

Report title	The Allocations Policy and the Homelessness Reduction Act	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson City Assets and Housing	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable director	Kate Martin, Service Director, City Housing	
Originating service	City Housing	
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Report to be/has been considered by	Place Leadership Team Strategic Executive Board	26 March 2018 10 April 2018

Recommendations for decision:

The Cabinet is recommended to:

1. Approve amendments to the Allocations Policy in line with the Homelessness Reduction Act including the ability to discharge homeless duty into the private rented sector.
2. Approve an amendment to the data protection statement within the Allocations Policy in readiness for the introduction of the General Data Protection Regulations.

1.0 Purpose

- 1.1 To set out the proposed changes to the Housing Allocations Policy in order to support the Council to deliver a preventative homeless service in line with the new duties set out in the Homelessness Reduction Act.

2.0 Background

- 2.1 The Homelessness Reduction Act (HRA) is being introduced to extend the statutory responsibilities of local authorities in preventing and relieving homelessness.
- 2.2 The Act introduces a move in the way homeless services will be delivered, with the gearing of resources and activity very much around preventing households from becoming homeless in the first instance, which is encompassed in the key provisions of the act:
- Improved advice and information about homelessness and the prevention of homelessness, available to all;
 - Extension of the 'threatened with homelessness' period from 28 to 56 days, allowing local authorities more time to do prevention work;
 - Introduction of new duties to prevent and relieve homelessness for all eligible people, regardless of priority need and intentionality;
 - Introduction of assessments and personalised housing plans, setting out the actions local authorities and individuals will take to remain in or find suitable accommodation;
 - Encouraging public bodies to work together to prevent and relieve homelessness through a duty to refer.
- 2.3 A range of activity is being undertaken to prepare for the implementation of the Act across the Council, Wolverhampton Homes and partners to ensure the move towards prevention is supported through strategy, policy and operational activity, of which the Council's Allocations Policy plays a key role.
- 2.4 Amendments to the Allocations Policy are necessary in order to gear it towards prevention, supporting officers working with homeless applicants to identify solutions which prevent them from becoming homeless and having to enter temporary accommodation.

3.0 Proposed Changes to Banding

- 3.1 Table 1 sets out the proposed changes to the Allocations Policy with regards to the level of priority homeless applicants will receive dependent on whether they will be assessed as being owed a Prevention Duty, Relief Duty or Main Duty as per the HRA (these duties are defined in Appendix 1 for clarification).

3.2 The proposed changes intend to strengthen the Allocation Policy in the prevention of homelessness by awarding varying priority for housing dependent on the duty the local authority owes. This will be done by:

- The proposed changes maintain an Emergency Band award to those applicants owed the main homeless duty as they are homeless, in priority need and unintentionally homeless. This allows families and vulnerable people in temporary accommodation to access settled accommodation within a relatively short timescale (dependent on property type required).
- Restricting those owed a relief duty to Band 1 will assist to enable other Emergency Band applicants to be considered for properties that become available while still ensuring that homeless applicants have a high level of priority to access accommodation.
- Applicants who previously may have been assessed as Band 4, giving them lowest priority within the Allocations Policy, will now as a minimum receive a Band 3 award. This gives them better opportunity to secure accommodation through the housing register, in particular 10% of properties advertised is with a preference to Band 2 and 3 applicants.
- The ability to discharge homelessness duty into the private sector is required for all applicants requiring homelessness assistance as per the draft Homelessness Code of Guidance 2018. This will improve the range and volume of housing that becomes available, thus assisting those in housing need more quickly.

Table 1: Proposed prioritisation of Homeless Applicants within the Allocations Policy

Emergency Band	Applicants who are homeless and are owed the main duty including when: <ul style="list-style-type: none"> – they have become homeless or – the Relief Duty has come to an end and – they have been assessed as being in priority need and – unintentionally homeless
Band 1	Applicants who are homeless and are owed the Relief Duty and <ul style="list-style-type: none"> – Would be owed or likely to be owed the Main duty when the relief duty came to an end Because they are or are likely to be: <ul style="list-style-type: none"> – in priority need and – homeless
Band 2	Applicants who are threatened with homelessness and are owed the Prevention Duty and <ul style="list-style-type: none"> – Would be likely to be owed the Main duty if both the Prevention Duty and any Relief Duty that followed ended by the virtue of being uncooperative the relief and prevention process and they would be, or likely to be found to be: <ul style="list-style-type: none"> – in priority need and – unintentionally homeless

Band 3	Applicants owed a Prevention duty, or Relief duty for as long as that duty is owed but <ul style="list-style-type: none">– would not be or are unlikely to be owed the Main Duty when any relief duty came to an end– and unintentionally homeless
Band 4/4L	Not applicable

3.3 Appendix 1 compares these proposed changes to how homeless applicants are currently assessed, pre-implementation of the HRAAct as well as to how they would be assessed post implementation of the HRAAct if no changes were made to the Allocations Policy.

3.4 If implemented effectively changes to the Allocations Policy should assist in reducing the numbers being owed a Main Duty, with greater emphasis on prevention and the importance of homeless households cooperating with Wolverhampton Homes on the achieving the aims as set out within the personal housing plans.

4.0 Discharge into the Private Rented Sector

4.1 The Localism Act 2011 made significant changes to the way in which local authorities can deal with applications for social housing and homelessness applications under Parts 6 and 7 of the Housing Act 1996 by allowing local authorities to fully discharge the full housing duty by a 'private rented sector offer' (s193 (7AA)-(7AC) Housing Act 1996 as amended by s.148 (5)-(7) Localism Act 2011.

4.2 To assist more homeless applicants at the Prevention and Relief stages of an application there is a need to increase the number of properties available to those on the housing register, which can be achieved through discharging duty to the private rented sector and housing associations. In particular this would improve access to a wider range of property in terms of its location, size and adaptation. Appendix 3 sets out City of Wolverhampton Council Guidance for Discharge of Duty in the private sector.

4.3 To do this the Council will assess each homeless application to determine whether the household is considered eligible for a private rented sector offer taking into account statutory instruments and Codes of Guidance. This assessment will include:

- Financial circumstances, affordability of accommodation and eligibility under Local Housing Allowance;
- The physical, mental and emotional health of the household, together with their social and welfare needs;
- Practical support required to maintain independent living;
- Location, size and layout of the property;
- Recent housing history and the status of the homelessness application.

4.4 The private sector offer must be an offer of an assured short hold tenancy, with a minimum fixed term of 12 months.

4.5 Accommodation will only be secured within the city boundary (unless there are exceptional circumstances agreed with the applicant). Properties must meet the

Suitability of Accommodation criteria which requires that a property must be in a reasonable physical condition, fulfil electrical and fire safety regulations, Gas Safety regulations, HMO licensing regulations and Energy Performance requirements. In addition, the landlord must be a fit and proper person. This can be achieved by:

- Making use of the City's Private Sector Leasing Scheme which is administered by Wolverhampton Homes for the City.
- Making use of accredited properties and landlords through the City's Rent with Confidence scheme.

- 4.6 Those homeless applicants that accept an offer within the private rented sector will be provided with support from Wolverhampton Homes colleagues for a set period if required. In addition those accepting such an offer of accommodation, should they become unintentionally homeless within two years of accepting that offer, will be assessed as being owed the main homeless duty by the Council.
- 4.7 If a statutory homeless applicant refuses or fails to respond to a suitable offer of accommodation in the private or social sector, the Council can end its statutory duty to provide accommodation, with the applicant having a right to a review of the suitability of the offer of accommodation.
- 4.8 It is acknowledged that a private rented sector tenancy may not be the most appropriate housing option for some client groups. This will be identified in the assessment procedure.
- 4.9 The Council will consider its statutory homeless duty discharged if a suitable offer is made.

5.0 Additional changes to the Allocations Policy

- 5.1 In addition to the proposed changes to the prioritisation of homeless applications (as per table 1), a number of minor changes to the Allocations Policy are also proposed in order to assist with the relief of homelessness.

Table 2: Proposed additional changes to the Allocations Policy

Section	Proposed change	Purpose
7	Emergency Band time limits <i>Remove 'Emergency Band applicants are reviewed after 2 months to assist with rehousing resulting in:</i> <i>a) renew the priority for a further two months</i> <i>b) remove the priority and re-assess the application</i> <i>c) make direct bids for accommodation on behalf of the applicant. If successful and then refused application placed in Band 4'</i>	<p>This will strengthen the Council's position to assist homeless applicants who are not actively seeking to resolve their homelessness and potentially blocking temporary accommodation to identify and accept suitable accommodation that meets their needs.</p> <p>The Council will try to meet preferences around location, which will be assisted by the ability to make offers within the private rented sector and registered provider stock,</p>

	<p>To be replaced by a section, 'Statement of Choice'. This will set out that applicants in the Emergency Band will have their applications regularly reviewed to ensure they are bidding on suitable properties or to identify any barriers i.e. where they require an adapted property or large property.</p> <p>Where this is the case the Council retains the right to make direct bids on behalf of homeless applicants to help resolve their homelessness into suitable accommodation.</p>	<p>however due to the availability of stock that meets a household's needs at any given time the Council will retain the right to make an offer of accommodation where this becomes available.</p> <p>The Council will have due regard to where an applicant cannot live in certain areas due to fear of violence, harassment, domestic abuse or similar circumstance.</p>
18	<p>Refusals Remove '<i>Applicants that refuse 3 offers in any 12 month period will be deferred for 3 months</i>'</p> <p>To be replaced by a section, 'Statement of Choice'. This will set out that applicants owed the main homeless duty will be made one offer of suitable accommodation. If refused this will end the homelessness duty. (Applicants will have the right to review this decision).</p> <p>For all other applicants three refusals will result in their application being deferred for a three-month period.</p>	<p>This will strengthen the Council's position to assist homeless applicants who are not actively seeking to resolve their homelessness and potentially blocking temporary accommodation to identify and accept suitable accommodation that meets their needs.</p>
14	<p>Bidding – The bidding period i.e. the time available to applicants to bid on advertised properties currently runs from 6pm on Tuesdays until 9am on the following Monday. It is proposed to change the time for closing of bids to 10am</p>	<p>This is an administrative change that will assist the Council to place and review bids on behalf of homeless applicants before the bidding period closes.</p>
	<p>Data Protection and Freedom of Information To be updated with a new data protection statement, compliant with the General Data Protection Regulation (GDPR)</p>	<p>Whilst not specific to the HRA Act, it is timely to update the data protection section, on advice from Information Governance colleagues in time for the enactment of GDPR regulations in May 2018</p>

6.0 Implementation

- 6.1 Consultation on the proposed recommendations will take place with relevant stakeholders including Wolverhampton Homes, the City's Tenant Management Organisations and

Registered Providers in Nomination Agreements with the Council. Members will also be briefed on the proposals and supported post implementation with the changes.

- 6.2 The Council are working with Wolverhampton Homes to develop a communication plan that will share the changes made to the Allocations Policy with stakeholders and customers, including a guidance booklet which will contain more detailed information for example around the introduction of personal housing plans as a way of working in partnership to prevent or relieve homelessness.
- 6.3 As the new duties set out in the Homelessness Reduction Act set out a whole new approach to addressing homelessness, it is proposed to undertake a review of the changes made to the Allocations Policy six months post implementation, when data becomes available to ensure it is fit for purpose; improving prevention by increasing the relief of homelessness before households become homeless and are owed the main homeless duty by the Council. Not only will this minimise costs incurred by the Council and the use of temporary accommodation, it will minimise the detrimental health, economic and social impact homelessness can cause to individuals and families within the City. The review will assess the first six months of data, propose any recommendations if applicable including an updated equality analysis to be presented to the Equality Advisory Group.

7.0 Financial implications

- 7.1 The Housing Options service is managed by Wolverhampton Homes who receive a management allowance from the council. There are therefore no direct financial implications from this report to the Council.
- 7.2 The impact of the Act will be monitored in 2018/2019 for any further service impacts which may result in additional service costs. The council has been allocated New Burdens transitional funding of £345,000 over three years in response to the introduction of the Act.

[JM/11042018/H]

8.0 Legal implications

- 8.1 The Council as a Local Housing Authority is required to allocate housing accommodation in accordance with Part VI of the Housing Act 1996. Section 167 of the Act requires the Authority to have an allocation scheme and to allocate housing accommodation in accordance with the Scheme. The proposed changes to the City Council's allocation policy are consistent with the Homelessness Reduction Act 2018 and existing legislation. Compliance with the General Data Protection Regulations is a legal requirement.

[RP/11042018/U]

9.0 Equalities implications

- 9.1 An equalities analysis has been undertaken, which demonstrates the positive intentions of the changes to the Allocations Policy from an Equalities perspective. A further equality

analysis will be undertaken as part of the review process based on data that will be available six months post implementation. The effectiveness of the policy will be assessed with any changes required to be made as part of a further Allocations Policy review to be conducted in the Autumn of this year.

10.0 Environmental implications

10.1 There are no environmental implications from this report

11.0 Human resources implications

11.1 Assessment of homeless applications are undertaken by Wolverhampton Homes. There are therefore no human resource implications from this report for the council.

12.0 Corporate landlord implications

12.1 There are no corporate landlord implications from this report

13.0 Schedule of background papers

13.1 Cabinet Report, Homelessness Reduction Bill and Rough Sleepers, 29th November 2017

14.0 Appendices

Appendix 1 - Homelessness Reduction Act Duties

Appendix 2 – Prioritisation of Homeless Applicants within the Allocations Policy

Appendix 3 - City of Wolverhampton Council Guidance for Discharge of Duty in the private sector