

Housing Options and Allocations Scheme

For Milton Keynes Council

Housing Options and Allocations Scheme (Introduced December 2012)

Contents

- 1 Introduction 3
- 2 Housing Options and Allocations Policy 4
- 3 List of supporting procedures 7
- 4 Procedure for eligibility and housing need criteria 9
- 5 Details on Group A 13
- 6 Details on Group B 14
- 7 Details on Group C 15
- 8 Details on Group D 17
- 9 Details on Group E 19
- 10 Details on Group F 19
- 11 Procedure for Housing Options Interview 19
- 12 Procedure for Property Pool Management 20
- 13 Helping Vulnerable Clients in housing need find suitable accommodation 22
- 14 Managing requests from people who are ineligible due to their behaviour 23
- 15 Review processes used within the Housing Options Scheme 25
- 16 Procedure for Local lettings policies 28
- 17 Procedure for managing changes to procedures 29

1 Introduction

- 1.1 Milton Keynes Council has reviewed its housing allocations process and outcomes and has decided to publish a **revised** Housing Options and Allocations Scheme. We have developed the scheme in light of relevant housing legislation and related statutory guidance including that for housing allocation schemes.
- 1.2 The scheme consists of a Policy statement and a set of related procedures. The scheme has been designed to enable further future refinement by changes to the procedures. Within this scheme we have set out how we will provide details of these changes and make them public. Should any revisions or amendments to the procedures be made these will then become part of the scheme.
- 1.3 The scheme will be supported by the publication of publicly available data on the types of property, the predictability of property availability and the lettings which have occurred.
- 1.4 The Policy statement is unlikely to change in the medium term and will be supported by a set of procedures, which may be altered to reflect changing circumstances. The procedures will show how the policy will be implemented and how clients will be helped with their housing need.
- 1.5 This scheme will be applied to anyone who approaches the council for assistance with housing, including current social housing tenants seeking a transfer. The scheme is designed to provide advice and assistance to everyone, as well as to enable allocation of property to people who meet the allocation criteria.
- 1.6 Milton Keynes Council wishes to meet the housing requirements of those in housing need quickly and in a way which enables them to maintain their new tenancy and create sustainable communities. We also want to assist with appropriate advice to those we are unable to house. We will use the nomination rights to Housing Association housing, allocation of the council's housing and the transfer **or mutual exchange** of existing tenancies to achieve these outcomes. We will also use the private sector, either through part ownership or rental to extend housing choices.

2 Housing Options and Allocations Policy

2.1 At its heart the housing options and allocations scheme has a policy statement which sets out our key objectives and the broad framework within which we wish to operate.

2.2 The objectives of this Policy are to:

- Prevent homelessness and help people to resolve their housing problems by providing advice and assistance to everyone
- Provide housing that is suitable for those who are eligible and in housing need as soon as possible after that need is identified
- Enable people who do not have a housing need (as identified by this scheme) to secure their own accommodation by providing them with advice about the housing options that are available to them
- Enable the best use to be made of all housing available in social rental, private rental and other affordable housing tenure types within Milton Keynes
- Maximise the sustainability of tenancies by ensuring a supply of homes is available that are appropriate to the needs of individual applicants.

2.3 To meet these objectives, we will operate within set housing principles. These principles are set out in detail below

2.4 To recognise people in housing need and provide real choice and help to find a home at the point of request

2.4.1 We differentiate between those in housing "need" and those who wish to improve their current housing situation; people with housing "want". We will base housing need on the statutory reasonable preference groups.

2.4.2 We will seek to have needs criteria which match the housing supply that is available, so that those in the highest housing need are housed quickly. We will develop housing supply options so that those in need can exercise real choice in tenure and location. Where sufficient supply exists we will enable those with lesser need or housing want to have access to those properties. **We will publish data on levels of supply and demand on our website and provide printed copies of that data on request.**

2.4.3 We will publish our needs criteria and review their appropriateness when there is a clear mismatch between demand and supply.

2.4.4 We will undertake a review of each individual's housing needs at the time of first contact with the council. **The review will be conducted by a suitably trained member of staff.**

2.5 To make the best use of all types of tenure in Milton Keynes

2.6 We will develop and maintain a "property pool" which will provide real choice to those in housing need in terms of location and tenure.

The property pool will contain properties available for letting from:

- The Council's own housing
- The Council's nomination rights to housing associations
- Private rented accommodation and
- Details of shared ownership and other forms of low cost housing at present via www.homebuy.co.uk

2.7 To be open and factual about the housing options and housing market situation in Milton Keynes to help people make informed choices and to provide information which does not raise unrealistic expectations

2.7.1 Details of properties will be included in a "property pool" to help people make an informed choice about the location and types of property. We will publish data on the types and locations of property which have been allocated and provide printed copies of that data on request.

2.7.2 The intention of the policy and procedures which are used to deliver our policy is to provide housing quickly to those in need and to be clear to those where it is unlikely that housing will be provided. To that end the council will seek to deal with housing enquires and find housing solutions as soon as practically possible.

2.8 To provide housing advice to everyone who asks the council for help

2.8.1 We will always provide housing advice for people who are not in housing need but housing want. This advice might be signposting to other special agencies or general advice on finding a home.

2.8.2 In cases where there might be an over supply of housing of a particular type we may be able to provide housing directly to those in housing want.

2.9 To be responsive to changes in the local housing market and legislative framework

2.9.1 The housing market in Milton Keynes is very dynamic and is likely to continue to change dramatically in the future. Growth in the size of the city will also bring continuing demographic changes. Housing legislation and operating framework also change. In order to remain responsive to changes and address local housing need in light of local housing supply we will change the operating procedures rather than constantly review the allocations policy.

2.9.2 Details of how we will control this change process and how the public and other interested parties can access these procedures will be on our website.

2.10 Seek to maximise the supply of housing

2.10.1 To further develop the property pool and to help increase the supply of housing we have continued to work in partnership with others to deliver our strategic housing role. We are engaged with developers on a programme of housing development and have set the planning principles to help improve the supply of housing available to those in housing need. We have published details of our performance on this work.

2.10.2 We continue to develop a range of initiatives which make good use of private sector rented accommodation and affordable, low cost part and shared ownership. We have continued to work with other housing providers to further develop housing options which may help those in housing need and housing want.

2.11 To help and develop sustainable communities which provide an area which people choose to live

2.11.1 To help improve the quality of life for residents and create a demand for housing in an area, from time to time the council may seek to develop a local lettings policy. We will publish on our website clear procedures on how we establish the need, create and operate any local lettings policy.

2.11.2 By providing choice to clients and enabling them to select the area and property **as near as possible to** they want to live in, the scheme will help to create sustainable communities as people are more likely to remain in that location for longer. We want people to choose areas that they would want to live in for a long time, as stability of address can have positive outcomes, for example improved educational attainment by children, from reducing the need to change schools.

2.11.3 Where local lettings policies are in place we will clearly set out the reason for their existence and the outcomes that we seek. We will clearly indicate within the data in the property pool the existence and impact of the local lettings policy.

2.11.4 **We continue** to monitor statistical profile data of our customers to ensure that no one is subject to discrimination. We have collect and monitor the results of our monitoring and review and implement any changes which are highlighted by this data in line with our duties under the CRE Code of Practice for Social Rented Housing, **the Equalities Act 2010** and other relevant legislation and codes of practice.

2.12 To protect the vulnerable and assist those with specialist/particular housing need and address emergency situations

2.12.1 Some people in housing need have a number of problems which may mean that specialist housing or additional assistance may be required. These will be exemplified by properties for the disabled **and specialist supported accommodation. Access to these arrangements will be limited to those individuals who meet the specific criteria for that specialist housing or additional assistance.**

2.12.2 In addition, sometimes these vulnerable clients require assistance with arranging their affairs and resolving their housing situation. **We will work with other departments of the Council and partner agencies to enable such clients to exercise their own choice in housing, with appropriate support from housing staff.**

2.12.3 On occasions some customers may require re-housing or revised allocations to address emergency situations. **Senior housing staff will be able to exercise their discretion in arranging suitable accommodation;** this may also require working outside the normal operating procedures to resolve each circumstance on a case by case basis.

2.13 Housing activity not included in this scheme

2.13.1 There are some housing activities which take place which do not have an impact on our allocations process. These are set out in the Housing Acts including the Housing Act 1996 S.160. These include the creation of a new sole tenancy from an existing joint tenancy and other activities related to the succession of a tenancy.

3 List of supporting procedures

- 1 Procedure for eligibility and housing need criteria
- 2 Details on Group A
- 3 Details on Group B
- 4 Details on Group C
- 5 Details on Group D
- 6 Details on Group E
- 7 Procedure for Housing Options Interview
- 8 Procedure for Property Pool Management
- 9 Helping Vulnerable Clients in housing need find suitable accommodation
- 10 Managing requests from people who are ineligible due to their behaviour
- 11 Review processes used within the Housing Options **and Allocations** Scheme
- 12 Procedure for local lettings policies
- 13 Procedure for managing changes to procedures

3.1 The scheme has been designed to enable further future refinement or changes to be made to the procedures. Within this scheme we have set out how we will provide details of these changes and make them public. Should any revisions or amendments to the procedures be made these will then become part of the scheme.

Set of supporting procedures

1 Procedure for eligibility and housing need criteria

1.1 Eligibility

Eligibility criteria change to reflect European Union Regulations, Statute and evolving case law. Consequently we will advise anyone who asks us for help of their individual eligibility for the housing options and allocations scheme. We may consider some people ineligible due to their behaviour. Decisions concerning the eligibility of individual applicants are made by the Housing Options Officer* at the point of request. **Throughout this procedure, the term 'Housing Options Officer' will mean anyone holding that job title or any other person who we consider is suitably trained to give housing options advice and make housing options assessments.*

1.2 Local Connection

We will give a higher priority to those applicants who can demonstrate a local connection.

1.2.1 A local connection can be established by:

- Residence in Milton Keynes for the **last two years**
- Having previously lived in Milton Keynes continuously for a period of **ten years**
- Having worked in Milton Keynes continuously for the past two years
- Being a member of HM forces who has a strong connection with Milton Keynes
- Being a retired person living in unsuitable accommodation and with a need to move to Milton Keynes for medical reasons and support from relatives

1.2.2 Local connection will be assessed by the Housing Options Officer at the point at which a request for assistance is made or at the point of allocation.

1.2.3 We will not ask for a time based local connection when considering an application from

- **members of the Armed Forces or former Service personnel where the application is made within five years of discharge,**
- **from bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner**
- **serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service**
- **people fleeing violence from a partner or associated person, or from a person fleeing their accommodation as a result of harassment (we will investigate to satisfy ourselves that this situation relates to the client.**

1.3 Our Banded Scheme

1.3.1 We will operate a banded scheme to allocate council housing and to use the council's nomination rights to housing association properties.

1.3.2 There will be five bands:

- **Band 1 – High Housing need** – for those who have two or more reasonable preference grounds (as defined and calculated below) a local connection and a local connection.
- **Band 2 - Housing Need - Reasonable Preference** – where a single preference ground and a local connection exist. This is the secondary band
- **Band 3 - Local Housing Want** - Housing Want and a local connection – where no preference ground exists. This band is where people are unlikely to receive an offer of housing but will always be offered housing advice.
- **Band 4 - Housing Need with no local connection** – where preference ground(s) exists. This band is where people are unlikely to receive an offer of housing but will always be offered housing advice.
- **Band 5 Housing Want with no local connection** – where no preference ground exists as in Band 3 but in addition there is no local connection. This band is where people are unlikely to receive an offer of housing but will always be offered housing advice.

In discussion with the applicant, the Housing Options Officer will determine how the client's circumstances align with the preference grounds and fit with each of the preference bands. Preference grounds within the bands will be based on the following.

Group Description of group (based on Housing Acts s167 1996)

- A Homelessness Households who are homeless (within the meaning of Part VII of the 1996 Act, i.e. the Homelessness Legislation); this includes people who are determined by the Council as not having a priority need;
- B Homelessness Households who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Housing Act.
- C People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- D People who need to move on medical, disability or welfare grounds
- E People who need to move to a particular locality within Milton Keynes for example, to be nearer to special training opportunities, or special medical facilities to avoid hardship to themselves or others.
- F People with urgent need will receive an additional preference. Urgency for example includes: people to whom a homelessness duty is owed, those facing domestic violence or harassment, those requiring urgent re-housing, those with urgent medical needs

		Local Connection	Group A	Group B	Group C	Group D	Group E	Group F
		MKC intend to prioritise applicants with a local connection.	Homeless Households who are homeless (within the meaning of Part VII of the 1996 Act, i.e. Homelessness Legislation) - this includes people who are determined by a Council as not having a priority need;	Homeless Households who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Housing Act.	People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.	People who need to move on medical or welfare grounds (include grounds relating to a disability).	People who need to move to a particular locality within Milton Keynes for example, to be nearer to special training opportunities, or special medical facilities to avoid hardship to selves or others.	People with urgent housing need. People with such need will receive an additional preference. Urgency for example includes; people to whom a homelessness duty is owed, those facing domestic violence or harassment those requiring urgent rehousing those with urgent medical needs
Band 1	High housing need	Must have local connection	The individual will have needs matching MORE THAN ONE of these groups					
Band 2	Housing need	Must have local connection	The individual will have needs matching ONE of these groups					
Band 3	Local housing want	Must have local connection	The individual is not able to show their need in any of these groups.					
Band 4	Housing need but no local connection	Cannot show local connection	The individual will have needs matching at least one of these groups					
Band 5	Housing want, no local connection	Cannot show local connection	The individual is not able to show their need in any of these groups. And Has no local connection.					

1.4 Prioritisation of offers of housing

1.4.1 Where two applicants choose the same property we will prioritise their application according to the urgency of their circumstances, as defined in Group F, then by the band in which they sit, and then by prioritisation within the band based on the date of their application.

1.5 Time limits for applicants with unmet housing need

1.5.1 Where suitable property to meet an individual's housing need is not readily available at the time of request, the individual **will be contacted as soon as a suitable property becomes available and an offer of accommodation can be made.**

1.5.2 Applicants with a housing need will be expected to take an offer of accommodation from the property pool within a reasonable period of time. The reasonable period of time will be dependent on the individual's circumstances and the regularity by which suitable accommodation becomes available and **this will be discussed with the applicant at the housing options interview.**

1.5.3 The Council will operate the scheme on the basis that by entering into the scheme and being accepted as having reasonable preference that a person's housing need requires speedy resolution. Further we will operate on the basis that, by not taking up an option that could meet the person's housing need, that need is no longer to be treated as pressing and the person's priority will be reduced. We will write and inform the client and advise them of their right to appeal and the need to make a new approach if their circumstances change. Unless they have what we consider to be a significant change of circumstances, the applicant may re-apply no earlier than 6 months after the date of this letter.

1.5.4 This reduction in priority will apply to all applicants equally irrespective of their band, or circumstances related to the preference groups, or additional preference. The decision to suspend an applicant will be made by the Housing Options Officer.

1.6 Financial resources

1.6.1 An individual's financial circumstances will be taken into account in assessing the priority they may receive through this Scheme even if they qualify for consideration under one or more reasonable preference categories. Financial circumstances will be reviewed as part of the housing options interview by the Housing Options Officer.

1.6.2 Where an applicant is considered by the Housing Options Officer as part of the housing options interview process to be in a position to provide their own accommodation, they may be offered by the opportunity to consider a shared ownership purchase or they may be given advice regarding appropriate private rented accommodation agents.

1.6.3 Where the individual has the financial resources to privately rent without any need for Housing Benefit or is able to purchase a property, we will reduce their priority to Band 3 if they have a local connection, or to Band 5 if they do not have a local connection.

1.6.4 Owner occupiers who are adequately housed or with the resources to secure accommodation locally, would normally not attract any priority under the Council's scheme. However, we would consider the housing needs of elderly home owners who currently occupy unsuitable housing, when considering sheltered housing allocations. The Housing Options Officer will make a decision concerning the applicant's suitability for sheltered accommodation in conjunction with advice from staff working within the sheltered accommodation service **and social care services.**

1.7 Housing for 16-17 year olds

- 1.7.1 All 16-17 year olds who approach us for housing will be jointly assessed with social work staff so we can fully understand their needs and whether we also have duties towards them under s 20 of the Children's Act 1989. Where it is safe to do so, the priority is on putting support in place so that these young people can be reconciled and returned to their family. Where this is not possible, solutions will be sought that best meet their need and this will often be supported accommodation.

1.8 Housing for 18-35 year olds

- 1.8.1 Single people and couples in this age group will only be offered self contained social housing where they have a need that cannot be met by renting a room in shared accommodation. This would include evidenced regular overnight access to children, exceptional risk factors and need related to a disability or chronic health issue.

2 Details on Group A

Homelessness Households who are homeless (within the meaning of Part VII of the 1996 Act, i.e. the Homelessness Legislation); this includes people who are determined by a Council as not having a priority need;

- 2.1 **This group comprises all households who are homeless under the definition of homelessness contained in sections 175-177 of the Housing Act 1996 Part 7. Under this definition a person who does not have accommodation which is legally and physically available to him or her to occupy and which is reasonable for him or her to occupy would qualify. Under this provision there is no requirement that an applicant should be in 'priority need' for accommodation, or that they have made a statutory homelessness application under Part 7 Housing Act 1996.**
- 2.2 **Where a statutory application has been made and the applicant has been found to be in priority need, and unintentionally homeless, assessment of need will be reviewed under Group B below and not under this Group.**
- 2.3 **Group A includes:**
- Those who have no accommodation they can live in with other family member/s normally living with them or others we might reasonably expect to live with them.
 - Those who have accommodation but which in our opinion it wouldn't be reasonable for them to continue to occupy.
 - Those that have accommodation but cannot secure access to it or, in the case of a moveable structure, like a caravan, there is no place they can lawfully live in it.
- 2.4 **Examples of people who would fall into Group A would be:**
- People with a tenancy in the private sector who have received an outright possession order requiring them to leave.
 - People who are living with family and friends who have been asked to leave and have no right to stay.
 - People who live in a caravan or houseboat where the pitch or mooring is being lost.
 - People who live in a hostel whose licence to occupy has been withdrawn.
 - People who have made a homeless application and where a council has determined that application with a decision that they are an applicant without a priority need as defined in the Housing Act 1996.
- 2.5 **Threatened with Homelessness**
- The Council will include in this group those who are certain to be homeless within the next 90 days and does not intend to be constrained by the statutory definition contained in the Housing Act 1996.

3 Details on Group B

Group B – Homelessness Households who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Housing Act.

- 3.1 You will receive priority from Group B if you are:
Homeless, in priority need and owed a duty under sections 193(2), 195(2) or 190(2) of the Housing Act 1996 as amended.**
- 3.2 People who would fall into Group B are:**
- I. People who are in priority need and are owed a duty under section 195(2) as being threatened with homelessness in the next 28 days and the Council is taking steps to try and prevent that homelessness from occurring.**
 - II. People who have been accepted as being owed the full homeless duty under section 193(2) i.e. those who are deemed homeless, in priority need and unintentionally homeless.**
- 3.3 People owed a section 190(2) duty that have been assessed as being in priority need but are intentionally homeless and have been provided with accommodation for a period of time to enable them to secure their own accommodation.**
- 3.4 This is normally 28 days following the decision that the person is intentionally homeless but the exact time will be determined by the Council on an individual case basis.**
- 3.5 Additional preference for urgency will also be awarded to those households in II above who are owed the main Section 193(2) duty and have been placed by the Council in emergency accommodation which will include bed and breakfast accommodation or accommodation provided at the Council's hostel**
- 3.6 Cumulative preference related to homelessness applications**
- 3.6.1 People in Group B can also qualify for status from Group E and Group D but not from Group A, C**
 - 3.6.2 Although all applicants within Group B can also receive priority from Group D (medical, welfare or disability) additional priority from this Group will be awarded in only very specific circumstances. (See below)**
 - 3.6.3 For applicants in Group B, no priority can be awarded from Group A. It is not possible to be in both Group A and Group B at the same time.**
 - 3.6.4 No priority will be awarded from Group C because the Council's Homelessness duty under sections 193(2) and 195(2) is to provide suitable accommodation until settled housing is available. Given the duty to provide suitable accommodation has to be performed once it is accepted, priority will not be awarded for unsanitary conditions or where a property is unsatisfactory. Where applicants may lack facilities, or suffer some overcrowding in temporary accommodation provided by the Council in discharge of its homeless duty, this is already reflected in Group B by the award of priority for households in such accommodation.**
 - 3.6.5 Applicants in Group B can qualify for medical, welfare or disability status in Group D. However, status under this category is awarded on the basis of how an applicant's current accommodation affects their welfare or health.**

- 3.6.6 If a homelessness duty has been accepted under Group B the provision of suitable accommodation under that duty is likely to restrict the number of cases that can receive additional status on medical, welfare or disability grounds.
- 3.6.7 The Council does recognise, however, that there will be circumstances where status should be awarded despite suitable temporary accommodation being provided by the Council. This might include circumstances where, despite suitable accommodation being provided under the Homelessness legislation, there is still a need because of a medical, welfare, or disability issue to move as quickly as possible into settled housing.
- 3.6.8 A wide variety of individual circumstances can occur and therefore the following examples are only for guidance. All cases will be considered on their severity or merits by the Housing Options Officer.
- Children with severe conditions where their long term needs cannot be met without settled accommodation.
 - A person with a severe disability requiring substantial adaptations to a property which is not provided for in their current temporary accommodation.
 - A person with a terminal illness or long term debilitating condition where their quality of life would be improved by moving to settled accommodation.
- 3.6.9 Status and severity (and urgency) will be determined by the Housing Options Officer based on available evidence

Details on Group C

People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.

3.7 You will receive priority from Group C if you have:

- no access to facilities, being defined as kitchen, bathroom or shower, toilet.

3.8 Priority will also be awarded for either:

- Those living in unsanitary conditions where the conditions pose an ongoing and serious threat to health; are a private sector tenant and where the Council's Private Sector Housing Team have decided that the problem cannot be resolved by the Council, the landlord or the tenant, or
- Those living in a property that is uninhabitable due to, for example, severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance and there is no prospect of the problems being remedied in a time period that the Council considers reasonable. The assessment of such cases will be carried out by the Housing Options Team taking advice from the Council's Private Sector Housing Team and if the decision is that the problem cannot be resolved within a reasonable period of time by the Council, the landlord or the tenant,

3.8 We will treat as overcrowded:

- Households who are not sharing facilities but are lacking two or more bedrooms.
- Households who are sharing facilities with another household and who are also lacking two or more bedrooms
- Those who are statutorily overcrowded.
- We will define a lack of bedrooms by reference to overcrowding as defined in the Housing Act 1985. There are two tests for overcrowding: the room standard and the space standard. The Council will assess whether an applicant is statutory overcrowded and therefore entitled to this additional priority by use of the room or space standard.

3.10 This group will not include as a preference group applicants where there is merely:

- a lack of access to a garden for children
- Children in flats or maisonettes above ground floor.

Where possible, we will provide a choice of properties including flats on all levels to households with children but this will be constrained by the available supply of properties.

3.10 Under occupation

3.10.1 Preference will also be given within this group to those occupying social housing they no longer need and which can be better used by other households in need. Where the client wishes to apply for a transfer, or in very limited circumstances where we consider a move to be in the best interests of the housing service, we will release property which could be better used by a larger household and to facilitate this we would seek to allocate more suitable accommodation for the household who are vacating the larger home. Decisions on overcrowding and under occupation will be made by the Housing Options Officer.

4 Details on Group D

People who need to move on medical, disability or welfare grounds

4.1 These criteria may apply to any member of the household of the applicant.

4.2 Medical

4.2.1 The assessment is not of the applicant's health but how their accommodation affects their health or welfare.

4.2.2 We will give preference to applicants who;

- Are living in a property which makes their medical condition worse, and a move to another property would provide more stability to their medical condition,
- Who need specific housing for the purpose of access, for example as a result of reduced mobility or wheelchair usage.

4.2.3 The following are examples of cases that would come under Group D and would be likely to be awarded preference.

- The condition is life threatening and the applicant's existing accommodation is a major contributory factor.
- The applicant's health is so severely affected by the accommodation that it is likely to become life threatening.
- The applicant is unable to mobilise adequately in their accommodation and requires re housing into accommodation suitable for their use.
- Where overcrowding in the property leaves the applicant at risk of infection, for example, where an applicant is undergoing chemotherapy or is HIV positive.

4.2.4 Housing Options Officer can take advice from suitably qualified professionals when making assessments.

4.3 Welfare

4.4 The Housing Options Officer will decide on advice from a relevant suitably qualified professional working with the applicant e.g. social worker, the applicant's match to these criteria.

4.4.1 Preference will be given to applicants in this category where they are:

- Living in a property which stops or has a detrimental impact on the care and support they receive and a move to another property would help to improve their care and support and sustain their tenancy
- Preference will also be given to that client who is leaving move-on accommodation by the housing options officer on advice from the supported housing provider.

4.5 Milton Keynes Council wants to ensure that care leavers and other vulnerable people with support needs are helped to access secure and suitable long term housing.

4.5.1 Many of these cases would come under one of the reasonable preference groups especially those with pressing welfare needs under section 167(2) (d) above but it is important that they are only nominated to move-on accommodation when they have been assessed as being ready to move.

4.5.2 Therefore we will not agree priority until the person has been assessed as being ready to move-on.

4.5.3 Examples of this group include:
Applicants who are currently eligible under the Fast Track scheme; and existing framework to move people from existing supported accommodation to independent living.

4.5.4 The Housing Options Officer will work with other staff and agencies if necessary on the client's behalf to ensure that the client receives any necessary support package.

4.5.5 Consideration will be given to a range of support mechanisms to make an assessment of needs. These include:

- Care package
- Risk assessment
- Floating support – supporting people
- Tenant Support team
- The Vulnerable Clients group

5 Details on Group E People who need to move to a particular locality within Milton Keynes for example, to be nearer to special training opportunities, or special medical facilities to avoid hardship to themselves or others.

5.1 **Preference will be decided by the Housing Options Officer or Lettings Officer and will be provided to:**

- Applicants who need to move to give or receive care that is substantial and ongoing.
- Access social services facilities, and are unable to travel across the Borough.
- Access specialised medical treatment.
- Take up an employment, education or training opportunity that is not available elsewhere and where the person concerned does not live within reasonable commuting distance.
- People who have satisfied the Council that they are fleeing severe harassment or violence from inside or outside of the home and they have not been accepted as being owed a homelessness duty as a result of that violence or harassment.

6 Details on Group F People with an urgent housing need.

6.1 **Preference will be decided by the Housing Options Officer and will be provided to people with an urgent housing need for example:**

- people to whom a homelessness duty is owed
- those facing domestic violence or harassment
- those requiring urgent re-housing
- those with urgent medical needs

7 Procedure for Housing Options Interview

7.1 **Purpose of the housing options interview is to**

- provide housing advice to the individual based on their circumstances,

- assess if the individual has a housing need or a housing want as set out in the needs procedure
- Establish timescales where accommodation will be needed in the future, if the individual is facing eviction or possible homelessness.
- Identify if the individual needs help to retain home or if moving out is only option
- identify if the council is likely to have any homelessness duty to the individual
- Assess individual's financial circumstances so that as many appropriate housing tenures can be offered as choices.

7.2 Information collected at the interview will be recorded onto our housing database.

7.2.1 Individuals will be advised of their rights relating to the Data Protection Act and other relevant legislation as part of the data recording process.

7.2.2 The interview will be conducted by a suitably experienced member of staff.

7.2.3 The outcome of the interview will be to

- Provide access to the property pool to those in housing need and assessed to be in Band 1
- Provide advice to those in housing want
- To commence the process for a homelessness application

7.2.4 This may include treating a request for assistance as a homelessness application.

7.2.5 We will publish on our website a copy of the Housing Options interview form as an example of the types of information and data that we would seek as part of the options interview process.

8 Procedure for Property Pool Management

8.1 Creating Choice

8.1.1 The property pool has been constructed to give realistic choice to those in housing need. Subject to 8.1.2 individuals are able to express a choice about location and tenure of properties which are suitable for their needs and circumstances in discussion with staff.

8.1.2 The range of choice will be constrained by the availability of suitable accommodation and the expected reasonable timeframe for the predicted availability of the requested property type.

8.2 Contents of the property pool

The pool will contain:

- The Council's own housing
- The Council's nomination rights to housing associations
- Mutual exchange opportunities (for existing social housing tenants)
- Private rented accommodation
- Where appropriate we will also direct the client to details of shared ownership and other forms of low cost housing

8.2.1 We will maintain information on dwellings available both now and in the future and this will be held on the councils IT systems and made available to the housing staff.

8.2.2 The information on properties will be derived from current voids, voids that will be created as a result of allocation, advice on RSL re-lets, RSL new builds and private rental lets.

Property data will include address, type and rent. For existing social housing tenants this will include suitable opportunities for mutual exchange via the Homeswapper website.

8.2.3 We will also publish summary statistics on **our website (hard copies available on request if needed)** which show the type, tenure and locality of properties let via the property pool on a regular basis. This will enable individuals to make more informed choices when considering the options and properties available to them.

8.3 Suitability of property

8.3.1 Those in need will be offered a choice of property from the property pool subject to the following constraints. Children or dependents must be resident full time with parents to be counted. **Where custody of a child is shared, only the parent/guardian claiming child benefit for that child will be allocated a bed space for that child.** Households who require permanent resident carers will be given separate consideration. Financial viability of the tenancy will be considered in ascertaining whether a property is suitable.

Property type	Households that would be offered this property type
Bedsit / studio	Single person or childless couple
1 bedroom property	Single people or childless couple
2 bedroom property	Single person expecting a child
	Couple expecting a child
	Single person or couple and one child
	Single person or couple and two children aged under ten or two children of any age and the same sex
3 bedroom property	Single person or couple and two children of the same sex where one child is aged 10 or older
	Single person or couple with three children, dependents or non dependents
4 or more bedroom property	Single persons and couples with four or more children, dependents or non dependents
Older persons properties	Over 55 years of age or to applicants of any age with a disability
Sheltered accommodation	The council normally only let grouped warden controlled sheltered accommodation to people who are at least 60 years old
	People who are at least 55 years old can be considered for warden controlled accommodation if they have an exceptional medical or social need
	Everyone who seeks warden controlled accommodation must also be assessed by the Housing Options Officer as being able to benefit from accommodation within a sheltered accommodation complex
Extra care schemes	For schemes where care is provided, applicants will also have to meet social care eligibility criteria for the care component of the scheme
Previously adapted properties	Previously adapted property will be allocated where possible to applicants that have a need for this type of property
Specialist supported accommodation	We have some specialist supported accommodation, and access to these schemes is restricted to those who are assessed by the Housing Options Officer (in some cases in conjunction with social care staff) as needing that type of accommodation

9 Helping Vulnerable Clients in housing need find suitable accommodation

9.1.1 Some clients for a variety of reasons, health, welfare, communication difficulties, language barriers, may have difficulty in exercising their own choice of properties either at the time of a housing options interview, or on review of the property pool

9.2 Access to the service

9.2.1 We will promote, using appropriate media, the existence of the service and the changes that can be made to help people to use the service. For example, amendments to the website for people with reduced vision, translations, Braille, audio, etc.

9.2.2 We will continue to work actively with local communities to promote the existence of the housing service.

9.3 Options interview

9.3.1 We **will** conduct an options interview with a client and/or their advocate or carer where the client gives their consent.

9.3.2 We **will** arrange for interpretation services, signing or other improvements/adaptations which may help communication.

9.4 Changes to help with access to the property pool

9.4.1 Our Options advisors will be pro-active in helping people to understand and exercise choice when selecting a property. Where necessary we will work with advocates, social workers, other relevant people to determine a reasonable allocation where the client themselves is unable to make that decision independently.

9.4.2 We will continue to work with existing agencies and networks to assist those with specialist needs.

9.5 Ongoing pool access

9.6 On some occasions, due to the nature of the supply at that time, it may not be possible to make a suitable selection/allocation for the individual. Where the individual is also not able to make a suitable selection for themselves, to assist such applicants, we will hold the details of the clients desired property and then either alert the client to the existence of a suitable property.

9.7 Where the client gives their consent we also allow the clients advocate, career or nominated person to make the decision on a property on their behalf.

9.8 Property Details

9.8.1 We will maintain details of properties so that we can highlight the suitability of properties to target groups, for example people with disabilities.

9.8.2 We will show these details as part of the property pool.

9.9 Sustaining a Tenancy

9.9.1 We will continue to always offer to the Tenant Support Service to those people who meet the criteria. The Service is able to provide a range of support and assistance to enable an individual to maintain their tenancy and independence.

9.9.2 Where information about tenant's circumstances is collected as part of the options process, we will hold that data within our information systems to enable the housing service to provide suitable services once the tenancy has commenced.

9.9.3 Similarly we will provide to registered social landlords, to whom we make a nomination a summary of the tenant's circumstances so that they can provide suitable housing and related services and the client will not have to provide this information again. We will provide this information in line with our obligations under the Data Protection Act and other relevant legislation.

10 Managing housing requests from people who are ineligible due to their behaviour

10.1.1 **The Council in some circumstances may consider making an individual ineligible for an allocation of housing in cases where the Council is satisfied that an applicant or a member of their household is guilty of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant.**

10.1.2 In order for an applicant to be deemed ineligible for the housing options and allocations scheme as a result of unacceptable behaviour the behaviour would have had to be serious enough for the Council to have obtained a Possession Order under the Housing Act 1985 schedule 2 Part 1(except ground 8) at the time the behaviour occurred. This rule could be applied to council tenants or to applicants as if they had been a Council tenant.

10.1.3 The Housing Options Officer will consider a number of factors to determine whether an applicant is ineligible due to their behaviour by applying the following test:

- a) Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- b) Was the unacceptable behaviour serious enough to have entitled a Council to have obtained a possession order which would not have been suspended by the court?
- c) At the time of the application, is the tenant still unsuitable to be a tenant of the authority by reason of his behaviour, or the behaviour of a member of his household?
- d) Is the anti social behaviour sufficiently serious in comparison to the applicant's current level of need to exclude them from the scheme?
- e) Did the behaviour arise from a physical, mental or learning disability?
- f) Could a tenancy be sustainable with appropriate support in place and is that support available?

10.1.4 Examples of unacceptable behaviour include:

- perpetrating racial harassment
- rent arrears
- anti social behaviour
- perpetrating domestic violence

10.1.5 Where the individual is considered ineligible, they will be informed and provided with a letter of refusal and reasons, which will also set out their rights to appeal.

10.2 Other relevant factors

10.2.1 Where the Housing Options Officer has reason to believe that an applicant's unacceptable behaviour is due to a physical, mental health problems or learning disability, they will not treat that person as ineligible for an allocation without first considering whether they would be able to maintain a tenancy with appropriate care and support.

10.2.2 In such circumstances the Housing Options Officer will discuss the individual's case with their team manager.

10.2.3 The team manager will consider the applicants case, and will consult with relevant agencies, including social services, health professionals, and providers of suitable housing, care and housing related support services. Where necessary the team manager may consider forwarding the case to a relevant multi-disciplinary/agency group relevant for the situation/client group for consideration/review.

10.3 Future applications for housing assistance

10.3.1 Where an applicant is ineligible under the Council's scheme they will be entitled to reapply after a reasonable period of time has elapsed if s/he considers that they should no longer be treated them as ineligible.

10.3.2 Applicants classified as being ineligible through unacceptable behaviour can make applications for accommodation in the future if they can demonstrate a changed pattern of behaviour. It is for the Council to determine whether the changed behaviour claimed makes the applicant eligible for the Allocations Scheme.

11 Review Processes used with the Housing Options and Allocations Scheme

11.1 There are five areas where a review process will be required within the scheme:

- Reviews on and individuals eligibility (mostly on grounds of immigration regulations)
- Reviews on exclusion from the scheme on the grounds of unacceptable behaviour
- Reviews on the banding in which the individual is placed
- **Reviews on reduction of priority for refusal of a suitable property**
- Review of the suitability property allocated under the scheme.

Reviews and appeals are subject to an escalation process. Anyone seeking a review or appealing a decision within the scheme will be able to make an appeal for an officer review. This may then be followed by an appeal to a members panel should the findings of an officer review not be in their favour. The appellant will have the right to submit written evidence to the panel. This is in addition to an individual seeking a subsequent external review, for example, judicial review, or Ombudsman enquiry.

11.2 What needs to be considered in the review

11.2.1 The matter to be reviewed can include the decision that was made and the facts used to make that decision. Every individual must be informed of their rights to review.

11.3 Reviews

11.3.1 We will deal with reviews by the following process.

11.3.1.1 If an applicant is refused access to the Council's scheme or have their priority downgraded following refusal of a reasonable offer of accommodation, they will be advised in writing, by the Housing Options Officer of the decision and the reasons for the decision. **Notification of which band the applicant has been placed in will usually be given verbally at the housing options interview.** Under section 167(4) of the Housing Act 1996 an applicant has a right to request a review of any such decision in accordance with the regulations made by the Secretary of State on the Conduct of such reviews

11.3.1.2 Any request for a review must be made within 21 days of the person being informed of the Council's decision. **Applications for review will not normally be accepted outside the 21 days allowed unless there is an exceptional reason.** The request can be made in writing, or verbally by the applicant who will then be asked to sign a statement prepared by a Housing Options Officer. **The applicant must give the reason why they believe the decision reached by the officer is incorrect.**

11.3.1.3 The Council will determine the review within 56 days of the request or such longer period as may be agreed with the applicant. The determination will be made by a member of staff more senior than the officer who dealt with the original application.

11.3.1.4 The Council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed. The **member panel's decision is final** and any challenge to that decision can only be made through judicial review proceedings.

11.3.2 Where an applicant is ineligible under the Council's scheme they will be entitled to re-apply if s/he considers that the local authority should no longer treat them as ineligible.

11.4 Grounds for review

11.4.1 Failure to take into account relevant considerations and to ignore irrelevant ones;

11.4.2 Failure to base the decision on the facts;

11.4.3 Bad faith or dishonesty;

11.4.4 Mistake of law;

11.4.5 Decisions that run contrary to the policy of the 1996 Act;

11.4.6 Irrationality or unreasonableness;

11.4.7 Procedural unfairness, e.g. where an applicant has not been given a chance to comment on matters relevant to a decision.

11.5 The reviewer must consider whether there is "something lacking" in the decision, i.e. were any significant issues not addressed or addressed inadequately, which could have led to unfairness.

12 Procedure for Local lettings policies

12.1.1 The Council under Section 167(2E) (Housing Act 1996) has the power to allocate accommodation to people of a particular description, whether or not they are within the "reasonable preference groups" set out in the needs procedure.

12.1.2 The national guidance highlights some examples of where this might be possible

- Key workers such as teachers, nurses and police officers, could be offered housing within reasonable travelling distance of their place of work if they would otherwise be priced out of the communities that they serve
- Child to adult ratios on estates could be altered if they were high/low through property letting

12.1.3 However the council in setting any local lettings policy into place has to ensure that within its overall allocations, reasonable preference is given to applicants in the reasonable preference groups and that the local lettings policies do not discriminate directly or indirectly on racial or other equalities grounds.

12.1.4 A local lettings policy would aim to promote a more sustainable community by seeking to select/not select households with particular characteristics

12.1.5 Some examples or situations which might trigger the need for sensitive lettings and/or local lettings policies, include:

- Allocations schemes for individual Gypsy and Traveller sites
- To restrict the numbers of children in a particular block/area
- To reduce the concentration of children of a particular age, for example where there are limited recreational facilities, in an area/locality which although not designated as elderly accommodation have a concentration of elderly tenants and it would be good housing management practice to maintain the current profile.

- To increase the number of employed people in a locality
- Where the previous occupant has been evicted for harassment or nuisance
- To reduce the recorded level of Anti-social behaviour in an area
- To reduce a high concentration of a particular client group in one locality

12.2 Process

- 12.2.1 Where a policy is considered necessary a formal written note will be developed by the **Assistant** Director of Housing which sets out the need for the local scheme and the desired outcomes. This will be published in the Council's website.
- 12.2.2 Details of the existence of either a local lettings or sensitive lettings policy will be shown on the relevant property details listed on the property pool.
- 12.2.3 When an individual case is being considered for allocation to a property which is subject to a local lettings policy a review by housing options staff with staff in other parts of the housing service and in consultation, if necessary with other service providers and agencies, will ensure that the detailed information about the customers needs is best matched to the knowledge of the property and area before an offer is made.
- 12.2.4 Where a local let is being considered for a client with additional or support needs a review of their care plan and support will be considered by the Housing options staff in line with the procedure for vulnerable clients.
- 12.2.5 The existence of local policies and the resultant lettings will be reviewed on a monthly basis to ensure that the policy is still needed and that no **illegal** discrimination is occurring or that no other negative unforeseen outcomes are being created.

13 Procedure for managing changes to procedures

- 13.1 The Council wishes to retain flexibility in operational processes and procedures to respond to changes in local housing demands and needs, changes in housing supply and other regulatory changes, whilst still operating within the principles set out in its housing policy.
- 13.1.1 To enable this to happen the council will provide publicly details of its policy and operational procedures as a set of documents which together form its housing allocations scheme.
- 13.1.2 Where changes are necessary to procedures they will be made with the authority of the **Assistant** Director of Housing. A change statement will be produced which will clearly show the change to the procedure and the reason for that change. These statements will be published on the council's website.