, the refusal is considered reasonable.

7.11.8 Choice of landlord

An applicant receiving a direct offer cannot choose whether they are rehoused by the Council or by a Housing Association. Therefore any refusal of Housing Association property because, for example, there is no right to buy/acquire or the rent is too high, is unreasonable.

7.11.9 Pets

One of the conditions of the tenancy agreement is that a tenant must obtain the written consent of the Council before keeping domestic pets. As a general rule tenants are not allowed to keep a pet if they live in a block of flats that does not have access to a garden.

Therefore any refusal of an offer because it does not meet the needs of a pet, either due to no garden access or the refusal of the relevant Community Housing Team to give permission for the new tenant to have a pet, is considered unreasonable.

However, a visually disabled person with a guide dog can reasonably refuse a property that does not have garden access where the Community Housing Team does not agree that the applicant can have a pet.

7.12 Complaints against unreasonable refusal decisions

Following an unreasonable refusal, the applicant is advised that they have the right to complain against this decision. Full details of the complaints process are given in section 15.

8.0 ACCEPTANCE OF AN OFFER OF COUNCIL ACCOMMODATION

8.1 Permanent rehousing

Where an applicant agrees to accept an offer of permanent council accommodation they are interviewed immediately by the Allocations Officer (AO) in an interview room at the viewing base. For all applicants, this will take place after viewing the offer.

The AO will have checked the identification for all applicants before they view the property (as per section 6) and will request identity for any person to be made an authorised occupant. A copy of the documentation and identity produced should be put on file. This is required for audit.

As stated on the standard offer letters, the proof of identity must have the full name and current address of the person on it. Acceptable documents include driving licence, Income Support or Child Benefit books.

Where the applicant requests that an additional person to the original application be made an authorised occupant, this may only be done where to do so would not result in the permitted number being exceeded, and following discussion with the Allocations Manager. Identification for the person must be provided as outlined above.

The applicants are then given the information and documentation as outlined in the rest of this section.

8.2 The tenancy agreement

There are two types of tenancy agreement that are used for permanent rehousing.

8.2.1 Introductory or secure tenancy?

The AO must check which type of tenancy agreement should be used on a case by case basis.

Table 1, on the next page, gives guidance on which type applies.

TABLE 1 - INTRODUCTORY OR SECURE TENANCY?

GENERAL LIST APPLICANTS	
<u>Homeless</u>	The AO must confirm which type of tenancy applies with the Homeless Persons Unit.
<u>Private tenant</u>	Introductory Tenancy.
<u>Housing association tenant</u>	The AO checks the applicant's iSYS computer records to confirm which type of tenancy applies.
<u>Leaving Care</u>	The AO checks the applicant's iSYS computer records to confirm which type of tenancy applies.
<u>Hostel Move-On</u>	The AO checks the applicant's iSYS computer records to confirm which type of tenancy applies.
<u>Mobility-In</u>	The AO checks the applicant's iSYS computer records to confirm which type of tenancy applies.
COUNCIL TENANTS	
<u>Secure tenancy Exists</u>	Secure Tenancy.
<u>Introductory tenancy exists</u>	The AO checks to see when the original tenancy commenced to see if the applicant qualifies for a reduced introductory period on their new tenancy.

8.2.2 Tenancy agreement - secure tenants

A secure tenancy is given where the applicant or, in the case of joint applicants, one or more of them is:

- (a) an existing secure tenant; or
- (b) an assured housing association tenant; or
- (c) has had an assured shorthold tenancy of a housing association for at least 12 months immediately prior to the new tenancy; or
- (d) is a Retiring Council Employee whose contract of employment commenced before the 6th April 1998.

For resident employees, there are no rental charges, and "NIL RENT" is entered under Gross Rent.

8.2.3 Tenancy agreement - introductory tenants

Where the applicant does not qualify for a secure tenancy, they are given an introductory tenancy. An introductory tenancy runs for a 12-month trial period, subject to the following exceptions:

- (a) if the applicant held an assured shorthold tenancy of a housing association immediately before the new tenancy, that period counts towards the twelve-month trial period;
- (b) if the applicant with an introductory tenancy is transferred during their 12-month trial period, their introductory tenure will continue until the *original* 12-month period has expired.

8.2.4 Temporary decants

In respect of temporary decants, no tenancy agreement is completed. However, a "Special Condition of Tenancy" Form is completed by the AO. This is signed and dated by the AO and the applicant. The AO gives a copy to the applicant and keeps the original for the new tenancy file.

For temporary decants, the applicant retains the secure tenancy at their permanent home, for which they remain liable for rental charges. A rent account is therefore not created on iSYS for the temporary home, which remains recorded on the system as a void property, but with a special status as being 'occupied by a temporary decant'. Effectively, the tenant occupies the temporary address in conjunction with his secure tenancy, so the same tenancy terms and conditions apply at both addresses.

8.3 **Completing the tenancy agreement**

Using the appropriate "secure" or "introductory" tenancy agreement, the AO enters the following details:

- (a) the address of the property;
- (b) the tenant(s) full name(s);
- (c) the date of start of the tenancy;
- (d) the rent week number of the tenancy;
- (e) for introductory tenants only, the date the tenancy becomes secure:
 - (i) in most cases, this will be one year minus one day (or minus two days if the period includes a leap year);
 - (ii) where the applicant qualifies for a reduced introductory period, this will be one year minus one day from the date their existing housing association assured shorthold or LBN introductory tenancy commenced;

- (iii) if it is unclear as to when the original tenancy commenced, or the applicant disputes the date given, then the Registration & Allocation Officer should use the "one year minus one day" formula. The tenancy can be amended at a later date once the query has been resolved.
- (f) details of the weekly rental charges (rent and service charges) and rent account reference number (from the rent card);
- (g) details of the permitted occupancy;
- (h) details of the size and type of the property;
- (i) details of the full name, gender, date of birth and relationship of all persons who will live at the property with the applicant;
- (j) information about the new property and tenancy;
- (k) name of the Community Housing Officer;
- (l) details of any decoration allowance;
- (m) details about the applicant's current property;
- (n) details of door entry keys/fobs issued.

The AO also enters the appropriate lettings code and iSYS reference number on the tenancy agreement and indicates whether any relevant documentation relating to housing benefit, gas safety, non-standard improvements, and home loss payments has been issued to the applicant.

The AO confirms that the applicant understands the text on the agreement and has read, and agrees to comply with, the terms and conditions of tenancy, which would have been posted at the same time as the offer letter. The applicant is then asked to sign and date the tenancy agreement. The AO also signs the tenancy agreement and gives a copy to the applicant, keeping the original for the new tenancy file. A copy of the tenancy agreement is kept for monitoring purposes.

8.4 The tenancy start date

The tenancy start date is agreed with the applicant. Normally this will be:

- the following Monday where the sign-up takes place on a Monday, Tuesday or Wednesday morning
- a week on Monday where the sign-up takes place on Wednesday afternoon, Thursday or Friday.

In most cases, it must be no later than the second Monday from the sign-up interview date. However, where there are exceptional circumstances, for example, the applicant is going on holiday or into hospital, the officer may allow

for a longer period. The Principal Officer (Allocations Team), or other manager in the Lettings Agency, must agree any extensions.

An existing council tenant may hold two tenancies for one week providing they agree to pay rent on both properties. Confirmation should be sought from the Rents & Benefits Section to see whether the applicant is entitled to claim Housing Benefit on both homes.

8.5 Joint tenancies

Prospective tenants are required to take up joint tenancies where appropriate. This includes heterosexual, gay and lesbian co-habitees, and married couples. Single sharer households are also given joint tenancies. However, the following rules apply:

- (a) the maximum number of people that can be signed up for a joint tenancy is four;
- (b) all new tenants must come to the office to sign the tenancy agreement at the same time. Keys, rent cards and tenancy agreements must not be given to the tenant until all parties have signed the tenancy agreement.

8.6 Awarding Council tenancies to minors

An applicant must be at least 16 years old to be granted a council secure or introductory tenancy.

Where the applicant is rehoused through the Social Services Leaving Care Scheme, a copy of the tenancy agreement is sent to the Leaving Care Team for information.

For applicants not rehoused through the Social Services Leaving Care Scheme, the AO sends a copy of the tenancy agreement to the Social Services Department to alert them of the situation so that they may arrange appropriate support. Social Services will give the name and contact point of any social worker assigned to the young adult to the Community Housing Officer.

8.7 Rent cards & rent accounts

The AO completes a rent card, giving details of the rent account number and details of all the payments due for rent and services charges related to the property. Week numbers preceding the tenancy start date are also crossed out. The rent card is then given to the applicant.

During the period immediately before an anticipated rent change (i.e. at the end of the financial year) confirmation of the new rent is also given on the card and tenancy agreement.

The AO explains to the tenant that the rent can be paid at any Local Service Centre or interim Housing Office on production of the rent card, or arrangements can be made to pay by standing order or direct debit. However, the AO ensures that the tenant is aware of the fact that the Council's preferred method of rent payment is by direct debit and should ask for a completed direct debit form (these

are sent out with the offer letter). If necessary, a direct debit form is completed at the sign-up interview.

Standing order arrangements are made with the Community Housing Team's Admin Section.

8.8 Information for tenants

The new tenant is given:

- (a) a copy of the Tenant's Handbook, in the language required;
- (b) information about the property i.e. special features, communal facilities, management arrangements relating to the estate/block (emergency services, fires escapes etc.), laundry/garages where provided, heating and hot water systems;
- (c) the Council's Household Insurance Scheme leaflet, with the exception of pensioner households who are given an Age Concern leaflet instead;
- (d) the Initial Benefit Claim Form and advised to fill in a full Housing Benefit form as soon as possible. Where available, appointments are arranged with a Housing Benefits Officer to ensure that the initial claim is made as soon as possible.

The new tenant is reminded to make arrangements to have any gas/electricity connected at their new home, and disconnected at their previous address. Where appropriate, appointments are arranged with the Gas Maintenance Team for the gas supply to be formally commissioned.

Where Council tenants are being transferred, the AO completes a "Termination Form" at the time of sign up, a copy of the form is issued to the tenant. The "Guidance Notes for Tenants Wishing to Terminate Tenancy" are issued to the tenant. The tenants are advised to return all sets of keys for their old property and the copy of the "Termination Form" to their Local Service Centre or relevant housing office on or before the tenancy termination date. The original "Termination Form" is passed to the Lettings Agency for monitoring purposes/processing.

8.8.1 Safety check and tenant declaration

The AO completes the Gas Safety Form giving details of the date of the gas safety check, the name of the new tenant and the address of the property. The AO reads the text given on the form to the applicant, confirming that they understand the text. The applicant is then asked to sign and date the form. The AO signs the form, gives the original to the applicant and keeps a copy for the new tenancy file.

8.8.2 Outstanding repairs

Any outstanding repairs are discussed with the applicant and the AO makes arrangements for the repairs to be done by calling the Repairs Operation Centre.

8.8.3 Decoration allowance

Where the new tenant qualifies for a decoration allowance, the AO completes the procedure given in section 10.

8.8.4 Entitlement to Home Loss/Disturbance Payment or removal expenses

Where the new tenant qualifies for any compensation payments, the AO completes the procedure given in section 9.

8.8.5 Homestore

Information about Homestore must be given to applicants who indicate that they are unable to afford furniture for their new home. Homestore is a voluntary organisation that sells basic household goods at subsidised prices to people on low incomes who cannot afford to buy such goods at second-hand shops. If the applicant meets these criteria, the AO completes the Homestore referral form. This is given to the applicant who is then advised to contact Homestore directly.

8.9 Keys

All sets of necessary keys to the property/block are given to the new tenant.

8.10 Photographing new tenants

In order to minimise fraud, from 1st November 2004, digital passport-type photographs are taken of the new tenant (or tenants if a joint tenancy) as part of the tenancy sign-up process. These images are held on a computer database and may be referred to at a later date by officers within the department for tenancy audit purposes. This requirement is mandatory and tenancies will not be created without the new tenant/s agreeing to be photographed for these purposes.

8.11 Applicants who are in fear of violence

People can be traced through public registers such as the Council Tax and Electoral Register. Applicants who are in fear of violence should be advised that when they register for Council Tax, they should request that his/her name is not entered on the Public Register. This can be done in writing to: Council Tax, Customer Services Manager, 328 Barking Road, E6, stating that s/he is in fear of violence. In due course, s/he will receive a copy of the entry confirming that this has been done. This cannot, however, be done for the Electoral Register.

8.12 New tenants with physical/sensory disabilities

Where there has been a joint viewing of a property with an Occupational Therapist (SSD), they must be notified that the applicant has accepted the offer. The Occupational Therapist will then organise any necessary adaptations.

Where a disabled applicant, who has not been previously assessed by an Occupational Therapist, and is accepting a property that requires minor adaptations, the Registration & Allocation Officer sends the standard referral form to Social Services requesting an assessment. The referral form is sent to:

- The Sensory Disability Team (e.g. for handsets, associated light systems)
- The Occupational Therapists Team (e.g. for ramps, grab rails)

Details of the Newham Network Community Alarm Service are given to new tenants who are likely to qualify for this service due to age or disability, or under the harassment policies.

8.13 Updating records

On the same day of the sign-up the AO passes the file to a designated Allocations Assistant (AA) with the following documentation included:

- (i) original void forms;
- (ii) copies of the offer letter and any other relevant forms;
- (iii) bundle of paperwork relating to the offer process, including the original completed tenancy agreement;
- (iv) copies of paperwork for decorations/homeless payments;
- (v) the allocations file.

The AA makes up the new tenancy file, which is then sent in the internal post to the appropriate Community Housing Office.

The AA distributes to the following sections:

- (a) Newham Benefits Service
 - (i) a copy of completed tenancy agreement;
 - (ii) any accompanying document presented by the tenant that complies with benefit requirements.

- (b) Homeless Persons Unit

Where a rehousing involves a HPU client, HPU are notified using a standard pro-forma by email using the HPU mailbox. HPU also get a copy of the tenancy agreement.

- (c) Importing Community Housing Team

A copy of the tenancy agreement (in advance of receiving tenancy file containing original tenancy agreement).

- (d) Rents and Enforcement Team
- (i) a copy of the tenancy agreement;
 - (ii) termination form for transfers.
- (e) Exporting Community Housing Team

A copy of the tenancy agreement.

The AO updates the applicant's offer history records on the iSYS computer system with details of the "acceptance", including the date that the offer was accepted and the tenancy commencement date. The iSYS computer system automatically closes the application. This should be done immediately after the sign-up interview. Where this is not possible, updating must be carried out within 24 hours.

Where appropriate (i.e. where a Council tenant moves from one Community Housing Area to another) the importing Community Housing Team is responsible for obtaining the tenancy file from the exporting Community Housing Team.

Full details of the "acceptance" will appear on the lettings schedule as per the appropriate monitoring period, via the iSYS reporting service.

Temporary non-secure tenancies

Non-secure tenancies are given to:

- (a) a resident employee (e.g. caretakers/wardens); or
- (b) a homeless applicant family who is given council property as temporary accommodation.

Where an applicant agrees to accept an offer of temporary council accommodation, the procedures outlined in section 8.1 apply.

The Non-secure tenancy agreement

The AO enters the following details on the tenancy agreement for non-secure tenant/s:

- (a) the address of the property;
- (b) the tenant(s) full name(s);
- (c) the date of start of the tenancy;
- (d) the rent week number of the tenancy;
- (e) details of the weekly rental charges (rent and service charges) and rent account reference number (from the rent card);
- (f) details of the permitted occupancy;

- (g) details of the size and type of the property;
- (h) the relevant category of tenancy;
- (i) details of the full name, gender, date of birth and relationship of all persons who will live at the property with the applicant;
- (j) information about the new property and tenancy;
- (k) name of the Community Housing Officer;
- (l) details of any decoration allowance;
- (m) details about the applicant's current property.
- (n) details of fobs and door entry keys.

The AO also enters the appropriate lettings code and iSYS reference numbers on the tenancy agreement and indicates whether any relevant documentation relating to housing benefit, gas safety, non-standard improvements, and home loss payments has been issued to the applicant.

The Registration & Allocation Officer confirms that the applicant understands the text on the agreement. The applicant is then asked to sign and date the tenancy agreement. The Registration & Allocation Officer also signs the tenancy agreement and gives a copy to the applicant, keeping the original for the new tenancy file.

Rent cards for non-secure tenants

The procedure outlined in section 8.2.3 applies.

The provision of temporary accommodation due to statutory repair notices/grant-aided works

In exceptional cases, where the works cannot be carried out with the owner/tenant in occupation, the Head of Housing Needs/Divisional Director (Regeneration & Sustainability), under delegated powers, may approve the provision of temporary accommodation to:

- private sector tenants, where the landlord is required by statutory notice to carry out repair works; or
- owner-occupiers requiring renovation/disabled facilities grant works.

This will only apply where there are no alternative temporary rehousing options available to the applicant via friends/relatives. The use of bed & breakfast hotels or the private sector will always be considered as the first option for temporary rehousing until completion of the works. Where this is not available, council accommodation may be provided where deemed necessary.

Where approval is given to use council accommodation on a temporary basis, the Housing Advice Service Manager will give written authority to the applicant. This will state the property identified for the duration of the works and that no rental charges apply. There is no tenancy agreement used in these cases.

Full details are given in the Grants Manual.

9.0 COMPENSATION PAYMENTS AVAILABLE ON REHOUSING

9.1 Introduction

There are a number of payments that are made to different categories of applicant as a result of them having to move both on a temporary and permanent basis. Details of the various types of payment and whom they apply to are given below. If applicants make their own arrangements for alternative accommodation they will still be entitled to Home Loss payments.

9.2 Home Loss Payments - permanent rehousing

Home loss compensation is paid to tenants who have been required to move permanently from their home by the Council, and are re-housed or re-house themselves:

- (a) on a decant basis, e.g. due to major works, improvement action, or a demolition/closing order; or
- (b) due to "fire or flood" (council tenants only).

They are not paid to tenants who could, but refuse, to return to their previous home.

Both council and private sector tenants are eligible for home loss payments. Some are entitled to statutory payments, whilst others receive equivalent payments each having different rules and levels of payment. Joint tenants have the payment divided between them.

Statutory payments (Land Compensation Act 1973)

- the tenant must have lawfully occupied the property as their principal home for 12 months before being rehoused.
- where eligible, the home loss payment is £3100.

Certain decant categories are eligible for "statutory" home loss payments, which are administered by Legal Services (Land Group) Corporate Services. These would include people affected by Compulsory Purchase, Closing or Demolition Orders, and people being rehoused as a result of major improvement/regeneration schemes.

When signing up the new tenant, the Allocations Officer (AO):

- (a) confirms by checking the lettings file that the applicant qualifies for statutory home loss payment;
- (b) confirms whether there are any outstanding property-related debts to the Council by liaison with other appropriate departments including the Rents & Enforcement Team;

- (c) telephones Legal Services (Land Group) Corporate Services, asking them to send a claim form through to the applicant and confirming whether or not the applicant has any outstanding property-related debts (if there are, the amount will be deducted from the amount payable).

Legal Services (Land Group) Corporate Services are responsible for administering the payment and the AO has no further involvement in the process.

Equivalent non-statutory payments

- £1000 is paid, irrespective of the length of residency.

Permanent decants as a result of individual properties requiring major repair works, along with applicants who are permanently rehoused due to "fire or flood", are eligible for equivalent home loss payments which are administered by the Housing & Customer Services Department.

When signing up a new tenant entitled to equivalent home loss payments, the AO:

- (a) confirms by checking the lettings file that the applicant qualifies for equivalent home loss payment.
- (b) upon confirmation, enters the amount due on the "Claim for Compensation-Permanent Rehousing" form.
- (c) passes the form to a designated Allocations Assistant (AA) for payment/processing, a copy is kept within the Lettings Agency and for the new tenancy file.
- (d) the form is checked by the AA and passed to the Rents and Enforcement Team to deduct any debts owed to the Council before any payment is made to the tenant.

9.3 Disturbance payments - permanent rehousing

Disturbance payments are made to cover reasonable expenses incurred by tenants who are forced to move from their home on a permanent basis due to:

- Council action (decants);
- "fire or flood" (council tenants only);
- emergency rehousing cases (harassment/domestic violence only) who are not being dealt with by the Homeless Persons Unit.

Disturbance payments are also paid to council under-occupation transfers where a tenant is rehoused to a property with fewer bedrooms specifically under the under-occupation transfer scheme.

Some applicants are entitled to statutory payments, whilst others receive payments on an "equivalent" basis. They are paid to any council or private sector tenant who is residing in the property at the time of moving.

N.B. Housing Association tenants rehoused by the Council on an emergency or under-occupation basis do not qualify for disturbance payments.

The applicant receives a Lump sum payment of £200 (£250 if applicant is of pensionable age or registered disabled) and removal expenses.

9.4 Removal expenses

As well as a lump sum disturbance payment an applicant can claim for removal costs. Removal costs include:

- (a) the hire of a removal van;
- (b) the disconnection & reconnection of cooker;
- (c) the disconnection & reconnection of telephone;
- (d) the redirection of mail - this applies to tenants being rehoused as a result of harassment (for 3 months) only.

When signing up the new tenant, the AO:

- (a) completes the "Claim for Compensation-Permanent Rehousing" Form indicating that the applicant is entitled to a lump sum payment, and enters the amount payable;
- (b) where requested by the applicant, arranges the removal van by:
 - (i) telephoning one of the approved removal firms:
 - obtains an estimate;
 - arranges the removal date;
 - books the removal order;
 - gives the contractor the requisition number, (this must be quoted on the invoice);
 - records details of the removal in the "Removals Log".
 - (ii) completes the requisition book giving details of:
 - name & address of the removal contractor;
 - details of the estimate;
 - details of the removal date;
 - name of the tenant
 - details of the old/new address of the tenant;
 - (iii) sends a copy of the requisition order to the Allocations Team to raise an official order.
 - (iv) completes details of the removal on the "Claim for Compensation-Permanent Rehousing" form.
- (c) advises the applicant to submit bills and receipts in respect of removal costs directly to the Allocations Team. This will include the cost of hiring a van when the applicant has arranged the removals themselves;

- (d) sends the completed "Claim for Compensation-Permanent Rehousing" form to a designated AA for payment/processing, and keeps a copy of this, and the official order for hiring a removal van, for the new tenancy file.

9.5 Council Under-occupation Transfers vacating 4Bed+ Council accommodation - permanent rehousing

Council Interest Under-occupation Transfers giving up 4-bedroom or larger council property are entitled to:

- (a) removal costs, which consist of the hire of a removal van, the disconnection and reconnection of a cooker and a telephone;
- (b) a lump sum payment of £1000;
- (c) £250 for every bedroom given up e.g. where the applicant is moving from a 4→2 bed, they are entitled to £500 (i.e. they are giving up two bedrooms).

When signing up the new tenant, the procedures outlined in section 9.2 and 9.4 apply.

9.6 Successor tenants obliged to move

Removal expenses are paid to statutory successor tenants who have been forced to move by the Council on grounds of under-occupation, or because they occupy specialist accommodation which is no longer required.

They qualify for the following payments:

- (a) the hire of a removal van;
- (b) the disconnection and reconnection of a cooker and telephone.

When signing up the new tenant, the procedure outlined in section 9.4 applies.

Applicants rehoused under the non-statutory succession scheme are not entitled to any form of compensation or payment.

9.7 Temporary decants

Council and private sector applicants who are being temporarily decanted are entitled to:

- (a) the hire of a removal van;
- (b) the disconnection and reconnection of a cooker, telephone, and automatic washing machine;
- (c) the redirection of post for the entire decant period.

These removal costs are paid in respect of both the move to their temporary home and the move back to their permanent home.

No removal costs are paid to owner-occupiers who are temporarily rehoused into Council accommodation, whilst renovation grant works are carried out to their permanent home.

When signing up the tenant, the AO will:

- (a) book a removal van, where requested by the applicant (as per procedure given in section 9.4).
- (b) advise the applicant to submit bills and receipts in respect of their removal costs directly to a designated AA.

9.8 Administration of compensation claims following sign-up

The designated AA processes any payments due to the tenant once they have received notification from the AO completing the sign-up.

Where the new tenant is an existing council tenant, the Rent Arrears Team (Rents and Enforcement) is asked to confirm details of the rent arrears, the amount of compensation payment to be paid into the new/former tenants rent account, and the balance (all, some or none) that is to be paid to the tenant. The tenant must be advised, in writing, where compensation payments due have been used to offset the rent arrears and a copy of the letter retained on the allocation file. One copy is also sent to the Rents & Enforcement Unit.

The AA completes a PRN in respect of payments due (with the exception of "statutory" home loss, which is paid directly by Legal). The PRN is then sent to Department of Finance for payment.

Removal costs are processed in the following way:

- (a) Disconnection/reconnection of cooker or telephone

Upon receipt of the invoice and bill, the designated AA completes a "CD1" with invoice (customer/telephone) reference number, invoice amount and expenditure code. This is sent with the original invoice to the Payments Section, Department of Finance.

- (b) Redirection of mail

Upon request from the applicant, the designated AA completes the "PRN" with details of the standard rates, and submits it to the Payments Section, Department of Finance.

All payment requisitions must be authorised by a Lettings Agency manager or other authorised signatory. Copies of the payment requisition and bills are attached to the "Claim for Compensation-Permanent Rehousing" form, which are kept on a Compensation File.

Where a payment for removal expenses on a central code has been ordered, all copies of payments for removal expenses should be kept on a file for budget monitoring purposes. The expenditure codes are as follows:

J8156000	All Decants
J8156500	Racial Harassment
J8156700	Sexual Harassment/Domestic Violence
J8156300	Other Harassment
J8156600	Under-occupation

9.9 Definitions

Home Loss Payment

Compensation in recognition of upset and inconvenience of moving.

Statutory: Must have been in lawful occupation for one year prior to date of moving. £3100 lump sum (Land Compensation Act 1973 as amended).

Equivalent: £1000, irrespective of length of residency.

Disturbance Payment

Reasonable expenses incurred in being displaced.

Lump sum of £200 (£250 if OAP/Registered Disabled) + Removal Expenses.

Removal expenses

- (a) Hire of removal van.
- (b) Disconnection/reconnection of cooker and telephone. Temporary decants also qualify for disconnection/reconnection of a washing machine.
- (c) Redirection of mail for temporary decants (entire period) and racial/sexual/other harassment overrides (3 months) only.

10.0 DECORATION ALLOWANCE

10.1 Introduction

The Council normally pays new tenants an allowance where the property requires decoration. They are payable on all property types, and are paid to incoming tenants who will be occupying the home on both a temporary (non-secure) and permanent basis.

In most cases, the decoration allowance is paid directly to the new tenant, who is then expected to carry out the works. In some circumstances, the department may itself carry out the decoration prior to the new tenancy starting or shortly after occupation by the new tenant. This will be:

- (a) where the new tenant is elderly (over 60 years old) or registered disabled;
- (b) all voids in sheltered and designated blocks for the elderly;
- (c) any local scheme agreed by the Tenancy Services Manager;
- (d) any individual property subject to discretion of Head of Lettings or other Lettings Agency manager. An example could be where the new tenant is unable to carry out the decoration themselves, or the property is particularly hard to let.

The Allocations Manager may increase the decoration allowance paid on a particular property up to a maximum of 50% providing there is adequate budget. It may be decided, for example, to increase the allowance for properties that are particularly difficult to let (with three or more refusals).

The Allocations Manager, in consultation with the Property Services Manager in RMD, may decrease the allowance. This may be where:

- (a) the voids budget is running low, and this will enable more properties to receive the allowance; or
- (b) they consider the property easy to let and as a result there will be no evident hardship for the incoming tenant. In these cases an allowance may not be made at all.

10.2 Allowances payable

Where the Council carries out the decoration work, no allowance is paid. Where the new tenant is responsible for decoration, an allowance is given. There are fixed sum allowances per room:

- living room £ 75
- kitchen £ 53

• hall/landing/stairs	£127
• hall only	£ 37
• bathroom/w.c.	£ 55
• bathroom (separate)	£ 37
• w.c. (separate)	£ 18
• main bedroom (1)	£ 53
• other bedroom (large)	£ 53
• other bedroom (small)	£ 37

Where only the ceiling of any room need re-painting, only one-third of the relevant allowance is paid. For example, if only the ceiling in the kitchen needs painting, only £17.66 will be paid. Where the ceiling of any room does not need repainting, only two-thirds of the relevant allowance is paid.

Council Underoccupation Transfers vacating 4-bedroom+ property, are entitled to a full decoration allowance, unless the property moved into has been fully decorated.

10.2.1 Qualification

All decoration must be completed within one year of the tenancy commencement date. However, in exceptional circumstances, the Tenancy Services Manager may extend this time limit.

10.2.2 Method of payment

Permanent rehousing

There are two methods of payment, depending on the financial ability of the new tenant to meet the cost of decoration works. Payments are made by the Allocations Assistants (initial payment) and by the Resources Team, Rents and Enforcement (final payment).

Where the new tenant can afford to meet the costs of decorations one-third of the total decoration allowance is paid to them at the start of the tenancy. The remainder is paid following satisfactory completion of the works, in one of three ways:

- (i) where the tenant's rent account is in credit, clear, or less than one week in debit, the full amount of the balance is given directly to the tenant;
- (ii) where the tenant is in arrears of more than one week's rent, and the arrears are less than the balance due, a sum is deducted from the balance to pay off the arrears, with the remainder being refunded to the tenant;
- (iii) where the tenant is in arrears of more than one week's rent, and the arrears are more than the balance due, the whole amount will be paid directly into the tenant's rent account.

Both (ii) and (iii) assume there are no outstanding Housing Benefit credits due. The tenant must be notified in writing where the decoration allowance is used to offset any rent arrears.

Where the new tenant is on a low income and therefore unable to finance the cost of the decoration themselves, they may be given assistance through the voucher scheme. This enables the new tenant to obtain necessary materials up to the amount of the decoration allowance from one of the Council's approved suppliers. Where the tenant does not use up the full amount of their allowance, the remainder may be given to the tenant, paid directly into the rent account, or a combination of the two. Through this scheme, at the start of the tenancy, tenants obtain decorating materials to the value of one-third of their total allowance. The tenant collects materials to the value of the remaining 2/3rd's of their allowance after a home visit by the Community Housing Officer confirms that the works have started.

Temporary (non-secure) tenancies

Regardless of the financial circumstances of the new tenant, decoration allowance payments are only made through the voucher scheme for non-secure tenancies. Payments are processed as outlined in Section 10.2.3 above.

10.3 Procedure for payment

Where the property qualifies for a decoration allowance, the Allocations Officer (AO) informs the new tenant of the amount payable, and enters the total amount on the tenancy agreement.

Where the new tenant is elderly or disabled, the AO asks if they require assistance in carrying out the decoration. Where they are not capable of carrying out the decoration themselves and are unable to get a friend/relative to carry out the works on their behalf, the AO will get permission from a Lettings Agency manager to carry out the decoration on the tenant's behalf. The Housing Advice Service may also be able to provide information on any voluntary agencies that may be able to help.

Where the Lettings Agency manager agrees that the Council will decorate the property, such works will normally be carried out with the tenant in occupation. The new tenant is advised that they will be contacted to arrange a suitable date and that no decoration allowance will be paid.

Where the new tenant will carry out the necessary decoration, the AO discusses with the new tenant the methods of payment.

Where the new tenant is able to finance the costs:

- (a) The AO completes a standard letter that gives details of the allowance and indicates the method of payment. The applicant also signs the letter agreeing to the method of payment. The letter is given to the tenant and copies are retained on the applicant's new tenancy file, which is held by the appropriate

Community Housing Team. At the same time, the terms of the allowance are also explained to the tenant.

- (b) An Allocations Assistant (AA) completes a payment requisition notification for the initial one-third payment and sends it to the Chief Executives Finance Department. When the cheque is received, it is sent to the tenant. The cheque is usually issued within a few weeks of the tenancy start date.
- (c) The tenant notifies their Community Housing Officer once the works have finished. The Community Housing Officer then inspects the property, and following satisfactory completion of the decoration works, requests that the Resources Team (Rents and Enforcement) arrange final payment. The balance of the decoration allowance may be paid directly to the tenant and/or to their rent account where there are arrears of more than one week's rent. The Resources Team (Rents and Enforcement) will notify the tenant in writing how much they have been reimbursed.

Where the new tenant is unable to meet the decoration costs or is occupying the tenancy on a temporary (non-secure) basis:

- (a) The AO gives details of the voucher scheme. A standard letter is completed, indicating the amount and method of payment. The applicant signs the letter. The letter is given to the applicant and copies are retained on the applicant's new tenancy file that is held by the relevant Community Housing Team.
- (b) The AO advises the designated AA, by way of an appropriate note on the completed tenancy agreement, that the new tenant is entitled to a decoration allowance and will be using the voucher scheme.
- (c) The AA sets up an account with one of the Council's approved suppliers, initially to the value of 1/3rd of the applicant's entitlement.
- (d) The AA sends letter to the tenant advising them of their account details, and a copy is retained on their tenancy file.

It is the responsibility of the Community Housing Officer to ensure that all necessary works have commenced before they authorise the tenant to collect decorating materials for the remaining 2/3rds of their allowance.

11.0 MEDICAL ASSESSMENTS

11.1 Introduction

Any applicant, or member of their household, who has a medical condition that may affect their need for housing, is advised to complete a Medical Application Form. Each person with a medical problem must complete a separate form.

The assessment may result in the award of:

- Emergency rehousing status;
- Reasonable preference for rehousing;
- and/or recommendations for property types for any future offers (if direct offer case).

11.2 Award of medical priority

Every medical application is assessed on its merits by the Medical Assessment Officer (MAO) in the Quality & Review Team. Assessments are not primarily concerned with determining the severity of the applicant's medical condition, but reflect their difficulty in coping with their existing housing. Priority is awarded on the basis of how their medical condition is affected by their current housing and how a move could help. For example, someone with a serious heart condition who is already living on the ground floor may not receive any medical priority. However, if the property was in such a bad condition that the risk of a chest infection through cold or damp would endanger life, priority could be awarded if heating/dampness problems cannot be rectified.

The following levels of medical priority may be awarded:

- (i) Emergency rehousing status, if the medical condition is so severe that:
 - it is impossible for the applicant to live in their current home; or
 - where an applicant is in hospital or other residential care and can be discharged only if rehoused to more suitable accommodation.
- (ii) Reasonable preference where an applicant's current home is unsuitable and the applicant needs settled accommodation on medical grounds.(Housing Act 1996 S167.2(e))

Medical preference may be removed where a new medical assessment has been carried out and the applicant's conditions have improved, or where the applicant has provided fraudulent or misinformation regarding the medical/housing need.

11.3 Restrictions on property type requirements

Applicants who have been awarded emergency status on medical grounds and other direct offer groups may require specific property types as a result of their medical condition and this will be included as part of the assessment by the MAO. This may include a recommendation for a specific heating type, floor level,

property type, or a recommendation for wheelchair-accessible/adaptable accommodation.

11.4 Separate bedroom entitlement

This may be awarded where the applicant needs their own bedroom for medical reasons/personal development, needs a carer/personal assistant, or some special bulky medical equipment.

11.5 The assessment procedure

The MAO will not normally reconsider an application on medical grounds where there has been an assessment within the last 6 months, unless there is a serious change in the circumstances (medical or housing).

The MAO does not carry out individual medical examinations. Assessments are based on the information given by the applicant on the Medical Assessment Form. Applicants do not have to submit any medical evidence in support of their application. Where required, the MAO will request the necessary information from the applicant's doctor or other concerned professional directly.

The Allocations Team, refer the request to the MAO, after having logged this on the appropriate record on the Medical Referrals section on the iSYS computer system. The MAO deals with all requests for an assessment on medical grounds. Applicants should not be advised to contact the MAO to discuss their application.

The various stages of the assessment procedure are given below:

- (a) Where required, Customer Service Officers (LSCs) should help the applicant to complete the form and should check iSYS to confirm that the customer is registered on the list. The applicant completes and returns a Medical Assessment Form to the Lettings Agency.
- (b) The Allocations Assistant records receipt of the medical application form on the iSYS system.
- (c) The Allocations Assistant checks that the form has been completed, that details of any doctors/consultants have been provided, and that both the consent sections have been signed. Where the form is incomplete, the Allocations Assistant will contact the applicant to obtain the necessary details. The application is then given to the MAO for assessment, in accordance with current guidelines.
- (d) The Allocations Assistant passes the following to the MAO:
 - the completed Medical Assessment Form;
 - housing reports, where available (i.e. proof of dampness, lift breakdown, lack of amenities);
 - any medical evidence already provided;

- a completed Medical Assessment Referral Form; and
 - copies of any previous medical applications and results.
- (e) Where additional information/confirmation is required, the MAO will contact the relevant GP/Consultant directly, in writing. A Medical Questionnaire, the applicant's consent form and a stamped addressed envelope for reply must also be supplied. The MAO advises the Allocations Team of the delay this will cause in assessment.

If no reply is received from the Medical Practitioner within 4 weeks, the MAO sends a reminder letter, again enclosing the above documents.

If there is still no response after a further 4 weeks, the medical application is returned to the Allocations Team without assessment. Where this happens, it is the responsibility of the Allocations Team to inform the applicant in writing that the Council is unable to carry out the medical assessment owing to the failure of the applicant's GP/Consultant to provide confirmation.

Once the assessment has been completed, the MAO completes Section B of the Medical Assessment Referral Form. This is passed, together with any forms/information previously submitted to the MAO to the Allocations Team.

Details of the date and outcome of assessment, and the date that the assessment is returned to the Allocations Team are then recorded on the applicant's iSYS computer records, along with any property or heating type recommendations.

- (f) Following receipt of the completed medical assessment, an Allocations Officer writes to the applicant giving details of the assessment where this has led to a change of priority. No letter is sent where the assessment does not either give emergency status or reasonable preference for general list applicants. Where the applicant is assessed as requiring wheelchair standard housing they are also registered for this property type.
- (g) Whilst this procedure relates mainly to ordinary housing list applicants requesting additional priority on medical grounds, it must also be followed where a request is solely for the assessment of property type requirements for direct offer cases. In these cases, the applicant still needs to complete the Medical Assessment Form but a note on the Medical Assessment Referral Form must state that a priority assessment is not required and it is "for property type only".

11.6 Re-assessment

If additional information is submitted subsequent to an assessment, the MAO will carry out a new assessment based on all the information available at that time. This might happen, for example, where an applicant's medical condition has changed since the previous assessment, or where all medical evidence was not available at the time of the original assessment.

11.7 Referrals to other agencies

Medical priority and Social Services priority often overlap due to complex problems experienced by some applicants. Where appropriate, the applicant could be awarded emergency status by the joint Social Services and Housing panel.

Also, where appropriate, referrals could be made to the occupational therapists or other relevant sections in the Social Services Department before or after a medical assessment is carried out.

Where housing or environmental defects are the grounds for the medical assessment request and it is possible that these may be resolved by corrective action the case should be referred to the appropriate officer. The officer should determine whether remedial works could be done within a reasonable length of time. Council tenants should be referred to their Community Housing Team and non-Council tenants to the Housing Advice Centre. This referral should be done prior to any request for a medical assessment where, for example, the applicant's property is damp, lacks a hot water system, or has a defective heating system.

12.0 REGISTERED SOCIAL LANDLORDS

12.1 Introduction

Registered Social Landlords (RSLs), such as housing associations, are one of the main providers of social rented housing in Newham and represent an increasingly important resource in meeting the borough's housing need. They are independent non-profit making organisations. There are over 20 different RSLs working in Newham, providing a range of housing (from shared to family) for a variety of client groups (general and special needs) through a variety of tenures (social rented or shared ownership).

RSLs give the Council "nomination rights" to a percentage of its "true void" vacant properties, as defined by the nominations agreement. Unless the Council has formally agreed to waive all or some of its nomination rights or agreed to additional nomination rights; the Council are offered nominations on the following basis:

- 75% of "true voids" for family-sized accommodation (two bed +);
- 50% of true voids for bedsit, shared and one-bed units.

The Housing & Customer Services Department nominates applicants to RSLs in line with the Council's allocation policy and as laid down in the Nominations Agreement. When considering a nomination from the local authority, RSLs are expected to accept the Council's prioritisation of housing need, rehousing standards and rent arrears policies.

12.2 Nominations to RSL vacancies

The RSL notifies the RSL Nominations Officer (RSLNO) and the Principal Officer (Allocations Team) (PO) of any vacancies to which the Council has nomination rights. The RSLNO or PO decides whether the property is to be let by choice based lettings or if there is a suitable candidate for a direct offer. The procedure applies to all properties made available for letting under nominations agreements with Newham Council.

12.3 Procedure for nominations

RSLs complete a nomination request pro-forma and email this together with a digital image of the property (where available) to the RSLNO or PO as soon as they are aware that a property is likely to become available for council nominations.

The earlier the RSL can supply the request the quicker the void turnaround will be.

If the property is not required for a direct offer case, Newham Lettings Agency will advertise the property in the next available cycle of ELLC Choice Homes following receipt of the property details or will allocate to a household in one of the direct offer groups.

Within two working days of a bidding cycle closing the Lettings Agency will forward by email up to two applicants who have either bid for the property via CBL or who have been identified as being suitable for the property if direct offer cases.

The RSL will then be responsible for arranging the viewing of the property.

Within five days of the property being let, the RSL must inform the RSLNO who the property was let to and the tenancy commencement date.

At the same time they must also supply details of any applicants that were ineligible or who refused an offer of the same property. This information is needed so those applicants who are still eligible to bid for properties are not disadvantaged by delays in processing refusals. For households who accept properties their existing tenancy (if there is one) needs to be terminated as soon as possible.

12.4 Resulting RSL nominations

Where the nomination:

- (a) has accepted the offer, the RSLNO:
 - (i) updates the applicant's offer history records on the iSYS computer system. Forwards a copy of the notification to a designated Allocations Assistant (AA) for void monitoring purposes and to HPU (if applicable). The RSLNO removes the file from the "live" system.
 - (ii) withdraws the offer on the iSYS computer system if a second nomination was sent to return them to the "live" list.
- (b) is rejected by the RSL, the RSLNO updates the applicant's offer history records on the iSYS computer system with the appropriate result;
- (c) has refused an offer of accommodation, the Housing Association e-mails the RSLNO with the reasons for refusal:

The RSLNO then updates the applicant's offer history records on the iSYS computer system with the appropriate result depending on whether the offer was made as a direct offer or through the Choice Homes Scheme

Where the nominee has been rejected by the RSL, or has refused the offer, the RSL and Local Authority will then proceed to the next applicant on the shortlist

Where a result from a nomination is not received from a RSL within 4 weeks of submitting the nomination, The RSLNO must chase the relevant RSL.

The RSLNO updates the appropriate Housing Association Property Details card.

12.5 Nominations to Co-operatives

There are a number of co-operative housing associations currently operating in Newham. A co-operative is a type of housing which is jointly managed by the tenants, who make decisions on repairs, rent arrears and housing management policies themselves. Apart from this distinction, co-ops are usually run on similar lines to any other kind of housing association.

Because of the specific nature of this form of housing, which requires self-motivated people in order for it to succeed, an applicant will not be nominated to a co-op unless they have expressly asked for this on their housing application form. Or where they have requested it on the "Have you thought about living in a Housing Co-operative?" leaflet.

For new-build schemes, the co-op must notify the Council of its request for nominations six months in advance of hand-over. The Housing & Customer Services Department (via the RSLNO) must provide the nominations five months in advance of hand-over.

For casual vacancies, the Council must provide nominations within five days of the request.

In common with nominations to general needs housing, the RSLNO provides up to two nominations per vacancy. The allocation procedure is then followed in the usual way.

Households that have been accepted by the Co-op for new-build schemes can back out up to one month before hand-over date without penalty under the Council's reasonable offer policy.

Additionally, if a Co-op has a member who wishes to be rehoused by that Co-op, the subsequent rehousing will be counted as a nomination if the person would be eligible for an offer under the Council's allocation policy within a 12 month time period.

12.6 Out-borough estate stock transfers

The ownership of the out of borough Council estates in Stanford-le-Hope and Dagenham (Rookery Farm) was transferred to Samuel Lewis Housing Trust (Now Southern Housing Group) on the 1st March 1998 and the 1st September 1998 respectively.

As at the date of the stock transfer, the existing tenants ceased to be Newham council tenants. Such tenants are now housing association tenants of Southern Housing Group and would only be eligible to directly apply for rehousing to the London Borough of Newham if they met the local connection criteria in section 3.

As at the date of the stock transfer, the Council had nomination rights to all vacant properties on the estates. However, nomination rights to subsequent voids are in line with the standard Nominations Agreement (i.e. 50% of 1-bed true voids and 75% of family true voids).

12.7 Direct applications to RSLs

Most RSLs do not keep an open waiting list for their general needs housing but instead offer their vacancies to the Council by way of "nomination rights", to an approved list of referral agencies which is periodically reviewed, or to their own tenants.

There are, however, a number of RSLs that provide specialist accommodation for particular client groups, e.g. elders. These associations do accept direct applications, and will either periodically open their waiting list or keep it open throughout the year.

13.0 ALTERNATIVE HOUSING OPTIONS

13.1 Introduction

There are a number of housing schemes for people who wish to move either within Newham or to another local authority area. Applicants may get help by way of a mutual exchange or via the mobility scheme, details of which are given below. Where an applicant requests details about these schemes, the Customer Services Officer (CSO), Local Service Centre (LSC), should give any available information and help in completing the necessary forms. Where appropriate, the CSO should inform applicants of any schemes that will improve their chances of obtaining a move, outside of the general allocations process.

13.2 Mutual exchanges (assignment of tenancy)

Both "secure" council and housing association tenants, in England, Wales, Northern Ireland and Scotland, who occupy permanent self-contained accommodation, have a legal right to exchange their tenancies under Section 92 of the Housing Act 1985. "Assured" housing association tenants, and "Assured Shorthold" tenants in the private sector, also have this right if it is granted as part of their tenancy agreement. There can be two, or even three-way, exchanges and the landlord of each has to consent in writing.

Mutual exchanges are essentially a self-help process. Tenants are expected to find their own exchange partner either through the official mutual exchange scheme "HOMESWAP" run by HOMES, or informally through private adverts in shop windows; or, through family/friends/neighbours.

Where a Council tenant expresses an interest in a mutual exchange by personal enquiry, the CSO gives them a "HOMESWAP Exchange Registration Form" to complete and return directly to the Special Schemes Officers (SSOs) in the Lettings Support Services Team. Ideally, the form should be completed as part of the interview process and sent immediately in the internal mail by the CSO.

After receiving the completed "HOMESWAP Exchange Registration Form", the SSOs register the application on the HOMES computer system. A computer generated registration letter is sent to the tenant confirming that they are on the scheme, together with a list of up to 5 possible exchange partners that the computer has `matched` to the applicant. The applicant is advised to contact any potential exchange partner directly if there is a possible match. The SSOs on request from the applicant can carry out further matches.

Every month HOMES produces lists of people wishing to move to, from, and within the Newham area. The SSOs send a copy of all lists to each LSC, interim LSC, and remaining housing offices for public display. Applicants can come and look at the list at any of these offices and LSCs, to see if there are any suitable exchange partners. It is up to the applicant to contact potential exchange partners they have identified. The applicant's details will also be included in the list of potential exchanges displayed in local authority offices where they wish to move.

Before an exchange can take place, both exchange partners must get the respective landlord's permission to the exchange. Therefore, when a tenant finds

a suitable exchange partner, be that from whatever source, irrespective of where they live and who their landlords are, all applicants must complete the Mutual Exchange Application form. Where there are two (or more) landlord's involved, applicants must make an application to the other landlords and must complete (and return) the required application forms for each.

Upon receipt of all Mutually Exchange Application forms, the landlord has 42 days in which to notify the tenant in writing if it agrees to the exchange taking place. And can only refuse consent on one of a specified schedule of grounds, which are outlined in Schedule 3 of the Housing Act 1985, full details of which are given in section 1.

Following receipt of all completed Mutual Exchange application forms, the SSOs:

- (a) register the application on iSYS and compiles a "Control Card". This gives details of the stages that have been completed within the exchange process;
- (b) send a letter to all tenants advising them of the next stage in the process and informing them that they must not exchange until permission from all landlord's involved has been granted, and, that the decision will be given within 6 weeks;
- (c) request a report from the CHO(s) for all LBN tenants involved in the exchange. This asks for details of the tenancy (including rent account information and debt recovery action, for which the CHO will consult with the Rents and Enforcement Team), household composition, and any comments regarding the exchange. A Property Inspector (Property Services Team in RMD) will carry out an inspection to check the condition of the property;
- (d) where applicable, send a letter and report form for completion by the non-LBN landlord, at the same time asking whether or not they consent to the exchange;
- (e) where a report has not been returned by the CHO within 21 days of the initial request, the SSOs write to the relevant CHO. Where there is a non-LBN tenant involved in the exchange a letter is sent to the other landlord where the report has not been received.

The landlord loses the right to rely on any of the grounds unless s/he replies within 42 days. It is therefore essential that the report form is received in good time. Consequently, if the report is not returned within the required time-scale, the Principal Officer, Lettings Support Services Team, notifies the relevant Tenancy Services Manager of their non-compliance with statutory time-scales, and sends a copy to the Head of Community Housing Services.

After receiving the completed reports from the CHO(s), the SSOs check that the information provided by the tenants matches that of the report (e.g. occupancy), sort out any ambiguities, and then complete a "Mutual Exchange Decision Paper" passing that to the Principal Officer, Lettings Support Services Team for a decision.

The Principal Officer checks the file and ensures that both policy and legislation are being complied with before signing off the exchange. In particular the Principal Officer will check:

- that the tenancy details are correct;
- that there are no debts owed to the Council;
- that the technical report is acceptable and that the property is not Sheltered, adapted or designated for use by the elderly;
- that occupancy and number of bedrooms are correctly matched and that the mixed-sex sleeping rules are not breached.

The Principal Officer indicates on the mutual exchange decision paper whether the exchange is agreed or refused, and if refused, on what grounds.

Where the exchange is agreed, the SSOs:

- (a) notify both tenants of the Council's agreement in writing. If a non-LBN tenant is involved in the exchange, the other landlord must be notified in writing before the exchange can go ahead;
- (b) following approval from all relevant landlords LBN tenants must sign the standard Deed of Assignment which transfers their entitlement of their tenancy to the assignee. (This form should be obtained via the Lettings Agency only);
- (c) the new tenants are then signed up with the Notification of Assignment of Tenancy (obtained only via the Lettings Agency);
- (d)
 - (i) Where two or more LBN tenants are involved in the exchange all tenants must call in at the same time to sign the Notification of Assignment of Tenancy and Deed of Assignment, which must all have identical (Monday) start dates.
 - (ii) Where one or more non-LBN tenants are involved in the exchange, they do not all need to call in at the same time. In these circumstances, the outgoing LBN tenant signs a Deed of Assignment of Tenancy, while the in-coming tenants can sign at a later date if necessary or convenient. Both tenants are advised to complete a similar process with the other landlord. The Lettings Admin Assistant will also agree the sign-up date with the relevant landlord and tenants prior to arranging the sign-up interview.
 - (iii) Identification showing full name and address will be required at the sign-up stage for **all household occupants**. Identification might include any of the following: Welfare Benefit books; Child Benefit books; Drivers Licence; Medical Cards; Utility bills; bank statements.

- (e) following the sign-up, the CHO(s) are sent paperwork relating to their new tenant. If the old tenant becomes a tenant of another landlord, all paperwork is sent to their previous CHO.
- (f) where the tenant is registered for an exchange on HOMESWAP, the mutual exchange application is closed on the computer system.

Where an exchange is not agreed, a personal letter is sent to both tenants stating the reasons why, and given details of their right of complaint against this decision in the normal way. However, where an external landlord is refusing the consent, the tenants cannot complain to Newham.

Debts owed to the Council and breaches of tenancy

Consent to the exchange will be withheld if any of the parties have any property-related debts to Newham Council and consent will only be given when all debts have been cleared.

If any other breaches of tenancy have occurred the council can insist that the breach be remedied before proceeding with the exchange.

Mutual exchange - guidelines on overcrowding

An exchange can be approved where it results in the overcrowding of a Newham Council property where it involves the household moving to a property with one bedroom less than their normal entitlement, providing no statutory overcrowding occurs as a result. This is consistent with the choice-based lettings scheme rules, which allows applicants to bid for a property with one bedroom less.

13.3 HOMES Mobility Scheme

This section deals with mobility moves **out** of Newham only. Mobility-In moves are dealt with in section 2.

There are two main schemes that help households to move to other local authority areas within England, Scotland, Wales and Northern Ireland. These are the Homes Mobility Scheme and the Seaside & Country Homes Scheme (see below). Within the individual schemes, each landlord has absolute discretion to decide which nominations they will accept from outside their area; some may only consider a particular type of nominee, or may only consider applicant's requiring specific property types. Much will depend on the supply of properties in a given area.

Not all housing organisations participate in mobility schemes; some have closed lists, which periodically open. Newham currently participates in the HOMES Mobility Scheme but will only re-house incoming nominations on a one-for-one basis.

Council tenants must have a clear rent account (no arrears) and no other property related debts before they can be considered for nomination.

All applicants who wish to be nominated by Newham Council must be registered

on our allocation scheme. Therefore they must complete the appropriate housing application form and their case must be registered on the iSYS computer system.

Moves to any other local authority or RSL participating in the scheme

There are no qualifying criteria for nominations to other local authorities other than nominees need to be eligible for rehousing according to the criteria set out in section 2. The decision rests with the importing local authority to accept or reject any nomination made. A local connection is often required i.e. direct family, place of employment or job offer.

The CSO/HPU caseworker checks applicants have no debts to the Council and are registered on iSYS. If they qualify the CSO/HPU caseworker gives the applicant a "HOMES Mobility Scheme Form". The applicant completes Section A of the form and returns it to the SSOs, their CHO (council tenant), caseworker (HPU case), or Housing Advice Service (private tenant/others).

- (a) The CHO/HPU caseworker/Housing Adviser checks that the applicant has completed Part A in full, and where necessary returns the form to the applicant for further information.
- (b) The CHO/HPU caseworker/Housing Adviser checks applicant is registered on iSYS and has no property related debts, then completes Part B of the form and sends it to the SSOs with a completed HOMES pro forma.
- (c) The HOMES pro forma aims to ensure those essential criteria for a nomination are met and so must be completed and attached in all cases.
- (d) The SSOs are not responsible for incomplete forms (including the pro forma) and will return them to the originating officer for processing.

Where the housing organisation is listed for appropriate property types and considers nominations, the SSOs telephone the receiving organisation to see if they are willing to consider the nomination or whether there is an outright rejection.

Where the authority is not accepting nominations, the SSOs notify the applicant in writing, a copy is sent to the referring office together with the original HOMES Nomination Form.

Where the organisation is prepared to consider the nomination, the SSOs register the applicant on the HOMES computer system. The original HOMES mobility form is sent to the organisation willing to consider the applicant. A letter is sent to the applicant confirming the nomination.

The receiving organisation makes a decision on whether or not to accept the case and updates the HOMES computer system or sends an update form to HOMES for the computer to be updated. They may also send an update form to the registration organisation.

Where the receiving authority notifies Newham of their decision, the SSOs send a letter to the applicant, advising them that they have either been accepted, in which case they should receive an offer in due course, or rejected.

13.4 Seaside & Country Homes Scheme

This scheme is administered by HOMES. To qualify for nomination, the applicant must be a Council tenant aged 60 or over and capable of independent living. All members of the household must be 60 or over. Applicants must have a clear rent account and no debts to the Council.

RSL tenants should approach their own landlord for moves under this scheme.

Where an applicant expresses an interest in moving via Seaside and Country Homes and they meet the criteria of the scheme, the CSO/CHO/caseworker gives them a "Seaside and Country Homes Application Form" to complete, along with information on areas covered by the scheme. This is returned to the SSOs for processing.

The CHO/caseworker checks that the applicant is registered on iSYS and that they have no property related debts. If the applicant qualifies they complete the nominating details and forward the form to the SSOs in the Lettings Service to process.

The SSOs check that the applicants qualify for nomination and if so, send the form directly to HOMES. A copy is kept on file and a letter sent to the applicant notifying them of the nomination.

HOMES then contacts the applicant directly to arrange an interview to discuss the availability of selected areas. Following the interview, HOMES will advise the applicant if they have been accepted and of their points. If a case is rejected the SSOs are notified.

Administration

Where an applicant has been nominated to another local authority through any of the above mobility schemes, the SSOs will update the applicant's computer records on iSYS with details of the date and type of mobility nomination.

Where the receiving authority notifies Newham that they are unable to accept the nomination, the SSOs will amend the applicant's iSYS computer records accordingly

Where the receiving authority notifies Newham of offers made, the SSOs:

- notify the Community Housing Team/HPU where appropriate; and
- create the offer record on the applicant's computer records on iSYS.

14.0 SPECIAL NEEDS HOUSING

14.1 Introduction to sheltered housing

Sheltered housing is housing for elderly people who are active enough to live independently, perhaps with the help of family, friends or the usual services available to people in their own homes such as home help, district nurse, and who want the underlying security of being able to seek support should the need arise. Sheltered housing offers people:

- the opportunity of living within a community of people of a similar age group;
- individual independence and privacy;
- security through a resident warden and the Newham Network Community Alarm Service.

It is not suitable for people who are particularly frail and should not be confused with residential care homes (also known as Part III accommodation) where care staff provide meals and personal attention to the residents.

The Council owns and directly manages a number of sheltered schemes in Newham, details of which are given in the "Sheltered Schemes in Newham" booklet. Each Scheme is purpose-designed for older people. It consists of a small block of self-contained bedsit and flats that are linked by internal heated corridors to communal facilities, including a common room, communal bath/shower room, laundry room, and guestroom. Most blocks are on two levels, although most now have a lift. All individual bedsit/flats have their own toilet and wash-hand basin, and are centrally heated. The flats are let unfurnished so tenants must bring their own furniture. Each flat/bedsit also has a kitchen area. Most tenants, however, share communal bathrooms/shower facilities with three other residents.

There are a number of Registered Social Landlords (RSLs), usually housing associations that also own and manage sheltered housing in Newham. The Council's sheltered housing service as described above may not necessarily apply to these schemes (for example there may not be a resident warden). Details of RSL schemes are also given in the "Sheltered Schemes in Newham" booklet. The Council has nomination rights to these schemes and will put forward applicants in accordance with the criteria used to allocate to its own sheltered vacancies, taking into account any specific requirements/characteristics of the scheme including advertisement through the choice based lettings scheme.

14.2 Criteria for sheltered housing

To be considered for sheltered housing:

- (a) applicants will normally be at least 60 years old, although some RSL schemes have a lower minimum age requirement (usually 55).

- (b) the applicant must be able to wash and dress themselves (with the help of a partner/agency where appropriate), and cope with life in general in the scheme;
- (c) incontinence is not an automatic reason for exclusion. Temporary/catheter incontinence where the applicant is aware and able to deal with it himself or herself is not grounds for ineligibility. However, any degree of mental confusion coupled with incontinence would mean that the applicant was not suitable for this type of housing;
- (d) exclusion on the grounds of disruptive behaviour will be taken into account when deciding whether an applicant is eligible. There must be a proven history of disruption and for this reason, as much information as possible should be sought on prospective applicants from former tenancy files, Social Services Department, Community Psychiatric Nurses. An eccentric lifestyle will not automatically exclude any applicant.

14.3 Sheltered housing vacancies

When a vacancy occurs, the Principal Officer (Lettings Support Team) in consultation with the Allocations Manager will decide whether the property is to go to a direct offer applicant or be advertised for choice based lettings.

Checks on the suitability of a particular applicant for sheltered housing are carried out once the allocation has been made either following advertisement or as a result of a direct offer, upon which a home visit will be arranged. The Allocations Team will arrange for the Community Housing Officer who manages the Scheme to visit the applicant along with the warden of the scheme, which has the vacancy. A home visit is not required if the applicant has previously been visited within the last 6 months for another sheltered vacancy.

On the basis of this visit, the Community Housing Officer and Allocations Officer will jointly decide if the vacancy should be offered to this applicant. If not, the process starts again, with the next applicant on the shortlist.

Dogs and cats are not usually permitted in sheltered schemes. If a prospective tenant already has a dog or cat the warden may make an exception. Some pets such as caged birds and fish are allowed but are the sole responsibility of the tenant. Pets will only be permitted if the tenant is able to look after them.

14.4 Holden Point Community Scheme

Holden Point is a very sheltered scheme jointly managed by the Departments of Social Services and Housing. It is for frailer elderly people who need levels of care and support above that which is normally provided in sheltered housing. It is a lifted block consisting of one, two, and three-bedroom flats, and is fully accessible to wheelchair users. There are three wardens providing a 24-hour service and, in addition to this, each flat is linked to the Newham Network Community Alarm Service.

Applications for the scheme will normally be considered from people over 60 years of age. Applications for the two/three bed units, which are designed for

older people and their carers, are considered where all household members (other than the applicant/spouse) are at least 18 years of age. Couples (both aged over 60) may be considered for the 2 bedroom units. Households consisting of 3 persons (e.g. couple both over 60 and one adult child over 18) may be considered for the 3 bedroom units.

Vacancies are generally advertised through the choice based allocation scheme.

14.5 Hamara Ghar Sheltered Scheme

This scheme is owned by Newham Council but directly managed by Eastwards Trust on the Council's behalf. The scheme is based in Green Street, and has a specific focus on Asian elders, although elders from other communities are also considered.

The scheme consists mainly of 1-bedroom flats (some 1-person and some 2-person) plus a number of 2 and 3 bedroom flats for elderly people with carers and/adult children. To apply, applicants/spouses must be 60 years or older. For the family flats, children/carers must all be 18 years or older. Couples (both aged over 60) may be considered for the 2 bedroom units. Households consisting of 3 persons (e.g. couple both over 60 and one adult child over 18) may be considered for the 3 bedroom units.

Applicants are registered on the waiting list in the normal way. Allocations are made in the same way as other sheltered schemes.

There are 3 resident wardens providing 24-hour cover. The scheme also has a concierge and is fully linked to the Newham Network Community Alarm Service.

14.6 Designated Bungalows (DB)

There are a number of bungalows that are designated specifically for allocation to people aged 50 or older, or for younger people who are disabled or who have a medical reason for such property. A full list is given below. Any bungalow not on the list should be let in the normal way to the highest placed qualifying applicant.

14.7 Designated Elderly Blocks (DEB)

There are a number of blocks in Newham that are designated specifically for allocation to older people. These are listed below. These blocks consist of bedsits and/or 1-bed units only, and can only be offered to people who are 50 years or older.

14.8 List of Designated Bungalows and Designated Elderly Blocks

Definitions:

Designated bungalows (DB): designated specifically for people aged 50+ or for younger people with a mobility assessment.

Designated elderly blocks (DEB): designated specifically for people aged 50+

List in alphabetical street order:

Properties marked * are within the Canning Town regeneration area.

Address	DB or DEB	Community Housing Area
Alison Close, 11-12	DB	East Ham & Docklands
Anne Street, 40-52	DB	Canning Town North
Balaam Street, 70-98	DEB	Canning Town North
Biggerstaff Road, 14-24	DEB	Carpenters TMO
Boyce Way, 21, 27-31	DB	Canning Town North
Brock Road, 69a	DB	Canning Town North
Caistor Park Road, 1-9	DB	Stratford
Chaplin Road, 2-24	DEB	Stratford
Chesterton Road, 91	DB	Green Street
Cordwainers Walk, 1-41	DEB	Green Street
Crofton Road, 18-20	DB	Canning Town North
Devalls Close, 14-15	DB	East Ham & Docklands
Doran Walk, 80-86, 100-106	DEB	Carpenters TMO
Drakes Walk, 27-41	DEB	East Ham & Docklands
Durban Court, Katherine Road	DEB	Manor Park
Durban Road, 2-4	DB	Canning Town North
Durham Road, 25	DB	Canning Town North
East Ham Crescent, Brentwood, 2-12	DB	Canning Town North
East Ham House, Loxford Avenue	DEB	East Ham & Docklands
Eric Shipman Terrace, Balaam Street	DEB	Canning Town North
Foster Court	DEB	Canning Town South

Address	DB or DEB	Community Housing Area
Garvary Road, 106-108*	DB	Canning Town South
Gladding Road, 1a-1f	DEB	Manor Park
Grangewood Street, 2-6	DB	Green Street
Grantham Road, 37-59	DEB	Manor Park
Greenhill Grove, 5-51	DEB	Manor Park
Hathaway Crescent, 50,51,84,85,118,119,152,153	DB	Manor Park
Heather Close, 10-11	DB	East Ham & Docklands
Humberstone Road, 26	DB	Green Street
Huntingdon Street, 4	DB	Canning Town South
Jack Cornwell Street, 81-85	DB	Manor Park
Keppel Road, 29-31	DB	East Ham & Docklands
Kylemore Close, 1-31	DEB	Green Street
Larkspur Close, 1,4	DB	East Ham & Docklands
McDowall Close, 2-36 *	DEB	Canning Town South
Market Street, 146	DB	East Ham & Docklands
Meath Road, 2-4	DEB	Stratford
Mortlake Road, 12	DB	Canning Town South
Newton Road	DEB	Stratford
Orchid Close, 3,9	DB	East Ham & Docklands
Ozolins Way, 1-12, 14-21, 24-27, 35	DB	Canning Town South
Pragel Street, 11-19	DB	Green Street
Queens Road West, 85-95	DB	Green Street
Ranelagh Road E15, 1-3	DEB	Stratford
Reed Close, 16-20	DB	Canning Town South
Renfrew Close, 22-28, 50-54	DB	East Ham & Docklands
Shaftesbury Point	DEB	Green Street
Sidney Elson Way, 1-13	DB	East Ham & Docklands
Sorrel Gardens, 21-27	DEB	East Ham & Docklands
Southchurch Court	DEB	East Ham & Docklands
Sunningdale Close	DB	East Ham & Docklands

Address	DB or DEB	Community Housing Area
Talbot Road E6, 40	DB	East Ham & Docklands
Tansy Close, 10-12	DB	East Ham & Docklands
The Beeches	DEB	Manor Park
The Elms	DEB	Manor Park
The Firs	DEB	East Ham & Docklands
Third Avenue E12, 79,81,99,101	DB	Manor Park
Thomas North Terrace *	DEB	Canning Town North
Triangle Court	DB	Canning Town South
Vera Lynn Close, 2-27	DEB	Manor Park
Victoria Dock Road, 251-264	DB	Canning Town South
Victoria Road, 1-11	DB	Green Street
Vine Road, 11-23	DB	Stratford
Waddington Street, 45-61	DEB	Stratford
Wadhurst Court, Telham Road	DEB	East Ham & Docklands
Windmill Lane, 84-92	DEB	Stratford
Wolferton Road, 12	DB	Manor Park

14.9 Allocations to wheelchair standard/adapted housing

Both the Council and a number of RSLs operating in Newham have purpose-built and specially adapted housing suitable for wheelchair-users within their stock. Where available, this housing must be allocated to households who require wheelchair standard housing either to an applicant in one of the 'direct offer' groups, or advertised via CBL with bids restricted to those applicants who have an assessed need for such accommodation.

If an adapted Newham Council property becomes available that might prove difficult to let (or proves to be difficult to let following offer refusals) it may be decided to remove the adaptations in order to facilitate the re-letting of the property. This situation might arise, for example, where a relatively unpopular property-type becomes available (such as a flat on a high floor in a multi-storey block) that has previously been adapted to suit the needs of the former tenant, but it is highly unlikely that there will be any suitable applicants who would be prepared to accept it, or no suitable applicants had come forward following advertisement under CBL. This decision would be taken by the Head of Lettings Agency following appropriate consultations, including consultations with the Occupational Therapy Team (Social Services Department).

Where an offer of specially designed/adapted or general needs housing is made to a disabled applicant, the Allocations Officer must also arrange and attend a

joint viewing of the property with an Occupational Therapist (SSD) and the applicant to see if the property is suitable.

14.10 Housing for people with HIV/AIDS

The Housing Department operates specific policies and procedures for people with HIV/AIDS who approach the Council for rehousing.

Applicants who are, or have been, HIV symptomatic or have an AIDS diagnosis

Applicants who approach the Council for rehousing are assessed in line with the medical assessment procedure. And where their present housing is unsatisfactory they may be awarded emergency rehousing status. With the exception that the assessment is carried out by the Head of Lettings or appropriate senior officer to maximise confidentiality. Unsatisfactory housing is defined as one of the following:

- homeless or threatened with homelessness;
- overcrowded;
- shared facilities;
- not ground floor or lifted;
- not centrally heated;
- harassment.

Where an applicant applies for rehousing by the Council they must provide medical evidence that they have AIDS/HIV and are or have been symptomatic. A letter from a doctor or hospital is sufficient proof.

For homeless cases proof of an individual's HIV/AIDS status may not be readily available. In these circumstances, a letter of confirmation from any accredited agency working in the field, such as LEAN or the Terrence Higgins Trust, is acceptable as an interim proof of priority need, to enable the applicant to be temporarily rehoused.

Where an applicant refuses to provide medical confirmation of their HIV/AIDS status, the contact officer must notify the applicant that they can not be assessed for emergency status until proof of status is given.

Nominations to specialist housing associations

There are a number of specialist housing associations operating in the borough for people with HIV/AIDS that provide housing with support. Nomination rights are very small and therefore a nomination cannot be guaranteed. Nominations will only be made where the applicant is, or has been HIV symptomatic or has AIDS. This is regardless of whether or not they have been awarded Emergency status on grounds of unsatisfactory housing conditions in the present home. This information is recorded on iSYS but is not visible and can only be accessed by the Head of Lettings or other appropriate Manager.

Confidentiality of information

All applicants must be advised of the Council's Confidentiality Policy in relation to HIV/AIDS. This means that any information given by a client in respect of their HIV/AIDS status will not be disclosed unless there is a "genuine need to know" on the part of the recipient and only with the expressed agreement of the applicant.

Any correspondence relating to the applicant's HIV status sent via the internal mail must be marked "private and confidential". All interviews or telephone contact with the client must take place in a private room.

Any information that relates to an applicant's HIV status must be removed from the applicant's file, and stored by the Head of Lettings or appropriate senior officer in the Homeless Persons Unit in a confidential manner.

14.11 Tenant Management Organisations (TMOs)

There are two TMO working in Newham, which are Carpenters TMO and CTR Triangle Ltd TMO. A TMO is a kind of "super" tenants association where the tenants themselves take responsibility for the management of their properties. The TMO has a legal agreement with the Council that specifies which housing management functions the TMO will carry out, for which the TMO is paid an annual allowance. The properties still belong to the Council who is still the landlord.

In respect of the allocation of property managed by the TMO, full details are given in the respective Management Agreements. Brief details are given below.

14.11.1 Carpenters TMO

Carpenters TMO is responsible for the management of all properties within the geographical boundaries of the Carpenters Neighbourhood. The TMO has delegated this responsibility to council employees who work for the Carpenters Neighbourhood Housing Office.

In terms of the allocation of vacant property, the rules and procedures of the Council's allocations scheme apply with the exception of:

- 50% of family sized true voids;
- 25% of 1-bedroom true voids.

which the TMO allocates in line with its own "Internal Transfer Policy". Prioritisation between housing applicants for "within neighbourhood" a move is broadly in line with the Council's existing allocations scheme.

The TMO allocates directly to the vacant units that are identified for "internal transfers". For the remaining units, the TMO requests nominations from the Lettings Service.

14.11.2 CTR Triangle Ltd TMO

CTR Triangle TMO is responsible for the management of all properties within Cliff Walk, Trinity Gardens and Radley Terrace. The TMO is a company independent of the Council.

In respect of the allocation of vacant property, the rules and procedures of the Council's allocations scheme apply with the exception of 25% of true voids that the TMO allocates to internal transfers. Internal transfers are prioritised in accordance with the Council's transfer schemes.

The TMO allocates directly to all vacant units within the TMO area.

15.0 COMPLAINTS PROCEDURE

15.1 Introduction

Any applicant can complain about a decision or treatment made by Council officers which affects their request for housing, except where a *statutory right of review* exists (see section 16).

An applicant may complain about:

- the failure to award rehousing priority;
- an aspect of the Lettings policy, such as number of bedrooms entitlement;
- a decision to classify a refusal of an offer of permanent accommodation as unreasonable where a direct offer of accommodation is made;
- a deferment of their case due to rent arrears or other debts owed to the Council;
- the service they have received or failed to receive.

15.2 Making a complaint

An applicant can normally only complain about a decision that was made during the last 12 months. In exceptional circumstances complaints which are outside this time limit may be considered, at the request of the Complaints & Customer Care Manager.

Where an applicant expresses dissatisfaction with an allocations decision, Officers can take a telephone message and log as a first stage complaint, or the applicant can be invited to fill in a "Comments & Complaints Form". Where required, the applicant is given advice and assistance on how to complete it.

15.3 The first stage review process

For complaints dealing with Lettings/Allocations, and HPU cases and related issues, the first review will be carried out by the Review & Quality Team.

The Review & Quality Team must provide a written response to the applicant within 10 working days of receiving their Comments & Complaints Form.

For complaints about unreasonable refusals, the Principal Officer (Allocations Team) or another Lettings Agency manager will provide any additional information requested by the Review & Quality Team.

Complaints about Social Services priority are referred directly to the Head of Lettings. S/he will then prepare a report for the Complaints & Customer Care Manager and the procedure given in section 15.4 applies. There is no "first stage review" as these decisions are taken by a panel of senior officers in both Housing and Social Services Departments.

The officer carrying out the “first stage” review should satisfy themselves that allocations policy has been correctly applied. For decisions on reasonableness of offers, this review will be based on the information known to the Council at the time of the offer, subject to any exceptions given in section 8.

Where allocation policy has been correctly applied, the applicant is advised in writing that the original decision stands. The officer will inform the applicant of the reasons for this decision, and that if they are unhappy with this decision, they have the right to a second stage review by the Complaints & Customer Care Manager.

Where allocation policy has not been correctly applied, the responding officer advises the applicant of the decision in writing.

For successful complaints against an unreasonable refusal:

- (a) the applicant is advised that the offer decision has been amended to a “reasonable refusal”, which means that they will be entitled to further offer(s);
- (b) the Review & Quality Team advises the Allocations Team of the result, who in turn updates any computer/manual records. Any deferment code is also removed.

For successful complaints against all other aspects of allocation policy, the applicant's computer and manual records are amended as appropriate. This will be done by the Allocations Team (non-homeless applicants), or HPU caseworker (Homeless applicants).

A copy of the first stage response letter, including the Comments & Complaints reference number, is sent to the Complaints & Customer Care Manager.

15.4 The second stage review process

Second stage complaints are reviewed by the Complaints & Customer Care Manager.

Where an applicant requests a second stage review, the Review & Quality Team pass the request to the Complaints & Customer Care Manager, who will send an acknowledgement letter to the applicant stating they can expect a response within 10 working days.

The Complaints & Customer Care Manager will normally request the applicant's file direct from the Registration & Allocation Team as well as:

- a copy of the original complaints form;
- a copy of the responding officer's reply plus any additional correspondence;
- a copy of the complainant's request to go to the second stage of the complaints process.

The Complaints & Customer Care Manager then considers the case. S/he may also request files from other offices, or ask for further information. The Complaints & Customer Care Manager, at their discretion, can ask the applicant for further information, or offer them an oral hearing.

Once the Complaints & Customer Care Manager has considered the complaint, s/he will write directly to the applicant informing them of his/her decision. If the Complaints & Customer Care Manager does not uphold the complaint, s/he will also notify the applicant of their right to a "third stage complaint". A copy of this letter is sent to the Allocations Team in the Lettings Agency and, where appropriate, the relevant Community Housing Team. The Allocations Team will then be responsible for implementing any decisions made by the Complaints & Customer Care Officer or updating any Lettings Agency records arising from the decision.

If the Complaints & Customer Care Officer feels there are *policy implications*, s/he should consult the Head of Lettings Agency in the first instance to discuss present policy and practice. The Complaints & Customer Care Officer has no power to make decisions outside policy.

If the Complaints & Customer Care Officer wishes to recommend an *exception* to policy in an individual case, s/he should discuss his/her recommendation first with the Head of Lettings Agency. After considering the views of the Head of Lettings Agency, the Complaints & Customer Care Manager can instruct the Review & Quality Team to prepare a report for the Head of Housing Needs, who is authorised to make decisions on allocations outside policy in exceptional circumstances. If appropriate, the Complaints & Customer Care Manager can prepare this report themselves.

If the Complaints & Customer Care Manager wishes to recommend a *review of policy*, s/he will refer his/her recommendation in writing to the Head of Lettings Agency, who is obliged to provide a response. If the Complaints & Customer Care Manager is not happy with the response, s/he can refer it to the Head of Housing Needs for decision.

15.5 The third stage review process

If the applicant is unhappy with the decision of the Complaints & Customer Care Officer, they have the right to complain further to the Chief Executive's Customer Relations Manager.

If the applicant is unhappy with the response of the third stage review officer, they have the right to complain to the Local Government Ombudsman.

16.0 STATUTORY RIGHT OF REVIEW

16.1 Introduction

Applicants have a statutory right of review in cases where the Council decides to exclude an applicant from registering on the Housing List, remove them from the list after having registered, or where there is a decision not to make an allocation. This would occur where it has been decided that the applicant is ineligible for a housing allocation under s.160A (3) or (5) of the Housing Act 1996. These sections of the Act relate to exclusions on grounds of immigration status/persons from abroad status, or because of unacceptable behaviour (see 3.3).

Homeless applicants may also have a statutory right of review or a right of appeal on certain homelessness decisions, including decisions on the suitability of accommodation offered. In such cases, HPU are responsible for carrying out the review/appeal, and full details are given in the Review & Quality Policy Manual.

Where an officer within the Lettings Agency (Allocations Officer or a senior Lettings Agency manager) does not accept the applicant onto the housing list, removes them from the housing list, or makes a decision not to allocate they will notify the applicant of their decision in writing.

This letter should give clear reasons for the decision and should inform them that they have a statutory right of review, and how the review procedure works.

A leaflet "Reviewing Our Decision - Guidance for Applicants" is also sent out with this letter.

16.2 Request for a review

The applicant must make a request for a review within 21 days (3 weeks) of the date of the letter informing them of the decision. The Allocations Officer (or senior manager, if appropriate) may agree to extend this time period, if there are good reasons.

Where the applicant requests a review within the required time period, the Allocations Officer sends them a "Request for Review Form". The date of the request, the date the form was issued and the issuing officer's initials should be noted on the form.

The applicant must then return the "Request for Review Form" within 14 working days of this form being issued by the Allocations Officer. This may be extended to three weeks by the reviewing officer if there is good reason.

16.3 The review

Once an applicant has made a request for a review, the Council is required to respond to it within 8 weeks. This eight week time period starts from the date the applicant requests the review, and not from the date that the completed "Request for Review Form" is returned.

Where the reviewing officer has agreed an extension in the time allowed for the applicant to request or return their review form, the applicant must also agree, in

writing, an appropriate extension to the statutory eight week time period allowed for a response.

If the "Request for Review Form" is returned within the required time period, the form and the applicant's file will need to be reviewed.

If the "Request for Review Form" has not been returned within three weeks of its date of issue, the review should be carried out on the basis of the information available.

16.4 The role of the reviewing officer

The review must be carried out by a different officer, which would normally an officer based in the Review & Quality Team. However, if anyone in that team was involved in the original decision not to accept the applicant onto the Housing List, then the review should be carried out by the Review & Quality Manager/Head of Housing Needs.

There is *no further right of review*. It is therefore very important that the review is thorough. The reviewing officer must satisfy themselves that the decision is correct under policy, and take advice where necessary from the Head of Equality (on immigration or persons from abroad issues) or the Allocations Manager/Head of Lettings Agency, as appropriate. They should ask the applicant for more information if this is necessary to ensure that the full facts are clear.

There is no requirement for an *oral hearing*, but this should be offered where there are important matters that are unclear, or where the applicant would be at a disadvantage if they were required to make their case in writing. If the applicant fails to attend an oral hearing, the reviewing officer should proceed on the basis of the available evidence.

In relation to whether an applicant is eligible on immigration/persons from abroad grounds is a matter of fact. The Council has no discretion in this matter. However, for the other cases we can make exceptions if we wish. Where the reviewing officer feels that the applicant has been correctly refused registration onto the "active list" as a matter of fact, but there are *exceptional circumstances*, they should discuss the case with the Review & Quality Manager/Head of Lettings Agency. If the Review & Quality Manager/Head of Lettings Agency agrees that there are exceptional circumstances, s/he will ask for a report to be prepared for the Head of Housing Needs (as outlined in section 15). In these cases, the applicant cannot be notified of the result of the review until the Head of Housing Needs has made a decision, so it is important that all cases are dealt with quickly enough to allow time for the process to be completed within the eight week time period.

The applicant must then be notified of the result of the review in writing giving reasons, and reminded that there is no further right of review.

17.0 iSYS REPORTING MODULE

17.1 Introduction

The iSYS reporting module provides a number of automatic computer generated reports that are used for updating, monitoring and audit purposes.

The reports are produced in line with the service standards monitoring periods, which are generally based on the financial year. Each year is sub-divided into 12 four or five weekly periods.

The reports may be monthly, quarterly or annually. Details of the individual reports are given below.

The reports are found on the shared community folder for the Lettings Agency.

Tailor made reports are also available from the system using the business objects module of the iSYS reporting service

17.2 Details of reports available

HPU list

This report gives full details of all offer outcome events that have been recorded during the previous service standards monitoring (SSM) period for homeless cases. This report is used by the Homeless Persons Unit to monitor rehousing progress of their applicants.

LBN offers awaiting reports

This report gives full details of all offers outstanding at the end of each SSM period. The Allocations Team must check each offer to confirm the current status, and update the offer (i.e. accept, refuse) as required. There are two reports; one for direct offers and one for offers made through the choice based lettings scheme

HA offers awaiting reports

This report gives full details of all offers outstanding at the end of each SSM period on the basis of the agency that made the offer. The Allocations Team must check each offer to confirm the current status, and update the offer (i.e. accept, refuse) as required. There are two reports; one for direct offers and one for offers made through the choice based lettings scheme.

Direct offer cases awaiting an offer report

This report shows all cases that are to receive a direct offer of accommodation. The Special Schemes Officers (Lettings Support Team) should monitor this list to see how long it takes direct offer cases to receive an offer and bring to the attention of the Principal Officer (Lettings Support Team) any cases that may need reviewing.

Non-automatic deferrals report

This report gives details of all applicant's who are deferred on the iSYS computer system at the quarter-end of a SSM period, on a deferment code, which is not time limited. Applicants on this report are not automatically reinstated onto the live list. The Allocations Team must check each applicant to confirm their current status and update the deferment where required.

General visits report

This report gives details of any applicant registered on the general queue that needs a visit at the end of each SSM period.

The Lettings Support Team uses this report to identify which applicants require a visit.

Registration monitoring report

This report gives details of all new applicants who have been registered on the iSYS computer system within the SSM period.

Details of the application date, the registration date, and the time taken to load the application are given on a case by case basis. Cumulative totals for the number of cases registered and the average time for loading within the period, together with a year to date summary are also given.

This report indicates the volume of work and performance carried out by individual officers in terms of new case registrations.

Offers made report

This report shows all offers made by the Lettings Agency officers during the SSM period. The purpose of this report is to monitor workload and to see how long it takes for properties to be re-offered. The Allocations Manager reviews this report each SSM period.

- (a) where the applicant wants to remain on the list, files the review letter in their allocations file;
- (b) where the applicant does not want to remain on the list, closes the application on iSYS and files the review letter in the allocations file, which is subsequently filed as a 'dead' case.

On receipt of the reminder letter from the applicant the Registration & Allocations Team updates the iSYS computer system accordingly

17.3 iSYS Business Objects Reports

The iSYS computer system has a facility called 'business objects' where officers can request 'tailor made' reports. These can be used for individual exercises.

To request one of these reports officers must complete a Report Request form and send it to the iSYS Support Team (Computer Services) for them to compile the report.

18.0 DOCUMENT RETENTION**18.1 Introduction**

There are different retention periods for records kept by the Lettings Agency. Details of the various retention periods are given below.

18.2 Allocation files

Allocation files that have been closed or deleted will be sent to be archived on a quarterly basis. The archived files will be put into storage for a total of 5 years.

18.3 Accompanied viewing forms

A copy of all Accompanied Viewing Forms will be retained in an Accompanied Viewing file for a total of 2 years.

18.4 HPU refusal file

All refusals by homeless applicants will be retained for a total of 2 years.

18.5 Members' enquiries

A copy should be placed on the applicant's allocations file, a copy should also be filed in the Members' Enquiries folder and retained for a period of 12 months after the end of the financial year.

18.6 First stage complaints

For details of retention period please see Procedure 4.

18.7 Offer cards

Offer cards are to be retained for a period of 2 years, following the 2 year retention period they are microfiched.

18.8 Statistical monitoring records/reports

A copy of all monitoring records and reports will be retained for a period of 2 years.

19.0 PAYMENTS FOR MISSED APPOINTMENTS

19.1 Background

Departmental Management Team (DMT) agreed (26TH May 2004) to extend the policy of making payments to customers as compensation for missed appointments to all teams within the Housing & Customer Services Department – hitherto, this only applied to Community Housing Teams and the Repairs & Maintenance Division. DMT also agreed to raise the payment from £10 to £20.

19.2 Definition of a Missed Appointment

A missed appointment is where an appointment is made to contact a customer outside the office e.g. a home visit to check eligibility, or an accompanied viewing and the appointment is broken without the customer being notified by the preceding day.

Where an appointment needs to be cancelled it can be done by means of a telephone call. Messages left with other members of the household or on answer-phones are acceptable as cancellations. Alternatively, appointments may be re-arranged in writing, as long as the customer receives the letter no later than the day prior to the arranged appointment.

19.3 Procedure

19.3.1 When an appointment has been broken, the payment should be arranged automatically; the customer does not need to make a formal claim.

19.3.2 Where the customer is a tenant of the Council, the payment will be made by way of a credit to their rent account. An e-mail should be sent by the officer who missed the appointment to the Rent Accounts section (Rents & Enforcement) requesting that the tenant's rent account be credited by £20. The e-mail should state the name, address, and rent account number of the tenant and the expenditure code to be used, which is: J8156681.

19.3.3 Where the customer is not a tenant of the Council, a standard PRN (payment request note) for £20 is sent to the Finance Division (Chief Executive's Department) – again using expenditure code J8156681. The officer who missed the appointment arranges this with the Allocations Assistants. Finance will issue a cheque for £20 to the customer's home address, normally within 3 weeks of their receipt of the PRN.

19.3.4 The customer should be notified in writing by the officer who missed the appointment that the payment is being made, giving details of the payment method and giving appropriate apologies for the inconvenience caused.

19.3.5 In the case of disputes as to whether or not a payment should be made, the decision to pay will be at the discretion of the Head of Lettings Agency. This does not affect the rights of the customer to make a formal complaint under the Council's Comments & Complaints procedure.