



## Allocations and Tenancy Management Panel

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## 1.0 Terms of Reference

### 1.1 Terms of Reference- Cases Considered

The Panel has responsibility for deciding a number of issues, primarily in relation to rehousing, in accordance with the City Council's Housing Allocations Policy, administered by Nottingham City Homes, including:-

- Reports sent by area housing managers recommending priority awards, where people need rehousing due to racial and or other forms of harassment, domestic violence and other housing management issues.
- Recommendations to withdraw priority rehousing on management grounds as a result of the review of the case.
- Requests to make manual offers.
- Ratification for manual offers in the cases of urgent manual offer request which have been approved by an Assistant Director.
- Reciprocal requests for assistance in priority rehousing from RSL's and other local authorities.
- Social Services recommendations relating to social need and mental health.
- Recommendations to add persons to the Nottingham City's suspension list.
- Reviews of applicants who have been informed that they are to be given nil preference for sensitive let areas.
- Request to move applicants who have rent arrears over £250 (these will then be sent to the Assistant Director Housing Services for ratification).
- Appeals against decision not to award priority rehousing on medical grounds.
- Review financial ability of applicants to solve their own rehousing needs in respect of owner occupiers who have been recommended for priority rehousing on medical grounds.

In addition the panel will decide on tenancy amendments/creations as follows:-

- Tolerated Trespassers
- Requests for new tenancies following the execution of a warrant (and where the tolerated trespassers have moved out).

- Succession or Assignment when the deceased or previous occupier no longer held a secure tenancy (i.e. tolerated trespasser).
- Regulation of joint tenancies to sole, namely
  - Cases applying the McGrady principle
  - Domestic violence cases
  - Long-term absentee joint tenants
- Policy or “second” successions

## 1.2 **The composition of the Allocations and Tenancy Management Panel**

The Allocations Policy is owned by NCC and delivered by NCH through its allocations service and by NCC through its Housing Aid service. To reflect this joint accountability, and to foster close working relationships and consistency it was recommended that both NCH and NCC officers sit on the Allocations and Tenancy Management Panel. The recommended membership is therefore:

- Area Housing Manager (AHM) or Service Manager from NCH
- Housing Manager or Team Leaders from NCH
- Service Manager or Team Leader (NCC)

At least 3 officers must sit on each panel. All officers to be PO1 or above. The Chair to be PO3 or above – NCH and NCC to alternate. The NCC officers may include Adult or Children’s services.

Where possible there should be one BME officer on the Panel and a gender mix but this is not essential.

Where a Panel member has had involvement in cases being presented they should declare an interest and leave the room. This will be formally recorded in the decision notes for that case.

## 1.3 **Administration of Panel**

The Allocations and Tenancy Management Panel is serviced by the Central Allocations team (CAT). A member of the CAT team will be available at the meetings to advise on policy and ensure adherence to the procedure.

## 1.4 **Panel Decisions and Notification**

Panel will make notes as to the reasoning behind their decisions and will clearly show these. All refusals for priority rehousing or amendments/creation of tenancies must have clear written reasons. This will also be the case when the panel are disagreeing with any recommendations made by other agencies or other staff.

A notice listing the decision of every case shall be circulated by the Central Allocations Team to every Area Housing Manager and other relevant managers. How decisions are communicated to other agencies and panel subjects is detailed below within the principles of each type of case.

Applicants should be told not to telephone the Central Allocations Team for the

outcome but to wait for the information until they hear from the area housing office or receive the letter.

## 1.5 **Appeals Process**

There is a separate panel to consider any appeals against the Allocation Panel decisions. This is administered by the Governance Team. All case subjects who are referred to the Allocations and Tenancy Management Panel must be informed of their right to appeal against panel's decision.

## 1.6 **The principles behind referring cases for consideration**

The decision to refer a case to the Allocations and Tenancy Management Panel will be either the responsibility of:-

The Area Housing Manager/City Lettings Manager in relation to Management Cases, Suspension List Cases, Sensitive let area reviews, manual offers, rent arrears cases over £250, Tenancy amendments and creation decisions.

The Housing Registration and Allocations Manager in relation to Social Recommendations, Reciprocal Requests, Requests to move applicants who have rent arrears over £250, appeals against decision not to award priority rehousing on medical grounds, review financial ability of applicants to solve their own rehousing on medical grounds.

Lettings /HomeLink Managers and Housing Aid Managers in relation to manual offers for Band 1 applicants/ flat pack scheme and other relevant cases.

Note the cases above are the general cases which that manager is likely to be referring but may be involved and refer a different type of case if necessary.

The referring manager shall read through the report(s) from her/his office, checking that it is suitable for submission, particularly that the details and supporting evidence being submitted is relevant and inform the Panel about the circumstances of the case.

Principles of referral for the different types of cases considered by panel are set out below.

## 2. Principles and Procedures - Management Recommendations

### 2.1 Making a referral

The decision to refer a case to the Allocations Panel will be either the responsibility of the Area Housing Manager in relation to local housing office cases or in some cases (mental health) the Housing Registration and Allocations Manager .

The Area Housing Manager/ Housing Registration and Allocations Manager shall read through the report(s) from her/his office, checking that it is suitable for submission particularly that the details and supporting evidence being submitted is relevant and inform the Panel about the circumstances of the case.

Housing Patch Managers must be available by telephone to answer any questions which Panel may have on the day.

**The decision to refer a case from Housing Aid will be made by a service manager, Adult Services, Housing and Health.**

### 2.2 The types of cases that can be referred:-

Racial Harassment /Domestic Violence /Other Harassment/Other Management reasons, e.g. prisoners who have given up tenancy when committed to prison, NCH/NCC tied tenants, making best use of housing stock, relationship breakdown for NCC tenants where tenant not stopping at property is vulnerable.

### 2.3 Investigating the case before referral

Before any case is referred to Panel by an Area Housing Office, work should have been carried out under the relevant procedures in relation to housing management. This means that all cases should have been fully investigated and an opinion reached that the household requires additional priority to move to another home. The emphasis should be on keeping to a minimum, the number of cases referred to Panel so in cases where there are several factors housing patch managers should take account of every component. For instance, a case where a person is experiencing both domestic violence and racial harassment; the report submitted should provide evidence/comment on both aspects of the case sufficient for the Panel to come to an appropriate decision.

In cases where domestic violence is a factor, officers should be aware that Nottingham City Homes aims to believe survivors of domestic violence and provide services accordingly. A decision about a person's risk of domestic violence will be based on the 'balance of probability' not proof 'beyond reasonable doubt'. The benefit of doubt should always be given to the customer but if there are concerns then discuss the circumstances with the appropriate line-manager.

A support needs assessment shall be carried out in all cases and if necessary a risk assessment.

## 2.4 **Requirement to have Area Housing Manager (AHM) level of approval before referring cases to Panel**

No case shall be referred to Panel unless the approval of the AHM has been obtained. It will be the responsibility of the AHM to check that all the necessary action has taken place on the case prior to referral. The AHM must be satisfied that the information being provided is a full and accurate description of the case; that the needs of the household and the action being taken by the area housing office under the tenancy and estate management procedures and policies have been properly completed and that the case is presenting in as a clear portfolio of information.

## 2.5 **Standard Form**

All management referrals must be made using the Allocations Panel Recommendation. Other additional documentation, proofs and confirmations must be attached to the report form. The support needs assessment and where appropriate the risk assessment must also be attached.

## 2.6 **Rent Arrears**

Please see procedures for rehousing tenants/applicants with rent arrears. It is the responsibility of the office referring the case to monitor arrears repayments to ensure that the applicant meets any condition for rehousing.

- Where the arrears are less than £250 the Area Housing Manager/Housing Registration and Allocations Manager has delegated authority to submit the case to Panel;
- Where the arrears are £250 or more the fully completed case papers will be submitted to the Assistant Director of Housing Services after panel have approved in the first instance, for a final decision as to whether or not to award priority

## 2.7 **Fully complete the form – this will avoid confusion and misunderstanding**

The referral form must be fully completed, providing all of the information required in the form. The investigating officer must explain clearly the detail all the relevant incidents and outline any other action being taken, including action against the perpetrators of anti-social behaviour, racial or other harassment, or domestic violence. The case papers should provide a description of the key events which the case depends on in date. The investigating officer should only include such relevant information to justify the case for the award of priority.

A summary page will be provided within the report to include the main points of the any supporting documents which append the report e.g evidence from 3<sup>rd</sup> party(ies) i.e. Victim Support, the Police, Social Services etc., to append to the report.

## 2.8 **Cases must already be on the Housing Register or Transfer list**

The applicant, and their family, must be registered on the *iWorld* SX3 system and be a live case. The application reference number should be shown on the referral form. Note if the case is not approved and the applicant has not been a

tenant for the qualifying period as per the allocation policy the application must be closed and the applicant informed at the same time as being informed of panels decision. (HPM responsibility)

The ethnic origin of the applicant and any co-applicant must be shown on the report form. **The code “Unknown” must not be used in any circumstances.** This information will ensure that all cases referred to Panel can be monitored and analysed to meet Diversity performance indicators.

## 2.9 **Applicants choosing only high demand areas or accommodation**

Prior to referral, the investigating officer should discuss the choice of area(s) and accommodation available with the applicant. Advice and information shall be given about the housing options available to the household. An applicant choosing either a high demand area or accommodation which is in limited supply shall be advised of the problems supply short-fall can cause i.e. frustration, long-waiting time. There are already many applicants with an urgent / moderate award waiting for rehousing so applicants should not be left with unrealistic expectations of the process. Panel will take no account of the applicant’s aspirations they will only consider the safety and security of the applicant and the household.

The Allocations Policy allows for the award of urgent /moderate priority only. Panel cannot organise an existing list to place an applicant at the top if the award does not place that applicant at the top

## 2.10 **Multiple Needs**

Panel will take into account any and all of the circumstances that are included in the report. Some cases will be complicated and there might be several reasons for making the referral to Panel. A comprehensive report which gives a detailed explanation of the circumstances, affecting the individual or family, under each heading will avoid the need to refer the case several times.

Applicants can be considered for the award of priority for multiple needs within band 2.

## 2.11 **Reviews**

It would be unusual for applicant/family circumstances to remain unchanged over time so area housing managers must ensure that the originating officer regularly review case circumstances. The maximum period will be a 6 monthly cycle, but HPMs/Referring Officers should be regularly in contact with applicants until they are successfully rehoused, therefore the case may be reviewed more frequently.

Where there is an obvious change, such as the applicant/family no longer suffers harassment then the case should be referred back to the Panel recommending that the priority be removed. Also where case circumstances have worsened over time, the area housing manager might refer the case back to Panel.

If the applicant has not made a successful bid resulting in an allocation/accepted offer within 6 months of the panel award the HPM must review the case and submit a report to Allocations and Tenancy Management

Panel accordingly. Note every case will be considered on its own merits however the general rule will be if the applicant has not been realistically bidding for accommodation the recommendation would normally be withdrawn. The HPM must therefore ensure that they remain in close contact with the tenant and support them through the bidding process. If the tenant has not been successful within the six month period the HPM must present a very detailed case to support the need to extend the priority for a further maximum 6 month period.

#### 2.12 **Cases where applicants were previously housed following a Panel award.**

Where the applicant had been housed previously following the award of priority by Panel, the (new) report must give a résumé of the previous case and the outcome.

#### 2.13 **Where to send the report forms:**

The form and any attachments having been checked and signed-off by the Area Housing Manager, shall be forwarded to the Central Allocations Team, Hounds Gate Nottingham. All reports submitted to Panel will be considered at the first available meeting. Note cut off time for that week's panel will be Monday 12 noon. All reports received after that time will be submitted to the following week's panel.

#### 2.14 **Panel Decision and Notification**

Panel can make one of the following decisions only for management cases:-

##### New Recommendations

- Approve (if necessary with conditions) awarding band 2 priority
- Approve (if necessary with conditions) awarding band 3 priority
- Defer the case requesting further information/evidence
- Not Approve

##### Reviewed Recommendations

- Agree to keep present band priority for further period (with conditions if necessary).
- Remove priority from the applicant.

**When awarding priority/agreeing to further period of priority,** Panel members should always match need and urgency to priority but remember it is not an exact science. Generally, the greater the urgency of the case the higher priority will be awarded.

Panel can only award urgent /moderate priority within one of the categories available.

When considering the award of priority, Panel members will take account of the facts contained in the report, particularly, the nature of any threats or assaults

that have occurred, and in the case of Anti-social Behaviour, Racial or other harassment and Domestic Violence the potential risk faced by the applicant. If in any doubt about the threat to the applicant/family Panel shall look to award urgent priority.

Panel are reminded that with the urgent need band panel can award multiple urgent need priority, as long as each need is clearly defined as a separate need. Applicants will be given acceleration to their waiting time in that band in periods of 6 months for every additional band 2 need up to a maximum of 2 additional needs (maximum 12 months acceleration).

For more detailed information on the priority which can be awarded – please see the Council’s Housing Allocations Policy.

**Panel is not obliged to award additional** priority in every case. It may reach a decision that a particular case does not justify an award of additional priority or that there is an alternative/more realistic solution to the Housing problem.

If panel decide not to award priority or to extend the priority in cases of review, panel will give reasons. These reasons will be relayed to the subject of the recommendation.

**In cases where there is insufficient information or where the case that is presented is of such poor quality so as to be unclear,** panel can defer the case for further information. Every effort will however be made to make a decision on the day so as to minimise the delay to the customer. If need be Panel will contact the HPM for extra information to help make a decision. Any subsequent information considered must however be recorded. Panel will therefore have to have information faxed over to them immediately and must record the detail of any verbal communication.

If cases have to be deferred they must be resubmitted within 2 weeks of the original panel. This is monitored by the Central Allocations Team.

### **Recording Decisions and Notification**

All panel decisions will be recorded on the individual paperwork and on panel minutes. Panel will make notes as to the reasoning behind their decisions and will clearly show these. All refusals for priority rehousing and removal of priority decisions must have clear written reasons. This will also be the case when the panel are disagreeing with any recommendations made by other agencies or other staff.

At the end of the panel meeting papers will be handed to the Central Allocations Team (CAT). In the case of approved recommendations, CAT will write to the applicant and update iWorld to show which priority has been awarded, and ensure the notepad is also updated to show any conditions on the approval. A copy of the decision will be sent to the relevant area housing office/Housing Aid.

Staff at the receiving office will amend all other computerised and paper records e.g. updating application as and when necessary.

If a decision not to award priority points has been made Staff , either the author of the report or another, at the receiving office will contact the customer immediately, either by telephone or in writing (standard letter), to inform them of the Panel's decision. Any telephone contact must be followed up in writing. Central Allocations team will update the refusal and reason but all other updates must be completed by the receiving office staff.

In the case of decisions after the review of a management recommendation the panel decision CAT will update I world regarding the decision then relay the information to the local office/HPM who will be responsible for informing the applicant of the decision (standard letter) and giving practical advice accordingly.

A notice listing the decision of every case shall be circulated by the Central Allocations Team to every Area Housing Manager.

Applicants **must** be told not to telephone the Central Allocations Team for the outcome but to wait for the information until they hear from the area housing office or receive the letter.

#### 2.15 **Ex-gratia Procedures.**

In certain circumstances it may be possible to consider an ex gratia payment towards the cost of moving for tenants who have to move through no fault of their own. Panel will decide on whether an ex gratia payment is appropriate in each individual case (see ex gratia payment procedure)

#### 2.16 **Retrospective Decisions**

In emergencies, an AHM may authorise an emergency transfer, to temporary accommodation via the Specialist Accommodation Service procedures (see SAS procedures). This should then provide accommodation in a place of safety whilst the application is investigated for a management recommendation and submitted to panel. There should no longer be the need for retrospective decisions where people are rehoused permanently then their case brought to panel in retrospect. If however, there are exceptional circumstances these should follow the urgent manual offer procedure.

Emergency situations shall be circumstances that place an applicant/family in a sudden state of danger requiring immediate attention i.e. where there is danger to life.

### **3. Principles and Procedures – Manual Offers**

3.1	<b>Principles</b>
	Generally all offers are made by creating a shortlist of suitable applicants. However there will be occasions when for exceptional reasons it is necessary to make offers to applicants not appearing on the shortlist. Such

	cases are restricted and approval of either Allocations and Tenancy Management Panel or third tier officers or above must be given. <b>All</b> cases <b>must</b> follow the manual offer procedure guidelines (see manual offer procedure guidelines).
3.2	<b>Making a Referral</b>
	All referrals must be made using the standard forms within the manual offer procedure guidelines . All referrals must be authorised by AHM or their delegated manager prior to submitting to CAT. CAT will check that manual offer requests fit the criteria for making a request before putting the case to panel. AHMs must ensure that the case is presented in a clear orderly portfolio of information ensuring all attachments as detailed in the procedure guidelines.
3.3	<b>Decision and Notification</b>
	<ul style="list-style-type: none"> <li>• Panel may approve the manual offer request (with conditions if necessary) or</li> <li>• Panel may refuse the manual offer request – giving clear reasons which will be relayed to the applicant.</li> </ul>
	<ul style="list-style-type: none"> <li>• In urgent cases where the manual offer has already been approved by a third tier officer or above, panel are asked to ratify (note) the decision and in these cases they can make comments if they wish. The applicant will be notified of the decision by the HPM or author of the manual offer. CAT will update the application with the decision of panel.</li> </ul>
3.4	<b>Identifying a property</b>
	In the case of urgent manual offers – the property will be identified by the HPM by liaising with the HomeLink team before seeking authorisation by third tier officer. The property identified must be ready to let. In the case where a manual offer is requested because of the specifics of the property – the property has already been identified and held (in liaison with the HomeLink team). In the case of a manual offer request because of the applicant's circumstances a property will be identified only after approval. HomeLink will identify the property and liaise with the HPM and Lettings Managers to arrange offer.
3.5	<b>Making Offers</b>
	All offers will be made by Lettings Managers, Housing Registration and Allocations Manager/Central Allocations Officers only.
3.6	<b>Post Manual Offer/Reviews</b>
	The HPM must stay in close contact with the applicant until either the manual offer has been made, accepted and the tenant signed up, or until such a time as the manual offer approval has been withdrawn. When panel approve they are giving permission for one manual offer and therefore no offer should be refused before the HPM has discussed in detail and made sure that the applicant is fully aware of the implications, i.e. they will not get another manual offer unless they have justifiable reasons for turning down the first offer.

	If the applicant's circumstances change before a manual offer has been made the HPM must ensure that the case is brought back to panel promptly with a recommendation on whether the manual offer is still appropriate.
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## 4. Principles and Procedures – Reciprocal Requests

### 4.1 Tenants of other Registered Social Landlords (RSL's) (non Nottingham HomeLink partners)

The Allocations Policy sets out the eligibility criteria for the tenants of other social landlords to join the Housing Register. Where the applicant's landlord asks the Council to make available urgent rehousing, the request and tenancy report will be referred to the Allocations Panel so that the award of priority status may be considered. This will then be considered in the same way as a Nottingham City Council tenant needing an urgent transfer would be.

When considering requests from other RSLs for reciprocal rehousing, Panel should consider the action that has already been taken by the landlord and any other action that they might take to support or help their tenant. In such cases, Panel may wish to specify conditions in terms of the accommodation provided in return to be allocated by NCH. Reciprocal rehousing arrangements shall not be counted within the Council's nomination PI's.

The Allocations Policy contains a sub-section that deals with the procedure for dealing with Reciprocal Requests from either housing associations operating within the City boundary or other local authorities.

**Note** partner Nottingham HomeLink RSLs have agreed to adopt the same principles as the Nottingham City allocations policy with regard to transfer cases. Management transfers will be accepted having been through the same rigorous process of assessment and decision as Allocations and Tenancy Management Panel. Social Service recommendations for Partner RSL transfer cases will be submitted to NCH Allocations and Tenancy Management Panel.

### 4.2 Panel Decision and Notification

- Panel can agree to accept the referral for priority rehousing onto the NCH waiting list (with conditions if necessary). In such cases panel can also stipulate conditions with respect to the RSL/Local Authority property passed to NCH in return for allocation.
- Panel can refuse to agree to accept the referral for priority rehousing onto the NCH/NCC waiting list. In such cases panel will give clear reasons for their decision which will be relayed to the referring RSL/Local Authority.

At the end of the panel meeting the case papers will be passed to CAT. CAT will inform the RSL/LA of the decision and will, where the case has been accepted liaise with the RSL to ensure that their tenant is registered, the priority awarded and the tenant advised and supported in the bidding process.

#### 4.3 **Review**

The RSL/LA must ensure that they keep in close contact and support their tenant once the priority has been awarded. If a successful offer or allocation has not been made within 6 months, the RSL/LA will be asked to review the case and submit full details of the review with their recommendation as to whether the priority should be extended for a further period or withdrawn.

### 5. Principles and procedures – Social Service recommendations

#### 5.1 **Making a Referral**

Reports from Adult and Children's Services, NCC (social cases) will be prepared by the appropriate service manager, Social Services who will determine the priority to be awarded – urgent or moderate.

The protocol for making recommendations has been agreed with both adult and children's service via the Housing Liaison meeting.

Referrals are made to Housing Registration and Allocations Manager, Central Allocations Team (CAT)

#### 5.2 **Standard Forms**

There is a standard pro-forma drawn up by Adult and Children's Service which will be used in all cases. All cases must be accompanied by a support needs assessment/risk assessment, with the subsequent support plan along with a risk management plan where risk has been identified.

The standard pro-forma is attached to a panel referral form (as used above) which is completed by the CAT.

#### 5.3 **Investigation**

The case has already been investigated by the relevant social worker before submission to panel and a subsequent recommendation made by the relevant Service Manager.

See 5.2 re Support Needs assessment/Risk assessment

An officer from the Central Allocations Team will prepare the case for panel by

visiting the subject of the recommendation and preparing a report with relevant information for panel.

#### 5.4 **Rent Arrears**

Please see procedures for rehousing tenants/applicants with rent arrears.

- Where the arrears are less than £250 the Housing Registration and Allocations Manager has delegated authority to submit the case to Panel;
- Where the arrears are £250 or more the fully completed case papers will be submitted to the Assistant Director, Housing Services after panel have approved in the first instance, for a final decision as to whether or not to award priority .

#### 5.5 **Decision and Notification**

- Panel can approve the recommendation awarding priority rehousing
- Panel can not approve an increase in priority.
- Panel can defer the case for further information.

In cases of approval the panel would be advised by the Service Manager's decision as to which priority the case merits i.e. urgent or moderate.

The Central Allocations Team will liaise with Adults and Children's Services to ensure that the subject is informed of the decision, or the reasons why if appropriate and to ensure that relevant support is given in the bidding process.

### **6. Principles and procedures – Recommendations for suspension list**

#### 6.1 **Principles**

People may be suspended from a Local Authority waiting list where a housing authority is satisfied that an applicant (or a member of the applicant's household) is guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant (Housing Act 1996 as amended by the Homelessness Act 2002). (**see suspension procedure**).

#### 6.2 **Criteria**

Criteria for suspension from NCC waiting list:-

- Current or former tenants of NCC and RSLs who have been in breach of their tenancy conditions.
- Anyone who has caused wilful damage to a City Council or RSL property.
- Anyone with a history of serious anti-social and/or criminal behaviour.
- Anyone who is the subject of an Anti-social behaviour order or other civil restraining order and it is believed that they would be a significant risk to the community.

### 6.3 **Making a Referral**

If a person is identified through their current activities or through the risk assessment process as meeting this criteria then either NCC (usually Neighbourhood Services a RSL or any NCH Housing Office (via AHM) can submit a request to Allocations and Tenancy Management Panel for the person to be added to the suspension register.

A SHR1 form must be completed along with SHR 2 evidence information. Officers should apply the **test** before submitting to panel (listed in procedures) to ensure that we are legally able to suspend the person from the waiting list.

### 6.4 **Disability Discrimination Act**

If an individuals behaviour is due to a physical, mental or learning disability they cannot be suspended without considering whether they would be able to maintain a tenancy with the appropriate care and support. The DDA states that reasonable adjustments must be made. The referring officer must therefore add details of their assessment to this respect and what reasonable adjustments have been considered and applied.

### 6.5 **Panel Decision and Notification**

When making their decision, panel will apply the **test** , whether the evidence shows the applicant meets the criteria and whether reasonable adjustment has been applied. If panel approve that the applicant be placed on the suspension list, the CAT will inform the person and will update the computerised systems accordingly.

If the panel do not approve the suspension the referring officer will be informed of the decision and the reason for the decision. The referring officer will communicate this decision to the subject as necessary.

All paperwork will be kept in the House File for tenants and by CAT for waiting list applicants(non-tenants).

Note persons placed on the suspension list will remain on the suspension list for 3 years (unless there is a change of circumstances which results in a review of the decision/and or the original decision is overturned). If at the end of the three years the referring officer or another officer feels that the persons behaviour is still unacceptable a case would need to be resubmitted to have the period of suspension extended.

## **7. Principles and Procedures - Review of applicants who are given nil preference for sensitive let area**

### 7.1 **Principles**

The Risk Assessment Framework (see risk assessment framework) enables the City Council NCH to exclude people from being actively considered for an allocation of accommodation in specified areas or types of accommodation within the City. These are usually designated “Sensitive Let” areas but could also be particular property types where it is believed that the behaviour of the

applicant is unacceptable to the extent that they cannot be considered for specific types of property, e.g. someone for convictions of arson may not be acceptable for high rise accommodation.

In all cases where an applicant is excluded from Sensitive Let areas or any other area/property type, due to the outcome of the Risk Assessment process the applicant should be informed of their right of appeal. These appeals will be heard by Panel.

## 7.2 **Making a Referral**

The appeals will be handled in much the same way as the suspension appeals. Appeals will be referred to CAT via the officer who made the original decision.

## 7.3 **Panel Decision and Notification**

- Panel can uphold the original decision not to consider for particular area/property type (with variations if necessary)
- Panel can overturn the decision (with conditions if necessary).

The referring officer will ensure that the decision is recorded on the risk management plan and will inform the applicant of the decision. CAT will update the IT system.

# **8. Principles and Procedures - Requests to move applicants who have over £250 rent arrears**

## 8.1 **Principles (see rent arrears policy)**

Generally within the allocations policy applicants with rent arrears are not considered for rehousing unless there are exceptional circumstances. Most of these cases will fall within other urgent need categories where authorisation has been given by panel or senior officers. There are sometimes other cases, where it would make good management sense to allow move on, where a moderate or even lower priority has been awarded and where the applicant may be successful in a bid but for current or previous tenancy arrears. In the main this will be hostel applicants ready for move on.

## 8.2 **Making a Referral**

Referral will be via the Gateway or via the Hostel Move-On pro-forma. A case will be submitted on the relevant pro-forma detailing the background of the case but concentrating details of:-

- how the arrears were accrued, what arrangements are being made to repay the arrears;
- what are the trigger behind arrears accrual;
- what support is in place currently and in the future;
- what are the social and financial costs of not allowing the person to be actively considered for a tenancy.

The referral will be made to the HomeLink Team and the case prepared for panel. Note it is only cases with arrears over £250 which are referred to panel. Cases under £250 will be considered by Housing Registration and Allocations Manager.

Cases other than hostel dwellers will be submitted by Area Housing Managers

after liaison with the Housing Registration and Allocations Manager to agree suitability of such a case for panel.

### 8.3 **Decision and Notification**

- Panel can decide to approve the case in principle. Final approval will however have to be made by Assistant Director, Housing Services.
- Panel can decide not to approve in which case they will detail their reasons which will be relayed to the applicant. Please note if panel decide not to approve there is no need to submit the case to the Assistant Director Housing Services

The HomeLink/CAT team will inform the applicant of the decision informing them of the right to appeal if the decision is not to approve active rehousing.

## **9. Principles and Procedures - Appeals against decision not to award medical priority**

### 9.1 **Principles**

Applications for priority rehousing are considered by the Housing Registration and Allocations Manager. Applicants do however have the right to appeal against any such decision. The appeal will be heard by the Allocations and Tenancy Management Panel

### 9.2 **Making a Referral**

Applicants who have been refused priority rehousing on medical grounds will be informed of their right to appeal in the letter informing them of the decision. The appeals will be received and administered by the Medical Referral Officers. The Medical referral officers will submit a standard pro-forma giving a summary of the reasons for refusal, the applicant's reasons for disagreeing with the decision and the Housing Registration and Allocations Managers comments. The case papers will be attached for full consideration by the panel.

### 9.3 **Decision and Notification**

- The panel can uphold the original decision of the Housing Registration and Allocations Manager or
- The panel can overturn the original decision and award priority rehousing on medical grounds.

The applicant will be informed of the decision by the Medical Referrals Officer who will also update the IT systems accordingly,.

## **10. Principles and Procedures - Review of financial ability of applicants to solve their own rehousing needs**

### 10.1 **Principles**

Generally home owners are not actively considered for alternative accommodation. However there may be some cases where home-owners are vulnerable and may have an urgent need for rehousing. Once an urgent need has been established (either by panel or other procedures) the case will be submitted to panel to make a decision as to whether the home owner has the

financial ability to resolve their own housing need. The applicant will not be placed into the urgent need band until panel have approve the case. (This generally refers to home-owners living in the City of Nottingham)

## 10.2 **Making a Referral**

The appropriate pro-forma is completed giving details of the urgent need and providing financial information i.e. income, outgoings, property value and equity in property. Central Allocations Team gather information and submit to panel.

## 10.3 **Decision and Notification**

Note the decision whether the applicant is in urgent need has to be made first albeit it may be at the same panel meeting.

- Panel can then approve active consideration with urgent need, or
- Panel can decide that the applicant has the financial ability to resolve their own housing need and decide not to place the applicant in the urgent need band. Clear reasons for the decision must be given which will be relayed to the applicant.

The applicant will be informed of the decision by the referring officer. The IWorld system will be updated by the Central Allocations Team.

# 11 The Determination of Requests by Introductory Tenants to Transfer

11 Why refer to panel?

11.1 Introductory tenants will not usually be entitled to register for a housing transfer until their tenancy becomes secure, after 12 months. However, in some cases, an introductory tenant may develop an urgent need to transfer due to some risk or medical accident or serious deterioration in health. For this reason, any introductory tenant needing to transfer urgently should be referred to the Allocations Panel for one of two decisions:-

1. To be admitted to the transfer list prior to becoming a secure tenant.
2. For the award of urgent priority to ensure the applicant/family is transferred quickly and on the same basis as any other case e.g. risk due to domestic violence, racial or other harassment.

11.2 The area housing manager making the request should follow Panel rules in all other ways. The Panel Referral Form should be used. The officer completing the form must make it clear why the case is being referred, including an explanation that the tenant holds an Introductory Tenancy. Introductory tenants choosing high demand areas or accommodation in limited supply as part of their rehousing options should be advised that it is unlikely that the Nottingham City Homes will be able to assist quickly.

11.3 No referral shall be made where an introductory tenant has been served with a Notice of Proceedings for Possession of an Introductory Tenancy (NOPPIT).

- 11.4 The policy on transferring tenants with rent arrears will apply to every case.

## 12. Principles and Procedures - Tolerated Trespassers

### 12.1 Making a Referral

Tenancy Management Recommendation form must be completed (usually by the HPM) along with a Manual Creation of Tenancy form

The Tenancy Management Recommendation form must be completed in full including full details of the previous tenancy, diversity & equality information, full details of household, property details, details of agency support (if appropriate) and any supporting documentation.

The Officer's Report must clearly explain the circumstances of the case; confirm that the arrears plus all outstanding Court costs have been paid and that there are no associated breaches of tenancy. Confirmation that the former tenant has been advised of their status as tolerated trespasser, copies of the income and expenditure statement and Tenancy Information Form should also be attached along with details of any referrals made following the needs assessment and debt advice.

All recommendations should be signed by the report compiler and authorised either by a Housing Manager or Area Housing Manager.

A **Manual Creation of Tenancy** form must also be completed in full, signed by the compiler of the recommendation and authorised by the Housing Manager or Area Housing Manager. This form should be submitted along with the Tenancy Management Recommendation Report.

The completed documentation must be submitted to the Central Allocations Team (CAT) **within 2 weeks** of the payment being received (and cleared) from the tenant. A report must be received by Monday 12 noon at the latest.

**See Creation of Tenancies and Tenancy Management Panel Procedures for guidelines on dealing with cases of tolerated trespassers.**

### 12.2 Panel Decision

The recommendation will be heard and determined by the Allocations and Tenancy Management Panel. The Panel will either approve the request for a new introductory tenancy defer the recommendation pending further information or refuse the recommendation

### 12.3 Notification of Panel Decision

CAT will put a note pad entry on the tenancy note pad (and if relevant Housing register application). They will also notify the office of the decision.

If the panel **approves** the request then a new **Introductory Tenancy** must be created within **2 weeks** of the panel decision. An appointment (in effect a further welcome meeting) must be arranged in order that a new Introductory Tenancy Agreement can be signed by all parties. This meeting will be

facilitated by staff within Tenancy and Estate Management. The NCH officer facilitating the meeting must ensure that all other relevant documentation (for instance Housing Benefit applications, debt advice meeting, support referrals following needs assessment etc) are completed. Photographs of the tenants can also be taken at this meeting if none are on file already.

A new Introductory Tenancy must be created within **1 week** of the office receiving the decision. The tenancy can be created on I World by officers at Housing Officer level or above but all paperwork **must** be signed by a Housing Manager or Area Housing Manager.

If the panel **defers** the request pending further information then the prospective tenant must be notified immediately and the report resubmitted (with the information requested clearly appended) within **2 weeks** of original panel. Please note it is the NCH Officers responsibility to ensure deferred cases have the information provided that was requested at the original hearing and that the case is logged for a later date

The Tenancy Management Panel may decide to **refuse** the recommendation. In these cases the tolerated trespasser must be informed immediately by the Housing Patch Manager, Housing Manager or Area Housing Manager, together with the reasons for the panel's decision. At this stage, a warrant must be sought or a 28 day Notice to Quit must be served. The action required should be discussed with a solicitor, as it would be dependent on the nature of the breach of the original possession order. In such cases, occupants should be notified of their right of appeal.

### **13. Principles and Procedures -Recommendation for new tenancy following the execution of a warrant**

#### 13.1 Referral of Cases

In certain cases, an eviction takes place but the ex-resident(s) then approach NCH and confirm they are able to clear the debt.

When considering whether a new tenancy should be granted, the officer needs to consider principles within the Creation of Tenancies and Tenancy Management Panel procedures. In addition, consideration also has to be given as to how much time has elapsed following the eviction before the ex-resident(s) approach NCH.

As a general rule, if someone approaches NCH more than 48 hours after the eviction has taken place, the request should be refused and the ex-residents advised they need to reapply for housing via HomeLink or Housing Aid.

If agreement is reached, a panel report should be completed and the procedure set out above should be followed.

### **14. Principles and Procedures - Requests for statutory succession or**

## **assignments when the previous or deceased occupier was a tolerated trespasser**

### 14.1 Types of Cases to be considered

The Housing Act 1985 sets out when a person can succeed to, or be assigned a tenancy by a secure tenant, including mutual exchanges. However, such succession or assignment rights are only available to secure tenants or Introductory Tenants in the case of succession. A Tolerated Trespasser has lost all of their tenancy rights, which include the right to assign a tenancy, as well as the right of succession on death.

When considering whether a person in occupation should be allowed to succeed or be assigned a tenancy in these circumstances, consideration needs to be given to the following:

Whether there would have been a statutory right to succeed to, or be assigned that property, taking into factors including any adaptations, property size and property type.

Previous conduct of both the Tolerated Trespasser and other occupants within the household, i.e. if there had been other breaches of the tenancy conditions. In cases where an assignment is being requested, any outstanding monies owed and agreement to repay would be considered.

### 14.2 Referral of Cases

If agreement is reached, a panel report should be completed and the procedure set out above should be followed.

## **15 Principles and Procedures - Regulation of joint tenancies to sole**

### 15.1 Types of Cases

- Cases applying the McGrady Principle
- Domestic Violence Cases
- Long Term Absentee Joint Tenants

See Creation of Tenancy and Tenancy Management Panel Procedures

### 15.2 Referral to Panel

Tenancy Management Recommendation form must be completed (usually by the HPM) along with a Manual Creation of Tenancy form

The Tenancy Management Recommendation form must be completed in full including full details of the previous tenancy, diversity & equality information, full details of household, property details, details of agency support (if appropriate) and any supporting documentation.

The Officer's Report must clearly explain the circumstances of the case, confirm that the arrears and that there are no associated breaches of tenancy. Confirmation that the former tenant has been advised of their status or provide

proof of efforts to contact the joint tenant, copies of the income and expenditure statement and Tenancy Information Form should also be attached along with details of any referrals made following the needs assessment and debt advice.

All recommendations should be signed by the report compiler and authorised either by a Housing Manager or Area Housing Manager.

A **Manual Creation of Tenancy** form must also be completed in full, signed by the compiler of the recommendation and authorised by the Housing Manager or Area Housing Manager. This form should be submitted along with the Tenancy Management Recommendation Report.

The completed documentation must be submitted to the Central Allocations Team (CAT) and be received by Monday 12 noon at the latest.

**See Creation of Tenancies and Tenancy Management Panel Procedures for guidelines on dealing with joint to sole tenancies.**

### 15.3 Panel Decision and Notification

The panel may approve, defer or refuse the case. CAT will put a note pad entry on the tenancy note pad and inform the Housing Officer of the decision. It is the Recommending Officers responsibility to notify the tenant of the outcome of the Panel's decision

If approved by the Tenancy Management Panel the resulting tenancy will be an Introductory Tenancy.

If the panel defers the case for further information the case must be resubmitted within two weeks of the original panel meeting.

If the panel refuse the recommendation the tenant must be written to informing them of the reason why and given the right to appeal against this decision.

## 16 Principles and Procedures "Policy" or "second" successions

### 16.1 Types of Cases

It is the long-established policy of the City Council and NCH to allow a second or policy "succession" in certain cases i.e. grant a new tenancy.

It is stressed that the terms "policy" or "second" succession must not be used in any conversation or correspondence with the person in occupation and/or their legal advisors or other interested parties.

1. In the event of the simultaneous death of joint tenants or a tenant and their spouse (note that case law dictates that under these circumstances a succession will already have occurred.)
2. If a survivor who was living with the tenant when they died was their spouse or partner, they have an automatic right of succession. Note that NCH recognises all couples have this right including same-sex partners or individuals/couples who have undergone gender reassignment.
3. A survivor must be a "qualified family member" of the deceased tenant's family (as defined in the Housing Act 1985), who were living with the tenant when they died. With the exception of spouses, the successor

The Housing Act 1985 defines the following as being “members of the family”:

- Parent,
  - Grandparent
  - Child
  - Grandchild
  - Brother or sister
  - Aunt or uncle
  - Nephew or niece
  - Stepchild or a child born outside marriage
4. If a survivor is an unpaid carer who had given up their own accommodation to care for the tenant and were living with the tenant when they died. An unpaid carer must meet the definition stated by the Carers (Recognition & Services) Act 1995. An assessment would be needed to be carried out by social services to confirm whether the survivor meets the criteria set out in this piece of legislation.
  5. In cases where a spouse/partner **and** qualifying members of the family were living with the deceased tenant at the time of their death then the spouse/partner will take precedence over any other member of the family who in turn would take precedence over the unpaid carer.
  6. A person under the age of 18 has a statutory right of succession following the Court of Appeal decision in R.B Kingston-upon-Thames – v- Prince. In such cases, two trustees must hold the tenancy in trust for the successor until they reach the age of 18, when they can hold the tenancy in their own right. It is recommended that Social Services are approached to see if they will act as one of the Trustees.

There are conditions attached to cases which may be considered as defined in Creation of Tenancy and Tenancy Management Panel Procedures.

## 16.2 Referral to Panel

The HPM must ensure that the above conditions are complied with.

The original death certificate (or certified copy) of the deceased tenant must be registered and a copy taken for the house-file.

The survivor requesting the policy succession must do so in writing.

The prospective survivor must sign a **use and occupation agreement** in order that payments may be collected between the termination of the previous tenancy on death and the creation of the new tenancy (if approved by the Tenancy Management Panel.) NB: The deceased tenant’s tenancy will not have ended simply by their death and must be formerly ended by NTQ from their legal executor or service of a Notice by NCH by the Public Trustee at the Public Trust Office, London. The family member may be the executor and may be reluctant to end the tenancy without assurance that they will then be granted a new one – we could insist on the tenancy being ended as a condition to considering their request.

The recommendation must be referred to the Tenancy Management Panel as outlined in 15 above.

### 16.3 Panel Decision and Notification

The panel may approve, defer or refuse the case. CAT will put a note pad entry on the tenancy note pad and inform the Housing Officer of the decision. It is the Recommending Officers responsibility to notify the tenant of the outcome of the Panel's decision

If approved by the Tenancy Management Panel the resulting tenancy will be an Introductory Tenancy.

If the panel defers the case for further information the case must be resubmitted within two weeks of the original panel meeting.

If the panel refuse the recommendation the tenant must be written to informing them of the reason why and given the right to appeal against this decision.

## 17. Monitoring and Reporting

### 12.1 Monitoring of Panel Referrals and Decisions

All referrals and decisions are monitored by the Central Allocations Team for the following reasons:-

- To ensure fair representation and equity within service provision.
- To ensure adherence to policy
- To inform service improvements.

### 12.2 Reporting and Scrutiny

A report is presented to Tenancy Estate Management and Allocations Meeting (TEAM) on a monthly basis with details of monitoring outcomes. TEAM consists of The Director of Housing Services and Assistant Directors. Similar reports are presented to Performance and Regulatory Committee on a 6 month basis.