

## Report for Resolution

**Report to** Executive  
9 December 2009

**Report of** Head of Neighbourhood and Strategic Services

**Subject** Policy amendment for the sub-regional Home Options  
Allocations Scheme

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### Purpose

This report recommends a policy amendment for the sub-regional Home Options Allocations Scheme. The change would allow officers to take into account whether an applicant to the Housing Register has deliberately worsened their own circumstances, effectively increasing their priority on the Register.

### Recommendations

That the Executive adopts the proposed amendments to the Choice Based Lettings Home Options Allocation Scheme.

Members are requested to agree the inclusion of an additional reason for the reduction of preference (priority) in the policy:

"An applicant will be given reduced preference if the particular scheme council is satisfied they:

Deliberately did or failed to do something which, in consequence, led to a worsening of their housing circumstances."

### Financial Consequences

The financial consequences of this report are nil.

### Risk Assessment

- The Home Options policy meets the legal requirements of the Housing Act 1996 and the Homelessness Act 2002 as well as the Code of Guidance for Allocations.
- The policy has undergone a Diversity Impact Assessment which did not highlight any risk of inequality.
- A risk to the council would be not to implement this policy; other applicants may become aware of applicants who have deliberately worsened their circumstances and this could jeopardise the legitimacy of the scheme and the reputation of the council.

## **Strategic Priority and Outcome/Service Priorities**

The report helps to meet the strategic priorities:

- “Aiming for excellence- ensuring the Council is efficient in its use of resources, is effective in delivering its plans, is a good employer and communicates effectively with its customers, staff and partners.”
- “Opportunities for all – communities to be able to access the wide range of services in the city provided by the Council.”

**Executive Member:** Councillor Arthur - Housing and Adult Services

**Ward:** All

### **Contact Officers**

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## **Background Documents**

Choice Based Lettings Home Options Allocations Policy, version 3.

## Report

1. This amendment has been approved by the Home Options Partnership Board and is being presented to the Cabinets/Executives of the 3 sub-regional authorities.
- 1.1. The Home Options Allocations Policy does not currently include the provision for officers to assess whether an applicant has deliberately worsened their own circumstances.
- 1.2. An applicant can carry out an action which changes their housing situation, and places them in a higher priority on the housing register than their actual housing situation warranted.
- 1.3. Examples of deliberate worsening of circumstances could include:
  - a) A family, with young children, moving from an overcrowded house to an overcrowded upper floor flat (additional priority is normally given where young children are living in upper floor flats).
  - b) A family giving up an affordable and suitable private rented tenancy which they are able to maintain, to move in with other relatives, creating a situation of overcrowding and sharing of bathroom/kitchen and a split household.
  - c) An applicant requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- 1.4. Although such and similar situations are rare, there is, nevertheless, a need to be able to address them through having the mechanism to reduce an applicants' priority accordingly.
- 1.5. Officers recognise that there is a need to investigate each situation and set of actions individually and take into account all contributory factors. This would include ascertaining that the applicants were aware of the consequences of their actions. This type of investigation is routine for staff who are experienced in ascertaining facts and motivation.
- 1.6. An applicant who is found to have deliberately worsened their own circumstances would have their band reduced to Bronze Band. This would normally be in force for 6 months, in accordance with other reasons for a reduction of preference (priority), but the period can be varied when taking into account mitigating circumstances.
- 1.7. There is already clear guidance for staff in the Procedure Manual covering:
  - Reduction in preference
  - Assessment Procedure (including mitigating circumstances)
  - Who Makes the Decision
  - Notifying the Applicant of the Decision
  - Periods for which a Reduction Applies
  - The Right to Review

This guidance applies to all reasons for a reduction of preference (priority) and this would not need to be changed. Team Leaders and Managers are given an element of discretion and flexibility throughout the Home Options policy so as not to enforce it so rigidly that it could be manifestly unfair.

## **Proposals and Reasons**

- 1.8. The proposal is to insert a further bullet point in the policy under 2.5.8 Reduced Preference Criteria:

*“An applicant will be given reduced preference if the particular scheme council is satisfied they:*

*Deliberately did or failed to do something which, in consequence, led to a worsening of their housing circumstances.”*

- 1.9. This would add to the existing criteria that officers can reduce an applicant's priority and would embed it in the existing framework for assessment, review and monitoring.

## **Other Options**

- 2.0. The other option is to not make any changes to the policy. This would not allow officers to address the rare situations where an applicant has deliberately caused an increase in the priority. This could be perceived as unfair by other applicants and would potentially lead to an abuse of the system, resulting in other families/applicants not being housed appropriately.

## **Conclusion**

- 2.1. Through the operation of the Home Options Policy it has become evident that there are a small number of applicants who carry out deliberate acts, the consequences of which lead to an increase in their housing need. Whilst this is not common, the Home Options partners recognise the need to address this through a policy amendment.
- 2.2. The partners also recognise that each case is individual and needs to be assessed separately, taking into account all factors. The current policy on the reduction of preference accounts for this and there is clear guidance to officers on how to make such an assessment.