

ROYAL BOROUGH OF KENSINGTON AND CHELSEA
HOUSING ALLOCATION SCHEME

MAY 2007

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PART I – INTRODUCTION

1. Review Of RBKCs Allocation Scheme

- 1.1 The Royal Borough's current housing allocation scheme was published in November 1998, in accordance with the Housing Act 1996. Minor amendments were required in 2003, as a result of the 2002 Homelessness Act, but in all other respects the scheme has remained in its original form.
- 1.2 A fundamental review of the allocation scheme was undertaken in 2005-06, focusing on the following key issues:
- The need to achieve a more realistic prioritisation of applicants, given the very limited number of units becoming available for letting each year and the huge level of housing demand with which the Council is presented.
 - The challenges involved in meeting the Government target to halve the number of homeless households placed in temporary accommodation by 2010.
 - The new 'harder test' Comprehensive Performance Assessment (CPA) introduced by the Audit Commission, with a sharper focus on housing and homelessness from April 2006.
- 1.3 Other important considerations, also taken into account in the review, included:
- The introduction of choice based lettings (CBL) and the target for CBL to cover all social rented housing and affordable ownership options by 2010, with the inclusion of private rented accommodation strongly encouraged by Government.
 - The move to sub-regional and regional funding for new housing developments, giving the Council access to lettings across West London and potentially London-wide.
 - The growing role of private sector housing options, such as the Rent Deposit Scheme, and the need for a more comprehensive distribution framework, rather than one which focuses exclusively on permanent social housing.
- 1.4 Key objectives for the revised allocation scheme are as follows:
- To create a single route to all forms of housing and housing options at the Council's disposal.
 - To treat Council tenants seeking a transfer in the same way as new applicants to social housing.
 - To target scarce resources at those in greatest need.
 - To adopt an approach which sets out the Council's 'offer' for people seeking housing advice and assistance, giving applicants a clearer and more realistic indication of their options and whether or not they are likely to obtain housing through the Common Housing Register.
 - To challenge the perception that a homeless application offers the best route to re-housing, where possible creating active incentives for applicants to choose the Common Housing Register route.
 - To facilitate better use of social housing stock in meeting local needs.
 - To distribute resources in a way that is fair and consistent, simple to administer, transparent, easily understood by applicants and which allows for efficient monitoring of performance.

- 1.5 Initial proposals for the new allocation scheme were submitted to the Tenants' Consultative Committee and the Housing Associations' Consultative Committee in October 2005, as well as to the Overview and Scrutiny Committee Sub-Group on Allocations in November 2005. Following a period of further research and development, a draft allocation scheme was produced, and in July 2006 the draft scheme was approved for the purpose of external consultation.
- 1.6 **Consultation on the draft scheme.** Consultation was carried out in accordance with section 167 of the Housing Act 1996 (as amended). Copies of the draft scheme, together with a summary of its key elements, were sent to over 1,600 organisations operating within the Royal Borough. These included the TMO and other social landlords, advice agencies and solicitors, voluntary organisations and community groups with an interest in housing, and NHS Trusts. Consultation also took place through a series of briefing seminars at the Town Hall and two TMO Neighbourhood Conferences in September. In addition, the draft scheme, summary and details of the consultation process were made available on the RBKC website and intranet.
- 1.7 The consultation ran for a period of 12 weeks, from 5 July – 29 September 2006, and was successful in generating a high level of interest and participation, both internally and externally. Written comments on the draft scheme were received from a total of 16 organisations, including the TMO, eight Registered Social Landlords and Housing Advice Service Kensington and Chelsea. Comments were also recorded at the various briefing sessions and meetings held to discuss the draft scheme, which were attended by around 200 people in total.
- 1.8 The overall response to the draft scheme was positive. Most participants understood the reasons for replacing the previous allocation scheme and the need to achieve a more effective system of prioritisation, given the gulf between housing demand and supply. The aims and principles set out in the draft scheme were largely accepted and some of the proposed changes were specifically welcomed. These included:
- The increase in priority for severely overcrowded households;
 - The extension of choice-based lettings;
 - The continuation of the cross-landlord under-occupation scheme, introduced on pilot basis earlier this year; and
 - The introduction of a parallel initiative to free up wheelchair and mobility standard properties.
- 1.9 Although there were concerns about certain aspects of the draft scheme, some of these resulted from unclear wording and were resolved through discussion. Of the remaining concerns, most related to components which are either completely new (eg welfare points, local resident points) and/or will impact negatively on some applicants (eg the change from qualifying hostels to qualifying individuals). Amendments were made to the draft scheme in response to some of the comments received, while other issues will be considered in the light of the post-implementation research (see paragraph 1.11 below).

- 1.10 The final version of the new scheme was approved via a Key Decision by the Cabinet Member for Housing Services, Adult Social Care, Public Health and Environmental Health on ? A report summarising the outcome of the consultation was sent to all those who submitted written comments and to others on request.
- 1.11 **Further review and updating.** It is intended that the new allocation scheme will be reviewed and updated on an annual basis, to allow for fine-tuning and to take account of any relevant policy developments, either internally or externally. To assess the impact of the new scheme, the Council is commissioning a research study, to take place at the end of the first year in operation. As well as highlighting any problem areas, this will provide an important opportunity to re-visit key issues raised during the consultation period and to amend the scheme if necessary. Fundamental changes are not anticipated but if required, would be the subject of further consultation.
- 1.12 **Legal reference documents.** In framing the new allocation scheme, the Council has had regard to the *Code of Guidance on the Allocation of Accommodation* issued by the Office of the Deputy Prime Minister in November 2002, in addition to relevant legislation, regulations and case law. References to these sources within the Scheme are necessarily limited and are not intended as a substitute for the original sources, which should be consulted directly where necessary.

2. Scope Of The Allocation Scheme

- 2.1 Under Part VI of the Housing Act 1996, the Council is required to have an allocation scheme, the purpose of which is to determine priorities in allocating housing and to set out the procedures to be followed.
- 2.2 Amendments introduced by the 2002 Homelessness Act mean that the allocation scheme must treat Council transfer applicants in the same way as other applicants for housing, rather than a separate transfer scheme being operated as previously.
- 2.3 The legal definition of an 'allocation' is when a local authority:
- Selects an applicant to be a secure or introductory tenant of accommodation owned by the Council (or other body able to grant secure or introductory tenancies).
 - Nominates an applicant to be an assured tenant of accommodation owned by a registered social landlord (RSL).
- 2.4 While the legal definition relates only to certain types of accommodation, as set out above, the revised allocation scheme for Kensington and Chelsea is designed to include the range of private sector housing options currently being developed in response to local need. To date, a successful Rent Deposit Scheme has been established, enabling applicants to access privately rented homes in the borough. This is now being expanded and the option to access accommodation out of borough will be added. Other private sector options are in the pipeline and will be incorporated into the allocation scheme as they are implemented.

- 2.5 The aim of taking this more comprehensive view of housing need is to facilitate a more strategic approach to meeting housing need as well as increasing customer choice.

3. Operation Of The Scheme

- 3.1 To ensure fairness and compliance with legislation, the allocation scheme is applied consistently. The individual circumstances of each applicant are considered in every case, using the information provided on their application form and in response to any subsequent queries by the Council.
- 3.2 In exceptional circumstances, an allocation may be made outside the allocation scheme, to meet an urgent housing need which could not otherwise be adequately addressed *or* to achieve best use of social housing stock. Such allocations will require the prior approval of the Chief Housing Officer or Executive Director, who will normally consult with both the relevant Cabinet Member and Overview and Scrutiny Committee Chairman.
- 3.3 Details of any allocation made outside the allocation scheme will be reported to the relevant Overview and Scrutiny Committee for information.

4. Lettings Not Covered By The Scheme

- 4.1 The following are examples of lettings not covered by, or specifically excluded from the allocation scheme, under the provisions of the Housing Act 1996:
- Offers of non-secure tenancies to homeless persons pursuant to any duty under Part 7 of the Housing Act 1996
 - The conversion of introductory tenancies into secure tenancies.
 - Offers of tied accommodation made to Council employees (Service Occupancies).
 - Offers of or nominations to accommodation made at the Council's own instigation rather than in response to an application, for example offers to tenants being decanted from their homes to allow major works to take place;
 - Assignments of, and successions to, Council tenancies
 - Mutual exchanges of Council tenancies
 - Transfers of tenancies made by Court Order under the Matrimonial Causes Act 1973 or other family legislation.
 - Vesting or disposal of tenancies by order of a Court.
- 4.2 The Council has separate policies on the main types of letting listed above, including decants, service tenancies, statutory succession, assignment and mutual exchange. Copies can be downloaded from the Council's website (www.rbkc.gov.uk) or obtained from TMO local housing offices.

5. Equalities And Diversity

- 5.1 The Royal Borough has one of the most diverse populations in London. The Council operates an Equality Policy and is committed to delivering fair and equitable services that are appropriate and accessible to all sections of the local community, as well as working to eliminate discrimination on any grounds.

- 5.2 The implementation of a clear and consistent allocation scheme goes hand in hand with careful equalities monitoring. The data collected is used to ensure that the scheme is being operated in a fair and non-discriminatory manner as well as for the purposes of regular equality impact assessments and subsequent improvements to service delivery. All applicants applying to the Common Housing Register are asked to provide details of the ethnic origin, age and gender of each member of their household to enable monitoring to take place. There is no compulsory requirement to provide the relevant information and failure to do so does not affect an applicant's chances of re-housing. However applicants are strongly encouraged to comply and informed of the important purpose this information serves.
- 5.3 It is important that the allocation scheme is understood by all current and prospective and housing applicants. Straightforward information about the scheme, aimed specifically at people seeking to be re-housed, is available in a variety of formats and where appropriate, interpreters are used for applicants seeking advice and assistance.

6. How Housing Is Allocated in RBKC

- 6.1 The Common Housing Register (CHR) is the database maintained by the Council of everyone who has applied and is eligible for housing through the allocation scheme. Full details of the CHR application process, eligibility criteria and excluded groups are given in Part II.
- 6.2 The CHR includes Council tenants who are seeking a transfer, as well as homeless applicants and others approaching the Council for re-housing. Transfer applications are assessed and managed on the Council's behalf by the Tenant Management Organisation (TMO).
- 6.3 Through the CHR assessment process, each applicant's housing needs are considered in full and a level of priority is awarded, expressed as a number of points. The level of priority is what determines who gets housed. Waiting time is only taken into account in the situation where two or more applicants with an identical level of priority are competing for the same property.
- 6.4 The CHR assessment also establishes the size of accommodation an applicant requires, based on the number of people in their household and other relevant factors. Full details of the assessment process are given in Part III.
- 6.5 The main method by which applicants are matched to vacant properties is through Home Connections, the Council's choice based lettings (CBL) scheme. The introduction of CBL has transformed the lettings process, allowing applicants to bid for homes they are interested in, rather than waiting to be offered a property selected by the Council or TMO, as was previously the case. Full details of how CBL works, and the circumstances in which properties may still be offered as direct lets, are given in Part IV.

7. The Annual Re-housing Plan

- 7.1 While the allocation scheme determines *individual* priority for re-housing, the Council's annual Re-housing Plan sets targets for distributing the supply of housing available each year between various broad categories of housing applicant. The three major categories are as follows:

- Homeless applicants for whom the Council has accepted a statutory duty under S 193(2) of the Housing Act 1996.
 - Existing Council tenants seeking a transfer.
 - Other applicants whose current housing is unsuitable (e.g. overcrowded households and people with health problems made worse by their housing conditions).
- 7.2 The re-housing targets are reviewed every year and are based on the relative needs of each category of applicant, in the context of local and national policy objectives. The targets are expressed as a percentage of the overall supply of properties projected for the year, from each relevant source. In this way the Re-housing Plan determines the overall number of lettings available to each group for the year, while the allocation scheme determines the level of priority amongst applicants within each group.
- 7.3 The demand for social housing in Kensington and Chelsea greatly exceeds the supply of Council and RSL-owned properties available for letting each year. This means that only applicants with the highest levels of priority are likely to be re-housed.
- 7.4 It is also important to note that waiting time is not taken into account in allocating housing, *except* to determine priority between two cases with identical points. This means that an applicant with low to moderate priority is as unlikely to be re-housed after five years on the CHR as when they first submit their application to the Council.

8. Access To Housing Advice And Information

- 8.1 The Council's Housing Needs Team provides a free advice and information service to potential housing applicants and deals with enquiries about the following issues:
- Who can apply for housing through the CHR and how to go about this.
 - Who can apply for assistance as a homeless person and how to go about this.
 - Other housing options available, including the rent deposit scheme, affordable ownership and mutual exchange.
 - More general housing matters including tenancy problems.
- 8.2 The Team can also advise people registered on the CHR about how they are likely to be treated under the allocation scheme, including the level of priority awarded, the chances of receiving an offer and expected waiting time.
- 8.3 The Housing Needs Team is based at Kensington Town Hall. The office is open to the public from Monday to Friday between the following hours:
- Monday 9am–4.45pm
 - Tuesday 9am–4.45pm
 - Wednesday 12 noon–4.45pm
 - Thursday 9am–4.45pm
 - Friday 9am–4.15pm.
- 8.4 The Team also operates a telephone contact centre on 0207 361 3008 (hours as above) and can be contacted by e-mail: housing@rbkc.gov.uk

- 8.5 Advice and information for Council tenants seeking a transfer are provided by the TMO through their local housing offices.
- 8.6 Independent housing advice is available free of charge to any borough resident through the Council's External Housing Advice Contract with the Housing Advice Service Kensington and Chelsea (HASK&C). HASK&C comprises three agencies: Staying Put Services and Nucleus Legal Advice Centre, offering general housing advice and advocacy services, and Oliver Fisher Solicitors, who provide specialist legal advice. Oliver Fisher can only be approached if a referral is made from Staying Put or Nucleus.
- 8.7 The HASK&C contact numbers are 020 8206 5900, for people living in North and central Kensington and Chelsea, and 020 7373 6262, for people living in the South of the borough. Telephone lines are open daily between 10.30am and 3.00pm, Monday-Friday. A 24-hour emergency service is available on 0203 219 0145 for homeless people or those facing a bailiff's warrant or eviction order.
- 8.8 HASK&C also provides seven drop in advice sessions each week at three locations in the borough (North, South and central). Full details of these sessions are available on the HASK&C website at www.haskc.co.uk.
- 8.9 The Council's Allocation Scheme is available for inspection during working hours at the Housing Needs Team office. Copies of this document can be downloaded free of charge (in Adobe Acrobat format) from the Council's website (www.rbkc.gov.uk) and are also available from the Housing Department at Kensington Town Hall.

PART II – APPLYING FOR HOUSING

1. How To Apply

- 1.1 Anyone can apply for housing under this allocation scheme by making an application to join Kensington and Chelsea's Common Housing Register (CHR). Every application will be considered by the Council, provided it complies with the procedural requirements of this allocation scheme.
- 1.2 Existing Council tenants seeking a transfer are assessed, prioritised and registered on the CHR in the same way as other housing applicants. Transfer tenants have access to the same range of housing options (i.e. Council or RSL-owned properties and relevant private sector options) as other applicants, dependent on their level of priority.
- 1.3 CHR application forms are available from Housing Needs Team at Kensington Town Hall and local advice centres. Existing tenants of the Council or a Registered Social Landlord can obtain a CHR form from their local housing office. The form can also be downloaded from the Council's website (www.rbkc.gov.uk) or the TMO website (www.kctmo.org.uk).
- 1.4 Completed CHR forms should be returned to the Housing Needs Team at Kensington Town Hall or, in the case of Council tenants seeking a transfer, to their local housing office. Applicants are required to provide supporting documentation with their application, including proof of identity/status, residence and income. Full details of the documents required are given on the form. Applications will not be registered if these are not submitted.
- 1.5 Following receipt of a CHR application, the Council or TMO will first assess whether the person concerned is eligible for housing under this allocation scheme (see paragraph 2 below for details). Any applicants considered to be *ineligible* will receive written notification of this decision and their statutory right of review (see Part V, paragraph 1).
- 1.6 All other applicants will be registered on the CHR and sent details of their registration number, the number of points they have been allocated and the size of the accommodation they require, based on the Council's assessment of their housing needs and circumstances (see Part III for details).

2. Who Is Ineligible for Housing?

The following groups of people are defined in law as ineligible for an allocation of housing and are therefore excluded from joining the CHR:

- 2.1 **People from abroad who are subject to immigration control under the Asylum and Immigration Act 1996** – unless they are:
 - a) already a secure or introductory tenant of the Council or an assured tenant of housing allocated to them by a Council; or
 - b) in a class prescribed by regulations made by the Secretary of State.
- 2.2 **People prescribed as ineligible for an allocation in any regulations made by the Secretary of State** – unless they are already a secure or introductory

tenant of a Council or an assured tenant of housing allocated to them by a Council.

- 2.3 **Applicants who have been guilty of unacceptable behaviour, and are unsuitable to be social housing tenants** – see paragraph 2.5 - 2.10 below for details. This condition also applies to members of the applicant's household.
- 2.4 **Dependant children under the age of 18.** This is because by law, a person under 18 cannot hold a tenancy. However, non-dependent 16 and 17 year olds may join the CHR if they require independent accommodation not provided/arranged by the Children's Social Care Division *and* are capable of managing this.
- 2.5 **Unacceptable behaviour.** Under Section 160A(7) of the Housing Act 1996, the Council is permitted to treat an applicant as ineligible for an allocation of housing if satisfied that the applicant or a member of their household is guilty of unacceptable behaviour. This is defined as behaviour which, if the person concerned were a secure Council tenant, would entitle the Council to obtain an *immediate* possession order (as opposed to a postponed possession order) against them on one or more of Grounds 1-7 of Schedule 2 to the Housing Act 1985. Such behaviour includes (but is not limited to):
- Persistent failure to pay the rent (see paragraph 2.8 below).
 - Behaviour of an anti-social nature, which has caused a nuisance and has started legal proceedings.
 - Committing racial, homophobic or other harassment.
 - Being convicted of using their home for immoral or illegal purposes.
 - Threats or actual violence against neighbours, Council officers, TMO officers, Councillors, managing agents or contractors of the Council.
 - Being convicted of an arrestable offence committed in, or in the vicinity of their home.
 - Domestic violence causing a partner or other family member to leave the property.
 - Any other breach of tenancy which has resulted in action being commenced to re-possess the property under the terms of the Housing Act 1985.
- 2.6 In assessing whether an applicant, or a member of their household, has been guilty of unacceptable behaviour as defined above, the Council (or TMO) will normally focus on the past five years although the most weight will be given to the last 12 months. Where unacceptable behaviour is considered to have taken place, the decision to treat an applicant as ineligible for housing will *not* be automatic, but will be made on a case-by-case basis, taking account of all factors involved. The central question will be whether the applicant (or the relevant member of their household) is, *at the time of applying*, unsuitable to be a tenant. This will involve considering: a) whether the behaviour of the person in question has improved since the relevant incidents(s) took place; and b) whether this improvement is likely to be sustained.
- 2.7 The level of information available to the Council or TMO in making the above assessment will vary and it may be necessary to rely partly or wholly on the information provided on the CHR form, which asks for details of any past behaviour by the applicant, or a member of their household, which could fall within the definition of unacceptable behaviour. Failure to disclose relevant

information, if discovered after the applicant has been allocated a tenancy, would be likely to give the landlord clear grounds for eviction.

- 2.8 In relation to rent arrears, an applicant's behaviour may be considered unacceptable in the following circumstances:
- The applicant has lost their security of tenure, following breach of a postponed possession order obtained as a result of rent arrears; or
 - The applicant is due to be evicted as a result of rent arrears (landlord has applied to bailiffs); or
 - The applicant has been evicted for rent arrears (by any landlord and from any type of accommodation) within the last five years.
- 2.9 Where the Council is of the view that an applicant (or a member of their household) has been guilty of unacceptable behaviour and that, at the time of applying, he or she is unsuitable to be a tenant, the Council will normally determine that the applicant is ineligible for housing under this allocation scheme. An ineligible applicant will be excluded from joining the CHR.
- 2.10 An exception may be made where the Council has a reasonable belief that the unacceptable behaviour is due to a physical, or learning disability or mental health problem. In this situation, an applicant will not normally be determined as ineligible without first considering whether they would be able to maintain a tenancy satisfactorily, *if* appropriate care and support were provided. The Council will also have regard to its statutory responsibilities under the Disability Discrimination Act 1995. In coming to a view, the Council may seek the views of relevant health and/or social care professionals. Evidence will be required of a direct link between the applicant's disability or mental health problem and the unacceptable behaviour.

3. Decisions On Eligibility

- 3.1 Where the Council or TMO (in the case of transfer applicants) decides that an applicant is ineligible for housing under this allocation scheme on any of the grounds described in paragraph 2 above, the applicant will be notified in writing of that decision. The notification will give clear reasons for the decision, which must be based on the relevant facts of the case. The letter will be sent to the applicant at the address they have given and will also be available for collection at the Town Hall (or TMO neighbourhood office in the case of transfer applicants) for a period of 28 days.
- 3.2 If at any time the Council or TMO determine that an applicant *already registered* on the CHR is ineligible for an allocation of housing, the applicant will be informed in writing and given 28 days to provide information showing that they are, in fact, eligible. If the Council or TMO (in the case of transfer applicants) remain of the view that the applicant is ineligible, or if the applicant does not reply, the applicant will be removed from the CHR. During the period in which the question of eligibility is being reviewed, the applicant will be unable to receive any offers of accommodation.
- 3.3 Applicants have a statutory right of review in relation to any decision taken by the Council or TMO to exclude or remove their application from the CHR on grounds of ineligibility. Details are given in Part V, paragraph 1.

4. Re-Applying To The CHR

- 4.1 Any applicant notified that they are being treated as ineligible for an allocation of housing due to unacceptable behaviour is entitled to make a new CHR application at a future date, as set out below:
- Where the applicant has been treated as ineligible as a result of a past (or forthcoming) eviction or conviction for any relevant criminal offence, the Council will not normally consider a new CHR application until five years after the eviction or relevant conviction took place. An earlier re-application may be considered where the applicant can provide evidence of a relevant improvement in behaviour.
 - Where the applicant has been treated as ineligible on other grounds related to unacceptable behaviour, as defined in paragraph 2.5 above, the Council will normally consider a new application 12 months from the date on which the original application was refused (or, where a statutory review of that decision subsequently took place, the date on which the applicant was notified of the outcome).
- 4.2 In assessing a new application from an applicant previously treated as ineligible due to unacceptable behaviour, the Council will take account of the applicant's current circumstances and any additional information submitted in support of the new application. If the Council has reason to believe that the behaviour of the applicant (or relevant member of their household) has not improved, the applicant may continue to be treated as ineligible.

5. Applicants With Zero Priority

- 5.1 Certain categories of applicant are legally eligible for an allocation of housing but may be treated by the Council as having zero priority. The effect of a zero priority award is to over-ride any housing points a household might otherwise have been awarded, under the points scheme set out in Part III. This means their points score will be shown as zero.
- 5.2 Zero priority may be awarded at the time of applying to join the CHR or later, as a result of a relevant change in circumstances. In the latter case, any points an applicant had previously been awarded will be removed. Applicants will be informed in writing when a decision is taken to award zero priority and the reason will be stated.
- 5.3 Applicants with zero priority will not normally have any prospect of re-housing, unless or until there is a relevant change in their circumstances (see paragraph 5.9 below).
- 5.4 The following groups are those who may be deemed to have zero priority:
- Homeowners – other than where exceptional circumstances apply (see paragraph 5.5 below for details).
 - Applicants whose total household income is over £40,000 per year and/or whose savings are over £16,000 (these limits have been set at 2006-07 prices and will be regularly reviewed).
 - Applicants against whom the TMO or Council has initiated legal proceedings for non-payment of rent, Council Tax or overpaid Housing Benefit (other than where the applicant has entered into an agreement to repay the money owed and is keeping to this agreement).
 - RSL and private sector tenants whose landlord has initiated legal proceedings as a result of rent arrears (other than where the applicant

has entered into an agreement to repay the money owed and is keeping to this agreement).

- Any tenant whose landlord has initiated legal proceedings for a breach of tenancy other than rent arrears.
- Applicants placed in temporary accommodation by the Council who are in arrears of rent or storage charges of more than £1,000 or the equivalent of six weeks charges where the applicant is not in receipt of full Housing Benefit (other than where the applicant has entered into an agreement to repay the money owed and is keeping to this agreement).
- Applicants placed in temporary accommodation by the Council whose unacceptable or anti-social behaviour (or the behaviour of a member of their household) has led to the loss of the accommodation provided. Where the behaviour in question is due to a disability or physical or mental health problem, the Council will consult with agencies involved in the applicant's treatment and care, before making a decision to award zero priority.
- Applicants whose current home is outside RBKC – other than where particular circumstances apply (see paragraph 5.7 below).
- Applicants deemed to have provided fraudulent information in support of their application, of a nature that would materially affect the outcome (see paragraph 5.8 below).

5.5 In determining whether to award zero priority to applicants within the above categories, the Council (or TMO) will assess each case individually, taking account of all the factors involved. In some cases the severity and/or urgency of an applicant's needs may be judged to over-ride other considerations and zero priority will not be applied.

5.6 **Applications from Home Owners.** Ownership of an interest in a property, whether locally or elsewhere (within the UK or outside) is a financial resource that will be taken into account in determining the applicant's ability to meet their housing costs. Homeowners will normally be treated as having zero priority for an allocation of accommodation *unless* it is unreasonable for them to remain in their current accommodation and/or their housing problem cannot be resolved by adapting their present home or by selling it and possibly purchasing another more suitable property. In considering the above, the Council takes account of factors including the following:

- The whole of the applicant's circumstances and, where relevant, the circumstances of other members of the applicant's household.
- Whether adaptation of the present property is a viable option.
- Whether the property could be sold and if so, the expected equity arising from the sale.
- The applicant's financial circumstances, commitments and mortgage potential.
- The supply and cost of private market accommodation suitable for the applicant's specific needs.
- Whether the applicant could be expected to move outside the borough.

5.7 **Out of Borough applicants.** Applicants living outside Kensington and Chelsea at the time of applying will normally be treated as having zero priority. Zero priority may not apply in the following circumstances:

- Applicant is a member of the armed forces whose last permanent address was in Kensington and Chelsea.

- Applicant is an existing RBKC tenant, living on one of the Council's two out of Borough estates.
 - Applicant is temporarily accommodated by the Council out of Borough, having been accepted as statutorily homeless.
 - Applicant has been awarded a high level of priority on welfare grounds (ie 100/200 points).
 - Applicant has been referred to the Council through the West London Domestic Violence protocol.
 - Applicant, or a member of their household, needs to live in RBKC in order to receive long term or life-long medical treatment that is only available at a treatment centre in RBKC. This will be assessed on a case by case basis, taking account of the specialty of the treatment required, regularity of appointments, the person's ability to travel and other relevant factors.
- 5.8 Where zero priority is awarded on the grounds that an applicant has provided fraudulent information in support of their application, zero priority will be imposed for a fixed period of 12 months. At the end of this period the applicant may ask for their application to be reconsidered, submitting new supporting information if they so wish.
- 5.9 Where an applicant has been awarded zero priority on any other grounds, they can ask for their application to be reconsidered at any time a relevant change in their circumstances occurs (eg reduction in household income or savings to below the threshold levels). Where unacceptable behaviour was a factor in zero priority being awarded, the onus will be on the applicant to show that the behaviour of the person concerned (ie the applicant or a member of their household) has now improved.
- 5.10 There is no statutory right of review where a decision to award zero priority is made, but an applicant who is dissatisfied with such a decision has recourse to the Council's complaints procedure, as set out in Part V, paragraph 2.

6. Keeping Applications Up To Date

- 6.1 Applicants are required to renew their housing application every 12 months and are informed of this when registering on the CHR. The Council will write to applicants on an annual basis, reminding them of the requirement to renew, in order to remain on the register, and requesting details of any change in circumstances. Applicants can also choose to renew their application themselves, without waiting for an invitation.
- 6.2 If an applicant fails to renew within the time allowed by the Council, their application will be cancelled. Where a new CHR form is submitted after such a cancellation has taken place, the person concerned will normally be treated as a new case, meaning their application will not be backdated and they will lose their previous date order position on the CHR.
- 6.3 Applicants must keep the Council informed of any changes in their circumstances, as and when these arise, by submitting written details to the Housing Needs Team (or TMO in the case of transfer applicants). The applicant will then normally be required to complete a new CHR application form and provide the necessary supporting documentation. Relevant changes in circumstances include:
- Any additions to the applicant's household or a confirmed pregnancy.

- Any household members no longer wishing to be considered on the application.
 - A move to new accommodation.
 - Any change as a result of which the applicant would fall within a zero priority group, as listed in paragraph 5.4.
 - Any change as a result of which an applicant would cease to fall within a zero priority group.
- 6.4 Certain changes of circumstance may result in an applicant having to submit a new CHR form and supporting documentation. This will normally be the case where a new household member is being added or where an applicant moves out of their existing accommodation to another address (unless the applicant is moving to new temporary accommodation arranged by the Council or is an existing Council tenant accepting an interim move).
- 6.5 On receiving notification from an applicant of a change in circumstances, the Council (or TMO in the case of transfer applicants) will advise on whether or not a new CHR form needs to be completed. Once all the necessary information has been provided (including the completed form where applicable), the Council or TMO will review the application and check whether the level of priority awarded is still correct, re-calculating the applicant's points if appropriate. The applicant will be informed in writing of any changes arising from this review, including any increase or decrease in their points.

7. Other Issues

- 7.1 **Eligibility for joint tenancies.** The conditions set out below relate to Council-owned properties only; other social landlords will have their own policies on joint tenancies, which may differ from the Council's.
- 7.2 Applicants can potentially be granted a joint tenancy where they are a couple and meet one of the following criteria:
- Married.
 - Civil partners.
 - Cohabiting (heterosexual or same sex) and able to provide proof of a minimum of 12 months joint residence.
- 7.3 Where the relationship between two applicants is other than those described above, a joint tenancy may be granted in exceptional circumstances only.
- 7.4 The Council can only grant a joint tenancy if *both* applicants eligible for housing (see paragraph 2 above for details).
- 7.5 Other social landlords have their own policies on eligibility for joint tenancies, which may differ from the Council's and will come into play at the lettings stage.
- 7.6 **Applicants seeking sheltered housing.** Applicants who wish to be considered for sheltered housing will need to complete the relevant section of the CHR form. Applicants (and their partners) must normally be over 60 years of age although consideration may also be given to those aged 55 plus who are registered disabled and/or to other applicants below the age of 60 (since registered social landlords can apply their own policies in terms of

the minimum age they will accept for sheltered housing). The same rules and points apply for allocations to sheltered housing as for general needs housing.

PART III – ASSESSING NEEDS AND LEVEL OF PRIORITY

1. The Legal Framework – Giving ‘Reasonable Preference’

- 1.1 Under Part VI of the Housing Act 1996 (as amended), local authorities must design their allocation schemes in such a way as to give ‘reasonable preference’ to certain categories of people. These are prescribed by the Act and are as follows:
- (a) People who are homeless (within the meaning of Part VII of the 1996 Act); this includes people who are intentionally homeless, and those who are not in priority need;
 - (b) People owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 or under s65(2) or s68(2) of the Housing Act 1985 or who are occupying accommodation secured by any housing authority under section 192(3) of the 1996 Act.
 - (c) People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions:
 - (d) People who need to move on medical or welfare grounds, including grounds relating to a disability;
 - (e) People who need to move to a particular locality in the district of the housing authority where failure to meet that need would cause hardship (to themselves or to others).
- 1.2 The legislation allows the allocation scheme to take account of other factors, relevant to the needs of the local area, in determining which applicants are to be given preference, provided these additional factors do not dominate the scheme at the expense of the reasonable preference groups defined above.
- 1.3 In determining priorities amongst applicants *within* the reasonable preference categories, it is permitted for the allocation scheme to take account of additional factors including:
- The urgency of an applicant’s housing needs.
 - Any local connection existing between the applicant and the Council’s district.
 - The financial resources available to a person to meet their housing needs.
 - Any behaviour of the applicant (or a member of his or her household) which affects his or her suitability to be a tenant (but is not serious enough to make the applicant ineligible for housing – see Part II, paragraph 2.5 - 2.10).
 - Other locally defined factors, provided these do not dominate the scheme at the expense of the reasonable preference categories.
- 1.4 The main features of RBKCs Allocation Scheme, which has been developed within the legal parameters set out above, are summarised in paragraph 2 below.

2. RBKC's Allocation Scheme – Overview

- 2.1 Table 1, below, provides a summary of the priority groups RBKC has defined and how these relate to the 'reasonable preference' groups listed in paragraph 1.1.

Table 1: Priority groups for re-housing

Priority group	High Priority	Low/Medium Priority
1. Homeless people (Reasonable Preference categories (a) and (b))	Households for whom RBKC has accepted a statutory homeless duty (see paragraph 4.1).	Other homeless households (see paragraph 4.2)
2. People living in overcrowded or unsatisfactory conditions (Reasonable Preference category (c))	Severely over-crowded households (see paragraph 5.3) Households eligible for RBKCs New Generation Scheme (see paragraph 5.5–5.10).	Households with a lower level of overcrowding and/or those who are sharing or lacking basic facilities (see paragraph 5.8).
3. People needing to move on health or welfare grounds (Reasonable Preference category (d))	Households including someone with a critical/essential need to move on health or welfare grounds (see paragraphs 6 and 7).	Households including someone with a <i>low to moderate</i> need to move on health or welfare grounds.
4. People living in supported accommodation who are ready to move on (locally defined group, aimed at preventing silting up in local hostels and equivalent facilities).	Those meeting the Council's 'qualifying individuals' criteria (see paragraph 8).	Not applicable
5. Supply transfers (locally defined group, aimed at facilitating best of social housing stock).	Council or RSL tenants whose move will facilitate more effective use of a Council or RSL-owned property (see paragraph 9).	Not applicable

- 2.2 RBKCs scheme does not include a priority group relating to reasonable preference category (e): people who need to move to a particular locality in the borough where failure to meet that need would cause hardship. This is on the basis that the borough covers only a small geographical area, well served by public transport, and it is therefore unlikely that any applicants will fall within this category. However, in exceptional circumstances, 30 points may be awarded as a result of the welfare assessment process (see paragraph 8 below).
- 2.3 The groups listed in the high priority column are those RBKC has identified as its key target groups in allocating housing. In determining priorities within these groups, RBKC awards *additional preference* to applicants who:
- Meet the definition of a local resident (see paragraph 10.2); and/or
 - Have housing needs of an emergency nature (see paragraph 10.9).
- 2.4 In accordance with the Housing Act 1996, RBKC has also defined a number of groups of applicant who will be deemed to have *zero priority* for an allocation, other than in exceptional circumstances. This is explained in Part II, paragraph 5.

3. How Applicants Are Prioritised

- 3.1 Each application is assessed by the Council (or the TMO in the case of transfer applicants) to determine whether the person concerned falls into one of the priority groups set out in Table 1 above and if so, to calculate their level of need. This is done through a points scheme, a summary of which is given in Table 2 below. The assessment also determines what size of accommodation a household requires.
- 3.2 Once assessed, applicants are ranked on the CHR according to their points total on the appropriate bedroom size list (from bedsit to five-bedrooms and above). Amongst groups of applicants with an identical number of points, a date order system is used to determine priority. The relevant date, in most cases, is the date on which the applicant's points were awarded, *not* the date of registration on the CHR (see para 8.3 below for the main exception, which relates to "qualifying individual" points).
- 3.3 Applicants with higher points totals are considered to be in greater housing need than those with lower totals and will have access to a wider range of housing options (see Part IV, paragraph 1.3). As a general principle, higher priority also enables applicants to obtain accommodation more quickly than those with lower points, although this will also depend on the bids they choose to make through the choice based lettings scheme (see Part IV, paragraph 3).

Table 2: Points scheme summary

Priority category	Definition	Points
Homeless people		
High	Applicants for whom RBKC has accepted a duty under section 193(2) Housing Act 1996 (see paragraph 4.1).	100
Low	Other homeless applicants (see paragraph 4.2).	10
People living in overcrowded or unsatisfactory conditions		
High	<ul style="list-style-type: none"> Severely overcrowded households (those lacking two bedrooms or more and/or where over-crowded conditions give rise to a Band A or B (Category 1) hazard, as assessed by RBKC Environmental Health (see paragraph 5.3) Households meeting the criteria for RBKCs New Generation Scheme (see paragraph 5.8 - 5.10). 	60 (+20 per bedroom lacking) 200
Low/medium	<ul style="list-style-type: none"> Households lacking one bedroom (but not accepted onto New Generation Scheme). Households lacking one bedroom whose over-crowded conditions give rise to a Band C (Category 1) hazard, as assessed by RBKC Environmental Health (see paragraph 5.3). Households with one or more shared single bedrooms (see paragraph 5.6). Households including a dependent child or someone awarded high priority on health grounds, for whom one or more basic facility is either lacking or shared with an unrelated household (see paragraph 5.7). 	20 30 (+ 20 for bedroom lacking) 20 30
People needing to move on health grounds		
High	Households including someone with a critical need to move on health grounds (see Table 3, paragraph 6).	200
Low/medium	Households including someone with a non-critical need to move on health grounds, as defined in Table 3, paragraph 6: <ul style="list-style-type: none"> Medium priority Low priority 	40 20
People needing to move on welfare grounds		
High	<ul style="list-style-type: none"> Households including someone at serious risk of harm if they remain in or return to their current accommodation (see Table 4, paragraph 7). Households including someone within one of the other high priority categories in Table 4, paragraph 7. 	200 100
Low/medium	Households including someone who needs to move to a particular locality within the borough (see Table 4, paragraph 7) - awarded in exceptional circumstances only.	30
Supported accommodation residents needing to move on		
High	Applicants who meet the criteria for a “qualifying individual” in paragraph 8.	200
Supply Transfers		
High	<ul style="list-style-type: none"> Under-occupiers. Council or RSL tenants whose current accommodation is larger than required, willing to move to a smaller property (see paragraph 9.3). Wheelchair/mobility move on. Council or RSL tenants willing to vacate wheelchair or mobility standard accommodation they do not require (see paragraph 9.4) “Second applicants” under “Two for one” arrangements (see paragraphs 9.5 – 9.8) 	50 + 150 per bedroom released 200 400
Additional preference		
Local resident	Applicants in a defined high priority group who also meet the definition of a local resident (see Table 5, paragraph 10).	100
Emergency housing needs	Applicants awarded high priority on health grounds who also meet the criteria in paragraph 10.9.	100

- 3.4 **Removal of points.** In certain situations, points that have previously been awarded may be reduced or removed, for example:
- In response to a change of circumstances which leads to the applicant being awarded “zero priority” (see Part II, paragraph 5)
 - Following a re-assessment of an applicant’s health or welfare needs (see Part III, paragraph 6.9 and paragraph 7.7).
 - Where the Council discharges its homeless duty (this would lead to the applicant’s points as an accepted statutory homeless case being removed).
 - In response to certain categories of applicant refusing a direct offer of suitable accommodation (see part IV, paragraph 5)
- 3.5 Points may also be added, where appropriate, at any time after an applicant is originally assessed, eg in response to a relevant change in circumstances or following re-assessment of an applicant’s health or welfare needs.
- 3.6 Where an applicant loses their points but is later awarded new points, their date order position (see paragraph 3.2 above) will be established by the date on which the new points were awarded.
- 3.7 Further details of how points are awarded in relation to each of the priority groups shown in Table 2 are given in paragraphs 4 – 10 below. Paragraph 11 gives details of points that may be awarded in certain specific circumstances relating to Council-owned properties. Paragraph 12 explains how the Council assesses what size of accommodation a household requires.

4. Awarding Points For Homelessness

- 4.1 High priority (100 points) is awarded only to those applicants for whom RBKC accepts a statutory duty under S193(2) of the Housing Act 1996 as amended (i.e., a homeless person in priority need and not intentionally homeless). Through RBKC’s homeless prevention work, an increasing number of households who would potentially fall within this group are being offered alternative routes to housing, prior to making a homeless application. These options currently include the New Generation Scheme (see paragraph 5.8 - 5.10 below) and the Rent Deposit Scheme (see Part IV, paragraph 1.).
- 4.2 The following groups are awarded a low level of priority (10 points): applicants who are homeless or owed a duty by any Local Authority (including the Council) under S.190(2) or 195(2) of the Housing Act 1996, or occupying accommodation secured by another Local Authority under S.192(3) (or under section 65(2) or section 68(2) of the Housing Act 1985). The Council will require documentary proof from the applicant where it is claimed that such a duty is currently owed by another local authority. Applicants must also tell the Council if they have joined the housing register of that authority and/or the register of any other local authorities.

5. Awarding Points For Overcrowding And Unsatisfactory Conditions

- 5.1 Overcrowding is assessed by comparing the applicant's current accommodation against the size of property the household requires, based on the criteria and rules in paragraph 12.
- 5.2 In assessing the number of bedrooms in the applicant's current accommodation, the Council:
- Discounts the following rooms: kitchen, bathroom, living room (one per household) and any room with a floor area of less than 6.5 square metres. It is assumed that any room not on this list (eg second reception room) can be used as a bedroom, as long as it is suitable to be used for that purpose.
 - Takes account of bedroom size. A double room (suitable for two people sharing) is assumed to have a minimum floor area of 9.5 square metres. A single room (suitable for only one person) is assumed to have a minimum floor area of 6.5 square metres
- 5.3 Based on the outcome of the size assessment, applicants are awarded 20 points for each bedroom lacking. *Severely overcrowded* households are given high priority (60 additional points, on top of their points for lacking bedrooms). Severe overcrowding is defined as existing where a household is lacking at least two bedrooms *or* where overcrowding gives rise to a Band A or B (Category One) hazard rating, as assessed by the Council's Environment Health Team.
- 5.4 High priority is also awarded to households who accepted onto RBKC's New Generation Scheme (200 points). This scheme is described in paragraphs 5.8 – 5.10 below.
- 5.5 Where a household lacks only one bedroom but the Council's Environmental Health Team have assessed their overcrowded conditions as giving rise to a Band C (Category One) hazard, 30 additional points are awarded, on top of their points for lacking a bedroom.
- 5.6 Any household, whether or not they are lacking any bedrooms, may be awarded 20 points (in addition to any other points they have) if two or more adults or children in their household have to share a single bedroom (floor area is less than 9.5 square metres). Only one award of 20 points will be made per household on this basis, regardless of the number of shared single rooms.
- 5.7 In addition to any points awarded for overcrowding, applicants whose household includes a dependent child *or* someone with a critical need to move on health grounds are awarded 30 points if they lack any basic facility *or* share such a facility with an unrelated household. Basic facilities are defined as kitchen, bathroom, toilet and hot water. Only one award of 30 points is made per household, regardless of the number of facilities lacking or shared.
- 5.8 **The New Generation Scheme (NGS).** The NGS is an initiative aimed both at assisting overcrowded households and preventing homelessness. The scheme offers a new route to permanent social housing for applicants who are being asked to leave overcrowded family homes and are otherwise likely to present to the Council as homeless. The aim is to provide a positive

alternative to going down the homelessness route, giving applicants the opportunity to stay at home until they are re-housed, so preventing the need for temporary accommodation. Applicants accepted onto the NGS are guaranteed the opportunity to access permanent social housing within a maximum of 12 months. They are eligible to bid for properties through the choice based lettings scheme as soon as they are accepted onto the scheme and will also receive one direct offer of suitable accommodation towards the end of the 12 month period, if they have not yet been re-housed. If the offer is refused, the applicant is allowed to continue bidding for properties until the 12 months are up, at which point they will be taken off the NGS. Applicants may remain on the CHR if they wish (subject to the annual re-registration requirement in Part II, paragraph 6.1) with their points score re-calculated to take account of the change in circumstances.

- 5.9 The eligibility criteria for the New Generation Scheme are as follows:
- Applicant has been living with parents or other family members in Kensington and Chelsea for at least the past three years continuously and has been asked to leave.
 - Current accommodation is overcrowded by at least one bedroom. (This will be assessed taking account of everyone residing in the accommodation, including all members of the applicant's household and the host household. Inspection visits will be made to verify circumstances).
 - Applicant would be assessed as eligible for assistance under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002), assuming a homeless application were to be made.
 - Applicant has a priority need due to having dependent children.
 - Applicant must be assessed as able to remain safely in their current accommodation for 12 months from date of acceptance onto the scheme.
 - Applicants must be aware of the rules of the scheme and be willing to abide by them.
- 5.10 Full details of the New Generation Scheme, including the rules referred to in 5.9, are available from the Housing Needs Team at Kensington Town Hall.

6. Awarding Points For Health Issues

- 6.1 Health points are awarded where an applicant (or a member of their household) has a severe and enduring health issue *that is significantly and adversely affected by their current housing*. A health issue in this context is taken to mean a physical or mental illness, disability or incapacity, including behavioural syndromes, problems of physical or mental development and disorders related to drugs and/or alcohol.
- 6.2 The Council's health assessment process is designed to establish: a) the extent to which the applicant's current housing is adversely affecting the health issue(s) presented; and b) the potential benefits of moving, taking account of the housing stock at the Council's disposal. The assessment is based on a holistic approach to health, which takes account of psychological and social factors alongside physical issues.
- 6.3 Applicants wishing to be assessed for health points must complete a Health and Disability self-assessment form, giving details of the relevant issue(s).

Where more than one member of a household has health issues requiring assessment, a separate form must be completed for each person concerned.

- 6.4 The assessment is carried out by specialist staff in the Council's Housing Needs Team and is based on the information provided on the self-assessment form, together with supporting evidence from the applicant's GP, hospital consultant and other relevant professionals identified by the applicant. The process does not normally involve making direct contact with applicants although in exceptional circumstances, this may be necessary in order to clarify information.
- 6.5 To ensure fair and consistent decision-making, a defined process is followed in each case, using an objective framework to assist in determining priority levels. This involves considering the extent of the applicant's difficulties in their current accommodation, with reference to particular features of the property including access, location, the amount of space provided and any sharing of facilities.
- 6.6 The possible outcomes of the health assessment are summarized in Table 3 below.

Table 3: Health points with definitions

Priority level	Points	Definition
High	200	There is a critical need to move. The current housing situation is seriously injurious to health and interferes with quality of life to an intolerable degree.
Medium	40	The applicant is experiencing considerable difficulty as a result of their current housing situation. A move would reduce the adverse effect on applicant's health and/or enable them to manage more independently.
Low	20	The current housing situation is having a negative impact on applicant's life, whilst not significantly affecting their health issues or disability. A move would enhance their quality of life.
Zero	0	One of the following applies: <ul style="list-style-type: none"> • Applicant's current housing situation has no adverse impact on the health issues presented • A move would offer no improvement; <i>or</i> a solution other than re-housing is available (e.g. adaptation of the current home).

- 6.7 Where a health assessment is carried out for more than one member of a household, the same process will be followed for each person. The possible outcomes of assessment will be as set out in paragraph Table 3 above. There is no limit placed on the number of health points that can potentially be awarded to a single household (e.g. household including three members with a critical need to move on health grounds would be awarded 600 health points).
- 6.8 The health assessment also considers the following factors:

- For all applicants: The size and type of accommodation required (see paragraph 12.5).
- For applicants from outside the Borough: whether the applicant should be exempt from the “zero priority” category relating to this group (see Part II, paragraph 5.7).

6.9 **Re-assessment of health needs.** A re-assessment may be carried out at any time when the Council has reason to consider this necessary and may result in an applicant’s health points being increased, decreased or removed. Examples of situations in which a re-assessment would normally be triggered include the following:

- New information has come to the Council’s attention and/or the Council has reason to believe the level of priority previously awarded may be inappropriate.
- An applicant is not participating in the bidding process under the Council’s choice-based lettings scheme (see Part IV, paragraph 3).
- An applicant has refused a direct offer of suitable accommodation (see Part IV, paragraph 5).

6.10 Applicants are entitled to request a re-assessment of their health needs if there is new information for the Council to consider. Applicants who are dissatisfied with the outcome of their health assessment are entitled to make a complaint (see Part V, paragraph 2).

7. Awarding Points For Welfare Issues

7.1 Welfare points are awarded to applicants in certain defined situations who are particularly vulnerable and cannot be expected to find their own accommodation. The grounds on which welfare points may be awarded are set out in Table 4 below.

7.2 In contrast to health points, which applicants can apply for on their own behalf, welfare points can only be applied for by a recognized advocate. This will normally be an authorized officer of the Council’s Adult Social Care Division or Children’s Social Care Division, the Kensington and Chelsea Community Mental Health Teams or a member of the Police Service.

7.3 Only one welfare form should be completed where a single welfare issue applies to several members of a household, (e.g. three children are at risk of being accommodated by the local authority if re-housing is not provided). A separate welfare form should be completed for each member of the household for whom an assessment is required, where *there are different issues involved*.

Table 4: Welfare points

Eligible applicants	Priority level	Points
Applicant, or a member of their household, is at serious risk of harm if they remain in (or return to) their present accommodation and re-housing is the only possible solution. Examples would include: domestic violence; child protection issues; harassment of a violent and/or protracted nature; intimidation or violent threats likely to be carried out; and witnesses or victims of crime in need of protection.	High	200
Re-housing is essential to prevent the applicant or a member of their household being admitted to residential care or requiring a high cost care package.	High	100
Re-housing is essential to prevent a child/ children within the applicant's household from being accommodated by the Council.	High	100
Re-housing is essential to allow the applicant to provide essential daily care to a relative or friend who will otherwise require residential care or a high cost care package.	High	100
Re-housing is essential to provide a stable base for a young person for whom the Council has corporate parental responsibility and who is ready to live independently.	High	100
The applicant is in supported accommodation that is paid for by the Council and no longer requires the support provided; the placement is of a high cost and/or would be of high value to another user. Points may be awarded in combination with 'qualifying individual' points (see paragraph 9).	High	100
Re-housing is essential to facilitate agreed fostering or adoption arrangements.	High	100
Applicant has a learning disability and has been assessed by Adult Social Care Services as having a particular need for independent accommodation <i>and</i> able to manage a tenancy. Adult Social Care Services will arrange for support to be provided if required.	High	100
Applicant needs to move to a particular locality within the borough and failure to meet that need would cause hardship to the applicant or to others.	Low	30

- 7.4 The welfare assessment is carried out by staff in the Council's Housing Needs Team, based on the information provided by the advocate. Where necessary, the assessors may seek additional supporting information from other professionals involved in the case. No direct contact is made with the applicant.
- 7.5 As well as determining whether to award points, the welfare assessment considers the size of accommodation required (see paragraph 12.5), the type of property suitable to the household's needs and any other particular requirements (eg location).
- 7.6 Applicants assessed as having a high priority on welfare grounds (100/200 points) will still be awarded the relevant number of points, whether or not they are living within RBKC at the time of applying. They may also be awarded "local resident" points, even if they do not meet the normal requirement to have been living in RBKC for at least three years continuously (see paragraph 10.6 below).
- 7.7 **Re-assessment of welfare needs.** A re-assessment may be carried out at any time if the Council has reason to consider this necessary and may result in an applicant's welfare points being increased, decreased or removed. Examples of situations in which a re-assessment would normally be triggered include the following:
- New information has come to the Council's attention and/or the Council has reason to believe the level of priority previously awarded may be inappropriate.
 - An applicant is not participating in the bidding process under the Council's choice based lettings scheme (see Part IV, paragraph 3).
 - An applicant has refused a direct offer of suitable accommodation (see Part IV, paragraph 5).
- 7.8 Re-assessment of an applicant's welfare needs may also be requested by a recognised advocate (see paragraph 7.2 above) if there is new information for the Council to consider.
- 7.9 Any applicant who is dissatisfied with the outcome of their welfare assessment is entitled to make a complaint (see Part V, paragraph 2).
- 8. Awarding Points To People Needing To Move On From Supported Accommodation**
- 8.1 Points will be awarded to applicants who meet the Council's criteria for a "qualifying individual" which are as follows:
- Applicant is living in supported accommodation of any kind and was placed there by the Council's Housing Needs Group (or by the Broadway Contact and Assessment Team – provided applicant was based in RBKC when first identified by the Team and this has been verified by the Housing Needs Group).
 - Applicant no longer requires the support provided and is capable of managing a tenancy.
 - Resettlement support or ongoing floating support will be provided where the applicant is assessed as needing this.
- All three criteria must be met in order for points to be awarded.

- 8.2 The above definition *excludes* any applicant for whom the Council (or any other local authority) has accepted a statutory homeless duty under Part VII of the Housing Act 1996, who will be awarded points under the homelessness priority category (see paragraph 4.1 above).
- 8.3 Residents in temporary accommodation of any kind who do not meet the “qualifying individual” definition in paragraph 8.1 (and who do not qualify for points under another category within this allocation scheme) will not normally be awarded any level of priority for re-housing unless they have other relevant needs (eg health or welfare issues).
- 8.4 Hostel residents may apply to join the CHR at the start of their placement but “qualifying individual” points are not awarded until they are ready to move on. The decision to award points is based on an assessment carried out by the Housing Needs Team. The assessment is triggered when a request form is submitted to the Housing Needs Team, normally completed by staff in the relevant hostel. If there are NHS professionals or other statutory workers involved in the applicant’s care, they must be consulted and their views about the applicant’s readiness to move on should be recorded on the form. Other supporting information may also be required.
- 8.3 On receipt of the request form, the Housing Needs Team considers whether to award “qualifying individual” points, taking account of all the information submitted. Both the hostel and the applicant are informed in writing of the outcome. Where the decision is taken not to award points, the reason for this will be given.
- 8.3 Where “qualifying individual” points are awarded, the applicant’s date order on the CHR is established by their date of registration and *not* the date on which the points were awarded.

9. Awarding Points For Supply Transfers

- 9.1 Priority for supply transfers is awarded not on the basis of the applicant’s *need* for re-housing, but the value of the accommodation to be released by their move. The highest value is placed on the types of property in shortest supply locally: those suitable for larger families and/or for people with limited mobility including wheelchair users.
- 9.2 The two schemes in operation to free up such properties (Under Occupation Scheme and Wheelchair/Mobility Property Move-on) are open to both Council and RSL tenants.
- 9.3 **Under Occupation Scheme.** Applicants are assessed by comparing the size of their current accommodation with that required for the household, based on the criteria in paragraph 11. Applicants are awarded 50 points for registering on the scheme and a further 150 points for each bedroom to be freed up by their move. This places them in a high position on the CHR and enables a quick move through the Council’s choice based lettings scheme (see Part IV, paragraph 3). To encourage and facilitate moves by under-occupiers, RBKC offers a bespoke incentive package, comprising a cash payment for each bedroom given up and a range of other options including:
- Accompanied viewings

- Disconnection and reconnection of domestic appliances eg cookers and washing machines
- Disconnection and reconnection of utilities
- Redirection of mail
- Removals (and packing if required for more vulnerable tenants)
- Telephone reconnection
- Redecoration of new property to a similar standard to property to be given up
- Improvements to flooring, kitchens and bathrooms in the new property to bring them up to a similar standard to the tenant's current accommodation.
- Additional security measures
- Option of separate accommodation for parent and adult child living together, if under-occupying by one bedroom or more (see paragraphs 9.5 - 9.8 below).

9.4 **Wheelchair/Mobility Property Move-on Scheme.** Applicants are assessed on the basis of their individual property and its potential value to a disabled applicant. Applicants are awarded 200 points if their property is on the ground floor *and* is assessed by the Housing Needs Team as meeting the standards for wheelchair or mobility housing. Properties with major adaptations on any floor level will also be considered if the property could potentially be re-let to a disabled person. Further information on the criteria for assessing properties is available from the Housing Needs Team at Kensington Town Hall. An incentive package to encourage and facilitate moves is available, details of which are available from the Housing Needs Team.

9.5 **“Two for one” arrangements.** In relation to either the Under-Occupation Scheme or the Wheelchair/Mobility Property Move-on Scheme, the Council may agree to accept two separate applications from a tenant and their adult son, daughter or other family_member, to allow them to be re-housed in separate properties. Agreement to such an arrangement will be a matter for the Council's discretion but is most likely to be given where:

- The property freed up has at least three bedrooms or is suitable for a wheelchair user; *and*
- The adult son, daughter or other family member has been living with the tenant for a minimum of three years continuously, up to the time of applying.

9.6 Where the Council agrees to accept two separate applications as described in paragraph 9.5, the tenant will be registered on the scheme in the normal way and awarded points as set out in paragraphs 9.3 or paragraph 9.4. The adult son, daughter or other family member (“second applicant”) will also be registered but will not be awarded points unless or until the under-occupier has been offered a new property, following a successful bid through the choice based lettings scheme (see Part IV), and signed a tenancy. At this stage, the second applicant will be awarded 300 points (plus local resident points where applicable) and encouraged to bid for properties with immediate effect.

9.7 If the second applicant has not secured a property by the time the under-occupier's notice expires, they will be able to continue bidding, provided they vacate the original property without delay. This means they will either need to

move with the under-occupier to their new property *or* secure alternative accommodation on a temporary basis.

- 9.8 If, after 6 months from the date on which their points were awarded, the second applicant has still not secured a property, the Council will normally make a direct offer of suitable accommodation. If such an offer is refused, the second applicant will lose their points.

10. Additional Preference Points

10.1 Additional preference is awarded to certain groups of applicant *who already have a high level of priority* and meet RBKCs 'local resident' criteria or 'emergency housing needs' criteria. These two points categories are not mutually exclusive, so an applicant could potentially be awarded additional preference both as a local resident and for emergency housing needs.

10.2 **Local resident points.** To be eligible for additional preference as a local resident (100 points), an applicant must:

- a) Fall within one of the *eligible groups* in Table 5 below; *and*
- b) Meet the *local resident definition*, also shown in Table 5.

Table 5: Local resident points

Eligible groups	Local resident definition
<ul style="list-style-type: none"> • Applicants awarded a high priority (i.e 100/200 points) due to homelessness, welfare issues or overcrowding (incl. New Generation scheme). • Applicants registered on the Under Occupation Scheme or the Wheelchair/Mobility Move-on Scheme. • Applicants awarded a high priority on any of the special grounds set out in paragraph 11. • Applicants awarded points in more than one category (e.g. overcrowding and health/welfare) with a combined score of 80 points or above. 	<p>Applicants living in RBKC at the time of applying for housing who have lived in the Borough for the past 3 years continuously (documentary evidence is required). Where an applicant is resident in RBKC at the time of applying but for <i>less than</i> 3 years, local resident points are awarded on the 3-year anniversary of their move to the Borough (see paragraph 10.3 below).</p>

10.3 An applicant who is not awarded local resident points at the time of applying to the CHR can be awarded these points at a later stage, where appropriate. The following examples illustrate the main situations in which this could arise:

- An applicant meets the local resident definition in Table 5 at the time of applying but does not fall within one of the eligible groups. Subsequently their circumstances change and high priority on one of the relevant grounds is awarded. Local resident points will then be awarded.
- An applicant is awarded high priority on one of the relevant grounds at the time of applying, but has been living in the Borough for less than three years. Local resident points are awarded on the 3-year anniversary of the date on which they moved into accommodation in RBKC.

- 10.4 Where a potential entitlement to local resident points arises as described above, the Council will inform the applicant and request supporting evidence if required. Applicants will be informed of their new points score after local resident points have been added.
- 10.5 In relation to statutory homeless applicants the following rules will normally apply:
- Where an accepted homeless applicant has been living in Kensington and Chelsea for three years at the time of applying but is placed by the Council in temporary accommodation out of Borough, this move will not affect their entitlement to local resident points.
 - Where an accepted homeless applicant *has not* been living in Kensington and Chelsea for three years at the time of applying but is placed by the Council in temporary accommodation within the Borough, the time spent in this accommodation will count towards the three year requirement for local resident points. If however, they are placed out of Borough, this will not count towards the three years and will break any previous period of local residence.
- 10.6 In relation to applicants awarded high priority on welfare grounds (100/200 points), local resident points may in certain circumstances be awarded to applicants who do not meet the local resident definition above but have an essential need to live in RBKC, as determined by the welfare assessment process (see paragraph 7 above). In the case of young people supported under the Children (Leaving Care) Act 2000, local resident points will be awarded automatically, irrespective of where they have been placed by the local authority, in line with the Council's corporate parenting responsibilities. Other applicants with high priority on welfare grounds will be considered on a case by case basis, with local resident points most likely to be awarded in respect of:
- Households including children at risk.
 - Families referred to the Council through the West London Domestic Violence protocol.
 - Adults with disabilities with a need for independent accommodation.
- 10.7 Where a joint application to the CHR has been accepted and the applicants are within one of the eligible groups listed in Table 5, only one partner needs to meet the local resident definition in order for local resident points to be awarded.
- 10.8 Where in any particular case, entitlement to local resident points is unclear, it will be a matter for the Council's discretion whether or not to award points, taking account of all factors involved.
- 10.9 **Emergency housing needs.** Applicants may be awarded additional preference due to emergency housing needs (100 points), where the following criteria are met:
- a) Applicant awarded high priority (ie 200 points) on health grounds urgently needs to be discharged from a hospital, care home or similar institution.
 - b) The Council is satisfied that the applicant cannot be safely discharged to their current home and no alternative option (such as adaptation of the home) is available.

- 10.10 The decision to award these points is considered as part of the health assessment process (see paragraph 6 above). Only one award of 100 additional points will be made per household, regardless of the number of household members with emergency housing needs.
- 11. Points Given In Certain Specific Circumstances Relating to Council-Owned Properties**
- 11.1 **Statutory successors who have succeeded to a property larger than they require.** Under Part IV of the 1985 Housing Act, the Council can require a successor in this position to move to another suitable property. To facilitate such a move, the successor must apply to the Common Housing Register and will be awarded 300 points (plus local resident points where appropriate – see paragraph 10.2 for criteria).
- 11.2 **People who have been assigned a Council tenancy, with the TMO’s approval, and need to move because the property concerned is larger than they require.** The position is the same as for statutory successors with accommodation larger than they need, as set out in paragraph 11.1 above.
- 11.3 **People who fulfil the criteria for statutory succession but have no right to succeed, following the death of the Council tenant they have been living with.** This situation applies where a statutory succession has already taken place. If the person concerned wishes to become a Council tenant, they must apply to join the CHR. An assessment will be made as to whether their household would be in priority need, if they were to become homeless and if this is the case, 300 points will be awarded (plus local resident points where appropriate – see paragraph 10.2 for criteria).
- 11.4 **Former joint tenants seeking to become sole tenants.** Where a joint tenant relinquishes their tenancy, the joint tenancy comes to an end. In this situation, the former joint tenant who remains in the property must make a new CHR application and will be subject to the same approach as set out in paragraph 11.3 above, ie 300 points will be awarded (plus local resident points where appropriate) where the former joint tenant would be in priority need if homeless.
- 11.5 **Retiring Council or TMO employees and their households.** Certain designated employees of the Council or TMO may be given residential accommodation (Service Occupancies) as part of their terms and conditions of employment. These employees include caretakers, estate supervisors, community officers, parks officers, and some social care staff. When an employee retires or where there is a change of role which means that accommodation is no longer provided in connection with their job, the person concerned must apply to the CHR and will be subject to the same policy as set out in paragraph 11.3 above, ie 300 points will be awarded (plus local resident points where appropriate – see paragraph 10.2 for criteria) where the retiring employee would be in priority need if homeless.
- 11.6 The provisions in paragraph 11.5 above will also apply to widows or former partners, following the death in service of a Council employee with a service occupancy.

- 11.7 **Offers policy.** In all the cases referred to in paragraphs 11.1 – 11.6, the applicants concerned will normally be subject to one direct offer of suitable accommodation but may also have the opportunity to bid for properties through the Council's choice based lettings scheme (see Part IV). The direct offer may relate to their existing accommodation, where this is appropriate to their household size and other assessed needs, or to another suitable property.
- 11.8 **Tenants wishing to remain in a temporary decant property.** Where a tenant has been decanted from their home on a temporary basis but subsequently wishes to remain in the decant property, this will normally be permitted provided the decant property is of an appropriate size and otherwise suitable for the household's needs. Where such a permanent letting is agreed, the applicant must make a CHR application and will be awarded 300 points (plus local resident points where appropriate – see paragraph 10.2 for criteria). They will then receive a direct offer relating to the property in which they are living.
- 11.9 **Sole tenants wishing to become joint tenants.** Where a sole tenant wishes to include a second person on their tenancy agreement, the policy on joint tenants set out in Part II, paragraph 7.1 – 7.5 will apply. A CHR application will not be required but the applicants must provide proof of their relationship, together with the necessary documentation to show that the second person is eligible for housing, under the terms set out in Part II, paragraph 2.

12. **Assessing The Size Of Accommodation Needed**

- 12.1 The Council is committed to reducing levels of overcrowding within the borough and to making the most effective use of its social housing stock. Using clear and consistent criteria, each application will be assessed to determine the size of accommodation required, based on the number of people in the household, the gender and age of each person and the relationships between household members. Other relevant factors including health and welfare issues will also be taken into account.
- 12.2 The assessed size of accommodation for each applicant determines the size of property they can bid for through choice based lettings (see Part IV, paragraph 3) as well as the type of property they would be offered through a direct let. An applicant would only be allocated a property smaller or larger than their assessed size in certain specific circumstances (see paragraph 12.9).
- 12.3 The Council's criteria for assessing the size of accommodation a household requires are summarized in Table 6 below:

Table 6: Size of accommodation needed

Household	Minimum accommodation needed
Single person	One room (studio) plus all facilities (see paragraph 12.4 below)
Couple	One double bedroom, living room plus all facilities
Two adults who are not a couple (e.g. siblings, parent and adult child)	Two single bedrooms, living room plus all facilities
Couple or single parent with one child of any age (i.e. 0-17 yrs)	Two bedrooms (one single, one double), living room plus all facilities
Additional household members: <ul style="list-style-type: none"> • Subsequent children aged 0-17 yrs • Adult who is not applicant's partner • Adult couple 	<ul style="list-style-type: none"> • See paragraph 12.4 below • One extra single bedroom • One extra double bedroom

An adult is defined as anyone aged 18 plus

12.4 The information in Table 6 should be read in conjunction with the guidelines below:

- Single people without children will be assessed as requiring a studio or a small one-bedroom property specifically designated by the landlord as suitable for one person only. Single transfer applicants who are already living in one-bedroom accommodation will normally be assessed as requiring a property of the same size.
- Where a household includes a pregnant woman, the baby will not be counted as a person for the purposes of the size assessment (or awarding points) until it has been born.
- Children (whether siblings or non-siblings) will be expected to share a bedroom until one reaches the age of 18, *unless* a) there is more than seven years between them or b) the children are of opposite sexes and one is aged eight or older. An exception to these rules may be made where separate bedrooms are needed on health or welfare grounds (see paragraph 12.5 below).
- The maximum number of children expected to share a bedroom is two, even if room is very large.
- A child will be included in the size assessment where the Council concludes they live with the applicant, which the Council will ordinarily assess by whether the applicant or other household member is in receipt of benefits for him or her.
- A single applicant whose children regularly visit overnight will normally be assessed as requiring a one-bedroom property rather than a studio.
- Where an application is received from a foster carer who has been approved by the Council, the size assessment will be based on the number of children specified as part of the approval.

12.5 **Health and welfare considerations.** An exception to the size rules may be made where there are health and welfare considerations which necessitate the allocation of a property larger than an applicant would otherwise require. The need for such an exception is considered, where applicable, as part of the health assessment and /or welfare assessment, described in paragraphs

6 and paragraph 7 above. Supporting evidence is required from relevant health or social care professionals to demonstrate why extra space is needed.

- 12.6 Examples of cases where the Council may agree an exception to the size rules on health or welfare grounds include (but are not limited to) the following:
- Extra space needed for use or storage of essential mobility/transfer equipment or other disability/medical equipment (e.g. wheelchairs, hoists, medical supplies for home dialysis).
 - Extra space needed to allow two children to have separate bedrooms, although they are of an age where sharing would normally be expected.
 - Extra space needed to allow a named carer to move in. This is discussed in more detail below.

- 12.7 **Carers.** Where the applicant requires a live-in carer, the Council will consider the need for an extra bedroom where all of the following criteria are met:
- The applicant requires personal care by day and night on a long-term basis
 - The carer lives with the applicant full time and provides all or most of the care required.
 - The carer is a) in receipt of Invalid Care Allowance or b) recognised or employed by, or on behalf of, a statutory care team or c) other independent evidence of the care arrangement is available.

In most other circumstances the Council is likely to take the view that an extra bedroom is not required, provided there is a living room which can be used for sleeping.

- 12.8 Where an applicant seeks re-housing in order to allow a relative who requires care to join their household, an extra bedroom for the relative may be considered where all of the following criteria are met:
- The relative requires personal care by day and night on a long-term basis
 - All or most of the care required is provided by the applicant.
 - The applicant is a) in receipt of Invalid Care Allowance or b) recognised or employed by, or on behalf of, a statutory care team or c) other independent evidence of the care arrangement is available.

12.9 **Other exceptions to the size rules.** In certain circumstances, the Council may allow an applicant to access accommodation smaller or larger than their assessed size. The specific circumstances in which this may be considered include the following:

- Applicant is a Council or RSL tenant who is under-occupying a property with 3-bedrooms plus and is willing to move, but has requested a property one bedroom larger than their assessed size.
- Applicant has been assessed as needing a 4 or 5 bedroom property but is willing to accept a property one bedroom smaller than required, bearing in mind the limited supply of large properties. Applicants who accept such a move may remain on the CHR to await a property of their assessed size but should be aware of the impact on their priority level.
- Applicant has been awarded top priority on health or welfare grounds and their move can be facilitated by offering a property one bedroom smaller than the assessed size requirement. Such a move will require the prior agreement of the Housing Needs Team, which will be dependent on the particular circumstances involved in each case. Applicants who accept a move under this condition may remain on the CHR to await a property of their assessed size but should be aware of the impact on their priority level.
- A lettings plan for a particular property or group of properties includes a specified level of under-occupation.

PART IV – HOUSING SUPPLY AND THE LETTINGS PROCESS

1. Introduction – Changes In The Housing Supply

- 1.1 The number of households applying to RBKC for housing greatly exceeds the number of Council and RSL-owned properties available for letting each year and in response to this situation, the Council is working hard to develop other housing options as a means of boosting supply. There is already a thriving Rent Deposit Scheme, enabling applicants to access privately rented homes both in and out of borough and a second scheme, using private sector accommodation leased by RSLs is now being implemented. Other initiatives (eg temporary to permanent schemes) are also being explored.
- 1.2 Private sector housing options already form an important element of housing supply and their role is set to increase. A key aim of this Allocation Scheme is to provide a framework for distributing all the available options, rather than focusing exclusively on permanent social housing.
- 1.3 As a general approach, applicants with the highest levels of assessed need (and therefore the highest points) have access to the widest range of housing options, while those with lower priority have fewer choices. All applicants, regardless of their points, have access to free advice on the options open to them. An illustration of this approach is given in Table 7 below:

Table 7: Priority levels and housing options

Priority level	Housing options			
	Advice and info	Private sector options	Permanent social housing out of borough	Permanent social housing in borough
High – eg applicant with 100 health points + 100 local resident points	√	√	√	√
Medium – eg applicant with 100 points for statutory homelessness but no local resident points	√	√	√	
Low – eg applicant with 20 points for lacking one bedroom	√	*		

* Low priority applicants do not currently have access to private sector options although this may be feasible in the future, depending on supply. In the meantime, private sector options are targeted at applicants who would otherwise be statutorily homeless (see paragraph 6.1).

- 1.5 The approach described will be implemented through the Council's choice based lettings scheme, as described below.

2. Choice Based Lettings – The Legal Context

- 2.1 A key policy aim of the 2002 Homelessness Act was to facilitate the introduction of allocation schemes that offer applicants a more active role in choosing their accommodation. It was assumed that this would help to ensure sustainable tenancies and to build settled and stable communities, as tenants would be more likely to meet their tenancy obligations, to maintain their home in good condition, and to remain there for longer.
- 2.2 As a specific requirement of the 2002 Act, local authorities must include in their allocation scheme a statement of their policy on offering a choice of accommodation or the opportunity to express preferences about the housing to be allocated to them. This allocation scheme constitutes RBKC statement on choice in lettings.

3. Choice Based Lettings In RBKC

- 3.1 RBKC's choice based lettings (CBL) scheme with Home Connections now covers the great majority of *all* lettings, both in Council-owned properties and in RSL properties to which the Council has nomination rights.
- 3.2 The choice based approach means that instead of waiting to be made an offer of accommodation, eligible applicants can view details of the homes available for letting and may then bid for any property of an appropriate size (see Part III, paragraph 12), provided the following conditions are met:
- Applicant has been fully assessed by the Housing Needs Team and placed on the CHR (registration for Home Connections is an automatic part of this process).
 - Applicant has been awarded a sufficient number of points to bid for the property concerned (see paragraph 3.3 below).
 - There are no special conditions attached to the property which exclude the applicant from being considered (see paragraph 3.5).
- 3.3 As properties become available for letting, full details are advertised on the Home Connections website (www.home-connections.co.uk), in each case specifying the closing date for bids and the minimum number of points required. This varies widely, depending on the anticipated level of demand for the property concerned, based on its size, location and other main features.
- 3.4 Details of each property are also posted on a weekly basis to all applicants who require the relevant bedroom size and whose points level is above the required minimum. Other methods of advertising may also be adopted, to ensure the information reaches as many people as possible.
- 3.5 In addition to the minimum number of points required to bid for each property, the advertisements also specify whether preference will be given to particular groups of applicants, such as wheelchair users or overcrowded households. Some properties may be ring-fenced so that only a particular group can bid, either to enable the Council to achieve its lettings targets for certain groups

(eg statutory homeless households), or to ensure appropriate use of particular types of property, as follows:

- Accommodation in sheltered housing schemes will only be allocated to people within the appropriate target group (varies depending on the landlord – see Part II, paragraph 7.6).
- Properties which are adapted or otherwise particularly suitable for wheelchair users will only be allocated to applicants with an assessed need for this type of provision.
- Ground floor properties will normally be allocated to households assessed by the Housing Needs Team as requiring accommodation without stairs and also unable to use a lift.

- 3.7 Applicants wishing to bid for properties can do so on-line or by telephone or text message. Further information on the bids process is available from the Home Connections website (www.home-connections.co.uk) and or in leaflet form from Kensington Town Hall or TMO local offices.
- 3.8 Following receipt of bids for a property to be let, a shortlist of the highest priority applicants is drawn up from those who submitted a bid, based on their points scores. Short-listed applicants are invited to view the property, which is then offered to the person with the highest points who attended the viewing and has confirmed their interest. In the event of two or more applicants sharing the top points score, their date order will be used to determine priority (see Part III, paragraph 3.2).
- 3.9 If an offer is refused, the property will be offered to the person with the next highest points who attended the viewing and so on, until the property is successfully let. There is no penalty for refusing an offer made through the choice based lettings scheme.
- 3.10 The Council reserves the right to refuse to shortlist or to make an offer of accommodation on management grounds (for example where offering the property to the applicant concerned would put others at risk) or where new information has been received which alters the applicant's housing needs assessment. The TMO and RSLs adopt a similar approach, meaning that in certain circumstances, the highest bidder interested in a particular property may *not* be the person to whom an offer is made.

4. Direct Offers Of Accommodation To Permanent Social Housing

- 4.1 A small minority of Council-owned properties and RSL properties to which the Council has nomination rights are excluded from CBL and instead are allocated by making direct offers to selected applicants. The circumstances in which a direct let may be made include (but are not limited to) the following:
- Where a property is uniquely or unusually suitable for a particular applicant or type of applicant. Reasons would include wheelchair accessibility, disabled adaptations, location or layout.
 - Where an applicant has been awarded Supply Transfer points (see Part III, paragraph 9) and a direct offer will facilitate their move.
 - Where an applicant registered on the New Generation Scheme (NGS) has not accepted an offer through CBL and is nearing the end of their 12 months on the NGS.

- Where an existing Council tenant (or Council property occupant) has been given a high level of priority on one of the grounds listed in Part III, paragraphs 11.1 - 11.6.
 - Where an applicant has been awarded high priority on health or welfare grounds and a direct let is considered the best way of dealing with the particular urgency of their situation (e.g. in cases of terminal illness or where there is an immediate threat of violence) or where such an applicant is not participating in the bids process.
 - Where an applicant cannot be discharged from hospital to their original home and has been awarded emergency housing points (see Part III, paragraph 10.9).
 - Where an applicant currently living in hostel (or equivalent facility) and no longer in need of support is not participating in the bids process and the vacancy created by their move would be of value to the Council.
 - Where an applicant for whom the Council has accepted a homeless duty and placed in temporary accommodation is not participating in the bids process.
 - Where an applicant is considered unable to participate in choice, based on the outcome of the health or welfare assessment
- 4.2 The Council will ensure that any direct offer made is suitable to applicant's assessed needs in terms of location, property type, floor level and lift provision and any essential requirements on health or welfare grounds.
- 4.3 The Council will *not* normally take account of:
- Non-essential preferences concerning the location or type of re-housing requested by the applicant.
 - An applicant's preference between an allocation of a Council property or a nomination to an RSL property.
 - The standard, type or location of the applicant's current accommodation.
- 4.4 A report providing details of all direct offers made to applicants will be submitted to the relevant Overview and Scrutiny Committee on an annual basis.

5. Refusal Of Offers

- 5.1 Applicants may, under choice based lettings, bid for as many properties as they wish and may refuse any resulting offers of accommodation without sanction.
- 5.2 However where an applicant refuses a *direct offer* of accommodation and in the Council's view the offer is reasonable (ie suitable to meet the assessed needs of the household concerned), there may be consequences for the applicant. Details are given in paragraphs 5.3 – 5.8 below. In considering what is reasonable, the Council will have regard to the overall supply of accommodation and the demands placed upon it by all priority groups.
- 5.3 **Applicants awarded high priority on grounds of homelessness (see Part III, paragraph 4).** Refusal of a reasonable offer will normally lead to the Council discharging its homeless duty. Where this occurs, the applicant will lose the points they have been awarded for statutory homelessness.

(Reviews of decisions made under Part 7 of the Housing Act 1996 are outside the scope of this Allocation Scheme).

- 5.4 **Applicants awarded high priority on health or welfare grounds (see Part III, paragraphs 6 and 7).** Refusal of a reasonable offer will normally lead to a re-assessment of the applicant's health or welfare needs. In the light of the refusal, the assessors may consider the applicant's needs to be of a less urgent nature than was originally determined and this could lead to their points being reduced or removed.
- 5.5 **Applicants awarded high priority as "qualifying individuals" (see Part III, paragraph 8).** Refusal of a reasonable offer will normally lead to re-assessment of the applicant's needs. In the light of the refusal it may be considered that the applicant is not ready to move on from their hostel placement and this could lead to their "qualifying individual" points being removed.
- 5.6 Where an applicant's points are reduced or removed as set out in paragraphs 5.4 and 5.5 above, a re-assessment of their needs can be requested after 12 months. A re-assessment may also be requested after a shorter period if relevant *new* evidence is available for the Council to consider. In the case of welfare points, the re-assessment request must come from a recognised advocate (see Part III, paragraph 7.2).
- 5.7 **"Second applicants" awarded a high priority under a "Two for one" arrangement (see Part III, paragraph 9.5 – 9.8).** Refusal of a reasonable offer will lead to the removal of the second applicant's points.
- 5.8 **Applicants awarded high priority on any of the grounds in Part III, paragraph 11.** Refusal of a suitable offer will normally result in an applicant's points being removed and the start of legal proceedings to obtain possession of the property.
- 5.9 If in any of the cases set out above, an applicant's points are reduced or removed following refusal of an direct offer which in their view was reasonable, they are entitled to make a complaint, as set out in Part V, paragraph 2, and will be advised of the procedure for doing so at the time of the offer. If, following investigation, the complaint is upheld, the applicant's original points will be re-instated.
- 5.10 Applicants awarded a high level of priority as a result of severe overcrowding or as "supply transfer" cases (see Part III, paragraphs 5 and 9 respectively) are not subject to any sanctions for refusal of a reasonable offer.

6. Direct Offers – Other Housing Options

- 6.1 Private sector housing options, such as the Rent Deposit Scheme and the new private sector scheme with RSLs, are currently allocated through direct offers, rather than being advertised through CBL. At present the focus of these schemes is on homeless prevention and priority is given to households for whom the Council would have a statutory duty, if a homeless application were to be made.

6.2 In the future, as private sector housing options expand, it is planned that they also will become an important source of accommodation for non-homeless applicants in housing need. It is also intended that CBL will become the main route through which offers of private sector accommodation are made, as is already the case for permanent social housing.

PART V – REVIEWS AND COMPLAINTS

1. Right To Review

- 1.1 Applicants have a statutory right of review in cases where the Council or TMO (in the case of transfer applicants) decides they are ineligible for housing. Such a decision would arise as a result of the applicant's immigration status, (under S.160A (3) or (5) of the Housing Act 1996 (as amended by the Homelessness Act 2002), or as a result of unacceptable behaviour, under S160A (7) of that Act (as amended).
- 1.2 The situations in which a review may be requested include:
 - Where an applicant is excluded from registering on the CHR;
 - Where an applicant is removed from the CHR after having registered; or
 - Where there is a decision not to make an allocation.
- 1.3 The request for a review must be made within 21 days (three weeks) of the date on the letter informing the applicant of the relevant decision. The Council is required to conclude the review and inform the applicant of the outcome within eight weeks of the date on which the review was first requested by the applicant.
- 1.4 The Council may agree to extend the 21 day period in which an applicant is allowed to request a review, if there are exceptional reasons for doing so. Where such an extension is agreed, the applicant must also agree, in writing, an appropriate extension to the statutory eight week period allowed for a response.
- 1.5 The review is carried out by an officer who was not involved in the original decision. The reviewing officer considers whether the decision in question was correct, taking account of all relevant facts, seeking advice from other Council officers, as appropriate, and further information from the applicant if needed. There is no requirement to meet the applicant face to face, although this will be offered where an applicant would be at a disadvantage if required to make their case in writing. If an oral hearing is arranged but the applicant fails to attend, the reviewing officer will proceed on the basis of the available evidence.
- 1.6 At the end of the review, the applicant is notified of the outcome in writing, giving clear reasons and explaining there is no further right of review, although there may be a right of appeal.
- 1.7 Reviews of decisions made under Part 7 of the Housing Act 1996 (homelessness) are outside the scope of this Allocation Scheme.

2. Complaints

- 2.1 Where an applicant is not satisfied with the way they have been treated under this Allocation Scheme, they can make a formal complaint to the Council or TMO.
- 2.2 All complaints will be investigated and the applicant will receive a written response within the timescale set out in the complaints policy. If the applicant is not satisfied with the response, the complaint can be taken to a higher level and ultimately to the Executive Director.
- 2.3 A complaint may relate to any aspect of the treatment an applicant has received *or* to any decision made in relation to their housing application *other than where a statutory right of review exists* (see paragraph 1 above).
- 2.4 Examples of the types of decision where a dissatisfied applicant may choose to make a complaint include (but are not limited to) the following:
 - The number of points awarded.
 - A zero priority award (see Part II, paragraph 5).
 - The Council's assessment as to the size, type and location of accommodation a household requires.
 - Suitability of an offer of accommodation.
- 2.5 Full details of the Council's complaints process can be found on the RBKC website (www.rbkc.gov.uk) and complaints can be made on-line, as well as by telephone or letter. A leaflet explaining how to complain is available from the Housing Needs Team at Kensington Town Hall.
- 2.6 In the case of existing Council tenants dissatisfied with the handling of their transfer application, complaints should be made to the TMO, using the complaints form available from TMO local offices. Complaints about the allocations scheme itself should be made to the Council.
- 2.7 Any housing applicant dissatisfied with the response they receive to their complaint may approach their local Ward Councillors and/or Member of Parliament. This option should only be used after the Council or TMO complaints process has been exhausted.

PART VI – CONFIDENTIALITY AND ACCESS TO PERSONAL INFORMATION

1. Confidentiality

- 1.1 Personal information provided to the Council by housing applicants is confidential. In normal circumstances, this information is only be disclosed to landlords participating in the Common Housing Register (CHR) to enable them to consider an application and to determine whether an offer of accommodation can be made. Applicants give their consent to this disclosure in completing their CHR application form.
- 1.2 Personal information is only disclosed to other parties with the applicant's specific consent *or* in exceptional circumstances where disclosure without consent is warranted. These are defined as follows:
- Where there are over-riding legal, social or public interest considerations, eg there is a risk of serious harm to the person themselves or others if the information is not disclosed.
 - Where information is required by a local authority department in order to carry out statutory functions or by external auditors.
 - Where information is required by the police as part of a criminal investigation.
- 1.3 In the event of information needing to be disclosed without the applicant's previous consent, in the exceptional circumstances described in paragraph 1.2, the person concerned should be informed that this is happening.
- 1.4 Medical information obtained from the applicant's GP or other healthcare staff cannot be passed on without prior consent from the professional(s) involved. The information obtained from the Adult Social Care Division or the Children's Social Care Division cannot be passed on without consent of the relevant member of staff, or in their absence the relevant Team Manager.
- 1.5 At the lettings stage, where an allocation is made into Council-owned property, the contents of the application file is passed to the TMO to form the basis of the tenancy file. This information remains the property of the Council, but is held by the TMO under the terms of the management agreement between the Council and TMO.
- 1.6 Where allocation is made into an RSL property, the CHR application is retained by the Council but relevant information may be copied to the new landlord where applicable.

2. Access To Personal Records

- 2.1 Under the Data Protection Act 1998, applicants have the right to see personal records held about them held by the Council. The legislation covers both manual and computerised records and applies to all information recorded since 1st April 1989. It also includes records made before that date, if these are needed to make sense of subsequent information.

- 2.2 In order to request access to personal information, applicants must complete a Subject Access Request form, which should be submitted to the Data Protection Team at Kensington Town Hall. Copies of the form can be obtained from the Town Hall or downloaded from the Council's website (www.rbkc.gov.uk). The Data Protection Team will require proof of identity such as a bank card, birth certificate or driving licence, before an access request can be processed.
- 2.3 The Housing Needs Team will collect and prepare the requested information, which will be provided to the applicant within a maximum of 40 calendar days. A reasonable charge may be made for copying records; the applicant must be informed if this is to apply. Files are edited where necessary, for example to exclude information restricted by law or evidence provided by a third party (e.g. a healthcare professional). In the latter case, information can only be released if the professional concerned has given their written consent. Applicants wishing to see information provided by third parties must seek consent from the professional(s) concerned, asking for a letter of confirmation to be submitted to the Council.
- 2.4 When the information is ready for viewing, the Housing Needs Team will inform the applicant. Arrangements may be made to meet any special needs regarding mobility, language, etc. A member of staff will be present during access session(s). Applicants are not permitted to remove anything from their file.
- 2.5 If the applicant considers the personal information they have viewed to be inaccurate, they may request that it is amended or removed from their records. If the Housing Needs Team agrees that the information is incorrect, appropriate action will be taken to amend the applicant's records. In the event of a disagreement, the information will remain and the applicant's comments will be recorded on the file.
- 2.6 Disclosure of information may be denied by the Council in any of the following circumstances:
- The information could prejudice criminal proceedings.
 - Legal professional privilege could be claimed.
 - A care professional is of the opinion that disclosure could result in risk of serious harm to the person concerned or to others as a result of disclosure.

GLOSSARY OF TERMS AND ACRONYMS

Advice and assistance	The Council has a legal duty to provide advice and assistance to anyone who is homeless.
Affordable ownership	The Council funds and supports the development of affordable home ownership schemes for borough residents and key workers who cannot afford to purchase property on the open market without financial assistance.
Allocation	<p>The legal definition of a housing allocation is when the Council:</p> <ul style="list-style-type: none">• Selects an applicant to be a secure or introductory tenant of accommodation owned by the Council (or other body able to grant secure or introductory tenancies).• Nominates an applicant to be an assured tenant of accommodation owned by a registered social landlord (RSL).
Assured tenancy	Since January 1989, RSL-owned housing has been let on 'assured' tenancies. These are broadly similar to secure tenancies, on which Council homes are let. Like a secure tenant, an assured tenant cannot be evicted until a court order has been obtained. However there are some important differences – eg in how rents are set. These differences should be made clear to any secure tenant who is considering a transfer to RSL accommodation.
Choice Based Lettings (CBL)	A Government sponsored initiative that aims to introduce choice to the housing process. See Part IV, paragraph 3 of the Allocation Scheme for further information on the choice based lettings scheme in Kensington and Chelsea.
Contact and Assessment Team (CAT)	Outreach teams that work with rough sleepers to help them receive quick and easy access to health care, drug/alcohol/mental health support, and accommodation. Kensington and Chelsea funds the Broadway CAT, in partnership with Hammersmith and Fulham.
Common Housing Register (CHR)	A register of everyone who has applied to the Council for social housing. The register is open to everyone over the age of 16 unless they are disqualified by law from applying for housing from the Council, e.g. certain groups of people from abroad.
Corporate parental responsibility	Refers to the Council's duties in respect of children looked after under the Children Act 1989 and young people who are eligible for services under the Children (Leaving Care) Act 2000.

Decants	<p>People who are forced to leave their own home due to:</p> <ul style="list-style-type: none"> • Major works, • Closing Orders or other statutory orders placed on their home by the Council's Environmental Health Department, • The Council's interest in a long lease coming to an end, • The Council seeking to dispose of a property on the open market, • Their property cannot be repaired at reasonable cost and as a consequence the Council is seeking to dispose of the property on the open market, • The Council converting a property, which results in the original tenants being unable to re-occupy the premises on completion of the works.
Home Connections	<p>Home Connections is a new choice based lettings (CBL) scheme in which RBKC participates, which was set up by a number of Councils and housing associations. The London Borough of Camden lead the project, and the other partners are the London Boroughs of Barnet, Enfield and Islington and the Birmingham CBL pilot, Urban Choice, the City of Westminster, the Royal Borough of Kensington & Chelsea, Community, Mosaic, Soho, SPH and Ujima Housing Associations. See www.home-connections.co.uk for further information.</p>
Homelessness	<p>Under Part VII of the Housing Act 1996, homelessness is defined using basic criteria that the Council must assess to determine if it has a duty to house an applicant. The Council must assess whether the applicant is:</p> <ul style="list-style-type: none"> • Homeless or threatened with homelessness within 28 days • Eligible for help with housing. Certain groups of people from abroad are not eligible for help with housing, nor are people under 16. • In priority need. (See below) • Intentionally homeless. If so, then there is no duty to provide accommodation. There is still however, a duty to provide advice. • Local connection. If the applicant does not have a local connection with the borough of at least six months out of the last 12, or three years out of the last five, then the Council generally does not have a duty to house.
Homelessness Act 2002	<p>Legislation affecting the way that central and local government and all other partners work together to tackle homelessness.</p>
HomeStart	<p>HomeStart is an initiative set up to help people on the Common Housing Register relocate outside London into more suitable family-sized accommodation that meets their needs.</p>

Housing Organisations Mobility and Exchange Service (HOMES)	HOMES provides various schemes aimed at assisting housing mobility between different boroughs. Most local authorities and RSLs throughout the UK participate in the scheme. Tenants who have good reasons to move, such as the need to provide support to a relative, will receive priority. To be eligible for nomination the applicant must either already be an existing tenant of the borough, or be approved for an offer under the Council's Allocation Scheme.
Housing Act 1996	An act of Parliament covering many housing related issues. Part VI (allocation of accommodation) and Part VII (homelessness) are most relevant to the Allocation Scheme.
Housing Association Leasing Scheme (HALS)	Housing association (RSL) properties let to the Council, usually for use as temporary accommodation.
Housing Needs Team	The team within the Council with responsibility for the operation of the Allocation Scheme. The Team is sub-divided into a number of smaller teams, each with responsibility for a particular area, including homelessness, advice and assistance, housing options, housing assessments, temporary accommodation, lettings and CHR administration. Some teams include specialist staff, such as the health assessors who have OT and/or healthcare backgrounds.
Mobility Housing Register	A subsection of the CHR for applicants with a physical disability.
Mobility Standard Housing	Properties that were built or adapted to enable occupation by a tenant (or a member of his/her household) who has seriously restricted mobility.
No fixed abode	Applicants who do not have an address from which to apply are described as being of no fixed abode. This category may include applicants who have applied as homeless under the Housing Act 1996 Part 7 and been found to be homeless but not in priority need (s192). Where there is evidence that an applicant meets the residence requirement (despite not having a regular address) then they can be registered.
Non-Homeless	Those people who have applied to be re-housed by the Council who are not existing Council tenants and who are not temporarily accommodated under section 193 or section 194 of the Housing Act 1996.
Out of London Scheme (LAWN)	An organisation that pools information on housing providers in the north of England and facilitates partnerships with them.
Overcrowding	The Council uses published criteria to determine the size of property needed. The assessment compares what the household needs against their current accommodation.

Points system	Application forms for the Common Housing Register include information that is used to calculate the amount of points the application is awarded. The aim is to provide a transparent method of allocating housing to those in greatest need. Applicants with the highest number of points will generally have access to the widest range of housing options and can be housed the most quickly. The points system should be clear and transparent way of allocating housing to those most in need.
Priority Need	<p>Those who are homeless, eligible and in priority need may be able to get help from the Council with housing. Under Part VII of the 1996 Housing Act, as amended by the Homelessness Act 2002, the following groups are classified as those in priority need:</p> <ul style="list-style-type: none"> • Pregnant women and dependants who live with them • People who are responsible for dependent children • People who are homeless as a result of fire, flood or other disaster • 16 and 17 year olds • People aged 18 to 21 years old who have been in care • Other people who are particularly vulnerable as a result of age, mental health problems, learning or physical disability • Others who are vulnerable due to having been in the forces or in custody • People who are fleeing domestic violence, or threats of violence.
Private rented accommodation	Accommodation that is rented from a private landlord, as opposed to the Council or an RSL. Potential tenants require references, one month's rent as a deposit and generally a month's rent in advance.
Private Sector Leasing Scheme (PSL)	A scheme where the Council works with local RSLs to increase its supply of self-contained accommodation.
Registered Social Landlord (RSL)	A Registered Social Landlords (RSL) is a term to describe housing associations and other housing providers registered with the Housing Corporation. The majority of vacancies in RSL properties in Kensington and Chelsea are allocated through the RBKC Allocation Scheme, under the nomination agreement between the Council and local RSLs.
Re-housing Plan	The Council's annual Re-housing Plan sets targets for distributing the supply of housing available each year between various broad categories of housing applicant. The plan is reviewed each year so that the targets can be adjusted, where appropriate, in the light of changing housing needs and policy objectives. In reviewing the Re-housing Plan each year, the Council consults RSLs and the TMO.

Rent deposit scheme (LetStart)	A Council initiative to encourage and support private developers and landlords to provide affordable, good quality housing for rent and to provide a housing option for homeless families. The Council funds the deposit and first month's rent for a homeless family moving to private rented accommodation. This removes the necessity for the family to make a homeless application.
Right to Review	Section 164 of the Housing Act 1996 gives applicants the right to request a review if a Council decides they are ineligible for an allocation of housing.
Secure tenancy	Council housing is let on 'secure' tenancies. These are broadly similar to assured tenancies, on which RSL homes have been let since 1989. In either case, an eviction cannot occur until a court order has been obtained. However there are some important differences – eg in how rents are set. These differences should be made clear to any secure tenant who is considering a transfer to RSL accommodation.
Service occupancy/tenancy	Accommodation that comes with a job (see tied accommodation). This housing option does not offer long-term security as the accommodation ends when the job finishes. Also known as tied accommodation.
Sheltered housing	Accommodation that was originally designed for older people who, although increasingly frail, were able to support an independent tenancy. A typical sheltered housing scheme comprises between 25-40 self-contained one-person bedsits or one/two bedroom flats with a range of communal facilities such as a common room/day room. The services of a Community Officer/Warden are provided who may be either resident on site or part of a peripatetic/mobile service. The accommodation is connected to a Community Alarm Service that can provide 24 hour emergency cover.
Silting Up	Refers to the situation where a hostel, or other supported or temporary accommodation scheme, is unable to move residents on when they are ready to leave, due to an insufficient supply of suitable housing options. This has a negative impact both on the residents concerned and on potential new clients, who will wait longer for vacancies to arise.
Statutory Homeless	Those people for whom the Council has accepted a statutory duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002).
Temporary Accommodation (TA)	Accommodation for households to whom the Council has a duty to house under Part VII of the Housing Act 1996. Temporary accommodation may be outside the borough and is likely to be in a privately owned flat, leased by the Council for this purpose. Currently families in temporary accommodation must wait two to three years before being permanently re-housed.

Tied accommodation	Accommodation that comes with a job, as in the case of a live-in caretaker or warden. This housing option does not offer long-term security as the accommodation ends when the job finishes. Also known as a service occupancy.
Tenant Management Organisation (TMO)	In 1996, the borough transferred responsibility for the day to day management of its housing stock to a Tenant Management Organisation (TMO). The TMO is a company run by tenants and leaseholders that manages Council properties in the borough. In 2003 the TMO successfully became an Arms Length Management Organisation (ALMO), allowing it to access additional central government funding. The TMO manages the transfer scheme and portable discount scheme under a Management Agreement with the Council.
Under-occupation	Occupants who are still living in accommodation that has more rooms than necessary for their current family size. Transfer applicants who are moving to smaller accommodation will be given additional points for every bedroom given up to move to smaller accommodation.
Wheelchair standard or adapted housing	Properties which are specially built or adapted to full wheelchair standard to enable occupation by a tenant (or a member of his/her household) who is a wheelchair user.