

Housing Allocation Scheme

2013

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1 Introduction

This document explains the options available for those looking for a home in the Royal Borough of Kensington and Chelsea (RBKC), and in particular sets out the rules under which social housing is allocated and what other housing options may be offered.

The Council can offer advice to anyone who is looking for a home in the Borough, whatever your circumstances. We can also offer advice on finding accommodation outside of the Borough, in areas where accommodation is more plentiful and more affordable, including areas which allow reasonable travel into the Borough for work or study.

There are large numbers of people looking for accommodation in Kensington and Chelsea and we recognise that the availability of affordable rented accommodation will never fully meet the demand for it. This is why the Council can only offer practical help to a very limited number of households and must prioritise who gets priority for assistance with finding a home.

Help may include working to enable you to remain where you are living now (where appropriate), assisting you to find a home in the private rented sector, helping you towards owning your own home, or nominating you for a tenancy of a home owned by a social landlord.

In accordance with section 167 Housing Act 1996, this Allocation Scheme determines the Royal Borough's priorities and procedure to be followed in allocating housing accommodation; framed to ensure that reasonable preference is given to a number of defined categories.

1.1 Housing in Kensington and Chelsea

The Royal Borough of Kensington and Chelsea is a very popular place to live. There are many different types of home in the Borough, including homes to buy on the open market or through affordable home ownership schemes; homes to rent from a private landlord or from the Council or from housing associations; homes designed for particular groups, for example, sheltered housing for older people, accessible housing or housing with on-site support.

Of the properties let each year, usually over half are suitable only for single people and couples, and very few indeed are family homes with three or more bedrooms. Most properties, including family homes, are flats rather than houses and very few ground floor properties are available.

The table below details the number of lettings in recent years.

	2006/ 07	2007/ 08	2008/ 09	2009/10	2010/11	2011/12
Total no. of lettings	538	388	491	556	473	558

1.2 Realistic options

Prior to this policy being introduced, there were over 8500 households registered as looking for this type of accommodation and 1,000 new households joining the register each year. The majority of these households were assessed as not having sufficient priority for re-housing to ever be offered a social housing tenancy and yet they remained on the Housing Register, some under a false sense of hope that they would get an offer in time. This situation was unfair and did not prompt people to look for other, more timely housing solutions such as privately renting a property or looking further afield. In order to provide clarity and to manage people's expectations realistically, a decision was taken for this policy to exclude those households who would not have received an offer of social housing had they remained on the Housing Register.

Rather than promoting false hope by registering applicants who would have insufficient points for rehousing, they will need to consider alternative ways to find other types of housing. The Housing Department can provide advice on other housing options.

1.3 Affordable Rent tenancies

Affordable Rent tenancies have now been introduced and will be let through our choice based lettings system and using this Housing Allocation Scheme. Changes to social housing introduced in 2011 through regulatory reform and the Localism Act mean that flexible tenancies can now be issued. These flexible tenancies, rather than permanent tenancies can either be Affordable Rent tenancies or social rent tenancies. Therefore properties which become available for letting can be of varying rent levels and tenancy terms. Our Housing Allocations Policy will be used to prioritise how we allocate all social housing in the borough, and this means both social rent tenancies and Affordable Rent tenancies. Affordable rent tenancies can also be used to discharge the Council's duty to homeless applicants.

The Council works with social landlords to increase the supply of socially rented, Affordable Rented, intermediate rented and low-cost home ownership properties in the Borough, but there are very limited opportunities for development in the Borough – for more information about our approach to developments see our website, especially:

<http://www.rbkc.gov.uk/planningandconservation/planningpolicy/localdevelopmentframework/strategichousingassessment.aspx>

And:

<http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy.aspx>

We also work with other boroughs across West London to support the development of new affordable housing, and some homes are therefore available to RBKC applicants for rent, or affordable home ownership in other boroughs.

Unless a distinction is made, the terms 'social housing' and 'a social housing tenancy' both mean social rented tenancies and Affordable Rent tenancies. It also meets the legal requirement for the Council to provide a statement on choice.

The policy will be reviewed at least every five years.

1.4 What the Allocation Scheme is seeking to achieve

This policy has been developed within the context of national and regional policy changes, particularly the freedoms and flexibilities granted to local authorities under the Localism Act in respect of social housing tenure, allocations, homelessness and self financing for council housing.

This policy is closely linked to the Council's Tenancy Policy and both policies have been developed in tandem to ensure consistent policies that inform and compliment each other. The Tenancy Policy explains how the Council will issue fixed term tenancies and how those tenancies will be re-assessed at the end of the fixed term. Not all tenancies are the same. Other social landlords may also issue fixed term tenancies and should have their own Tenancy Policies to explain how their tenancies are issued and re-assessed.

Applicants who are offered a tenancy should ensure that they have seen and understand the landlord's tenancy policy before accepting an offer of accommodation in order to avoid any doubt or confusion in respect of what the landlord is offering and what the prospective tenant's responsibilities will be throughout the duration of the tenancy.

The Allocation Scheme reflects the Council's ambition to be a borough with outstanding quality of housing of all tenures, which is sustainable, and which enables a diverse population to live as part of the same community. To achieve this ambition the Council has pledged to provide a range of housing and support options to support working households, to prevent homelessness and to promote the best use of its stock through relocating households to more appropriate accommodation.

The Allocation Scheme reflects the Council's priorities to support local families and to tackle overcrowding. The Council aims to provide assistance to those with a severe disability, including enabling people to stay in their own homes (where appropriate), maximising the supply of accessible accommodation, and to support older people living in the Borough to find appropriate accommodation.

The Council works within existing legislation and its policy gives some priority for social housing to other people as required by legislation, whilst seeking to make sure that our communities are balanced and employment is encouraged and supported. These requirements are set out below.

1.5 Joining the Housing Register

Most people can approach the Council to seek advice about their housing need, although the chances of rehousing are very slim, unless you are assessed as being in housing need, and in one of our priority categories for rehousing.

The Council considers two issues in deciding whether an applicant may register:

- The applicant's eligibility for an allocation of accommodation
- Whether the applicant qualifies for an offer of accommodation.

The statutory provisions regarding eligibility and qualification are set out in section 160ZA of the Housing Act 1996 as amended by the Localism Act 2011.

1.6 Eligibility

Applicants who do not fall into one of the following categories will be subject to immigration control and will not be eligible for an allocation of accommodation:

- British citizens
- Certain Commonwealth citizens with a right of abode in the United Kingdom
- Citizens of a European Economic Area (EEA) country ('EEA nationals') and their family members who have a right to reside in the UK that derives from EU law. The question of whether an EEA national (or family member) has a particular right to reside in the UK (or in another Member State) will depend on the circumstances, particularly the economic status of the EEA national (eg, whether he or she is a worker, self employed, a student or economically inactive).
- Persons who are exempt from immigration control under the Immigration Acts including diplomats and their family members based in the UK and some military personnel.

Generally, people subject to immigration control and certain other people from abroad (outside the above listed categories) will not usually be eligible for accommodation arranged by the Council.

1.7 Qualification

As explained above, this policy aims to manage peoples' expectations realistically and therefore, having considered the provisions made in the Localism Act 2011, the following applicants will not qualify for registration:

- i) Out of borough applicants.
- ii) Applicants who have not resided in the borough for the last three years continuously (see further explanation below).
- iii) Applicants with zero points.

- iv) Applicants with insufficient priority for rehousing (including low pointed applicants in Reasonable Preference groups).
- v) Applicants with high levels of income and savings (**see *.***) (The Council will assess the income and savings of residents applying for sheltered accommodation on a case by case basis and may apply discretion if the resident cannot reasonably use such resources to secure their own accommodation.)

In addition, the Council has the power to apply a test to determine whether certain applicants or members of their household who have been guilty of unacceptable behaviour serious enough to make them unsuitable to be council tenants should be made ineligible.

Tested locally by the Royal Borough of Kensington and Chelsea:

- i People who have supplied false or misleading information on their application for housing.
- ii Any applicant who has paid money to obtain a tenancy with either the Council or a housing association operating within the Borough.
- iii Any applicant or member of their household who has been convicted of, or had legal action taken against them for: violence, racial harassment, threatening behaviour, any other anti-social behaviour, any physical or verbal abuse towards staff of the Council, its contractors, or housing associations. Legal action here includes convictions, serving of injunctions, notice of intention to seek possession, court order, revocation of licence to occupy.

Applications from excluded people will need to demonstrate a change in behaviour. Usually, applications under i) will be reconsidered after 12 months, and under ii) and iii) after five years, during which there has been no repeat occurrence. Earlier reviews may be considered.

1.8 Local residence

In reflecting the Council's priority to support local families and to ensure that we focus on meeting the needs of people who most need to stay in the borough, only applicants who have been living in the Borough for the past three years continuously will be able to join the Housing Register.

In order to ensure that we do not disadvantage applicants to whom we owe statutory duties (*except restricted cases – **see *.***), we will also award local residence points to applicants who:

- Were placed out of Borough by the Council, under a statutory duty*, and now wish to return. This includes all homeless households who have been placed in temporary accommodation outside the Borough. It also includes those placed in residential care, or residential educational establishments, outside the Borough. These households will retain their local residency points until rehoused

- Were placed into training flats or other short-term accommodation out-of-borough but now wish to return. Such applications will be dealt with by supported move-on co-ordinators, and local residence will continue to apply for up to 12 months
- Are owed a statutory duty to be provided with social housing by us, whether or not they are currently living in the Borough
- Are to be rehoused under a reciprocal arrangement with any other council
- Have no immediate local residence due to service overseas with the British Armed Forces, but have strong family connections to the Borough.

2 Housing options

As noted above, there is a severe shortage of social housing in the Borough, and all applicants are therefore strongly recommended to consider all other options for future housing. These may include:

- Privately rented housing in the Borough, in less expensive parts of London, or further afield. For more information on help with finding a privately rented home, see: <http://www.rbkc.gov.uk/housing/informationonprivaterenting.aspx>
- Low-cost home ownership: schemes to help you buy your own home, if you cannot afford the full cost: www.rbkc.gov.uk/housing/findingahome/affordablehomeownership.aspx
- Reducing your overcrowding by asking some members of your household to leave
- Moving to an area of the country where properties are more freely available. Schemes available to help with this include HomeStart, Seaside and Country Homes: <http://www.rbkc.gov.uk/housing/movinghome/movingtotheseaside.aspx>
- Staying where you are, but getting help to make your property more suitable for your needs. This may include assistance to make the best use of space, or adapting your home to make it more accessible: <http://www.rbkc.gov.uk/housing/grantsandadaptations.aspx>
- A mutual exchange (swapping homes with another tenant). We have a register of households in and out of London who are keen to move to, or within, the Borough. You can view this on Home Connections: <http://www.homeconnections.org.uk/RBKT/CFEHome.jsp?partnerName=RBKT&websiteformat=graphical&colorSchemeText=1>

The Council's Housing Options Advisors or other independent advice agencies in the Borough can advise you on housing options. Social housing in the Borough is in such

short supply that if you have a social housing tenancy, you are very unlikely to be able to move to another council or social home in a reasonable period through the Housing Register, unless you are an under occupier (see *.*).

We have written factsheets on housing options which might be available to you. You can find these factsheets here:

<http://www.rbkc.gov.uk/housing/housingfactsheetlibrary.aspx>.

We have also developed an online self assessment form which works out the likelihood of you being re-housed into social housing in the Royal Borough. You can find the self assessment here:

<http://www.rbkc.gov.uk/housing.aspx>

If you are already homeless, or think you may be going to lose your home, you should contact the Housing and Homelessness Assessment Team. It is important that you talk to us as soon as possible – we may be able to help you to keep your current home, at least for a time whilst you look at your housing options, and prevent you having to move into temporary accommodation. If you do become homeless you may face a wait of many years in temporary accommodation before being housed in social housing. Most temporary accommodation is situated outside the Borough, and you may have to live in another area for a very long time until you are made an offer of housing. An housing offer may be either social housing or an offer of accommodation in the private rented sector.

2.1 How to apply

To assist in our aim to give realistic advice to residents applying for housing, there is no longer an application form system in the first instance.

If you feel that you need to be re-housed, you may approach the Council for advice on the housing options that may be available to you and whether you are eligible for or qualify for an allocation of social housing and if so, whether or not you have sufficient priority for re-housing. Notes explaining this in more detail may be found in sections *** and *** above.

If an application the Housing Register is recommended, you will be allocated a number of points to decide your level of priority. The greater your housing need, the more points you are given and the greater your chance of being re-housed.

If we believe you qualify for assistance, we will need to verify your information. This includes checking your identity and other information you have given us such as information about your work, about how long you have lived in the Borough, whether you have rent arrears or have previously been excluded due to anti-social behaviour. We may also verify your information with other agencies and organisations which may hold information on you such as other Council departments, other local authorities, landlords, financial institutions and credit agencies.

If you own a property or a share in your property, see our information on current financial limits in section 7.5: if you have enough assets or income to meet your own housing need, you will not qualify to register.

If you have a tenancy elsewhere, we will require you to relinquish it before you can sign for a nominated property.

You must tell the truth on your housing application. Any failure to include relevant information, to hide material facts or to attempt to obtain housing through false information will be treated as fraud. The Council treats housing fraud seriously and will take legal action against applicants found to have committed fraud.

The Council may visit you at home to verify details of your application. If we need to visit you, we will contact you to arrange a visit, and you must not unreasonably refuse to do so, or fail to be available at a time we have agreed with you. If you cancel or miss two or more appointments for verification visits, we will award nil points until we are able to verify your application.

2.2 Property suitability and keeping an application up to date

With only a limited supply of properties, meeting specific preferences is not always possible, although we will make sure that properties offered are suitable for you and your household's needs. This is why you are required to keep your application up to date. If your circumstances change, eg, you move house, have a baby, or someone moves out of your home, you will need to tell us. If we need more information to reassess your needs we will contact you. We will not reassess needs if it is unlikely to change your points level, For example, we will not reassess medical needs if you have developed an additional minor illness.

Failure to keep your application up to date may mean that you have fewer points than you are entitled to; you may miss out on an offer and if you have not alerted us to changes and so have too many points, you may be shortlisted for properties that you may not be allowed to accept. We always carry out a full verification before making an offer of housing or nominating to another landlord.

You must keep your application up to date in order to avoid disappointment and ensure that any future offers are as suitable as possible for your needs.

Deliberately failing to give us information could be housing fraud. The Council can suspend your application pending an investigation into fraud.

The Council may withdraw applications of social housing if it is found you have provided information which is incorrect, or have failed to provide updated information necessary for your application.

3. Succession and Assignment

3.1 Succession

The Localism Act 2011 has amended the succession rights of new social housing tenants with effect from 1 April 2012.

Existing tenants at 1 April 2012

The majority of council tenants are currently “secure tenants”. The rights of occupiers of council housing to succeed to a secure tenancy are governed by sections 87 and 88 of the 1985 Housing Act.

Section 87 provides that there can only be one statutory succession to a surviving spouse (this includes civil partners) or a member of the deceased tenant’s family. Where a tenancy was originally a joint tenancy and one of the joint tenants dies, or surrenders their interest, this counts as a succession and no further statutory successions can be claimed.

At the time of death of the original secure tenant, the potential successor must have been occupying the dwelling house as their only or principal home and be either the deceased tenant’s spouse (or civil partner) or another member of the deceased tenant’s family (who must be able to show that they have been residing with the late tenant for at least 12 months before his/her death).

The late tenant’s spouse/civil partner takes precedence in succeeding to the tenancy but otherwise the qualifying persons must agree amongst themselves who is to take over the tenancy. If they cannot agree the landlord is entitled to choose the successor. There can be no joint succession.

With the exception of a surviving spouse/ civil partner, for a person succeeding to a property deemed to be larger than reasonably required, the Council will generally seek to recover repossession of under occupied properties in order to ensure the best use of our stock for those who need it most.

New Tenants at 1 April 2012

The 2011 Act has limited the right of statutory succession to the spouse/partner of the deceased tenant (for new tenants).

The rights of existing secure tenants (and the succession rights of people living with them) are unaffected by this change.

Discretionary succession

The Council is under no obligation to grant succession to a tenancy beyond those that are ‘statutory’.

In exceptional circumstances, the Head of Housing or named delegated officer may award ‘exceptional priority’ points to applicants living in council properties but with no

legal right of succession, to allow a move to a smaller property. The Council does not encourage landlords to offer discretionary successions; any award of these points is at the Council's discretion, taking into account the length of time the applicant has lived at the property and their ability to meet their own housing need.

Tenancy succession rules for Private Registered Providers (normally housing associations) are governed by different legislation. Current and future housing association tenants should check with individual landlords what the rules are for succession for their respective tenancies.

4. Our priorities and points

4.1 Priority Groups

The Council offers advice to anyone looking for a home in the Borough. However, support and assistance can only be offered to households who the Council considers as having a proven need to move and should be given priority. This support and assistance may include helping the household to find appropriate accommodation in the private rented sector, or through low-cost home ownership, or through Affordable Rent and social rented housing. The Council considers whether you live in the Borough, and how long you have been living there, when deciding whether or not to assist.

The Council offers some priority to groups defined by legislation as needing to be given '**reasonable preference**'. This includes:

- People who need to move on medical or welfare grounds, including needs relating to a disability
- People occupying insanitary or overcrowded housing, or otherwise living in unsatisfactory conditions
- People who are homeless, including those who are not in priority need or who are intentionally homeless
- People owed a duty under various sections of the Housing Act 1996 relating to homelessness (Except for restricted cases).

The Council also considers the following groups to be a priority for housing assistance:

- People in social rented housing which is larger than they need and could be let to a family in need
- People in social rented housing (who do not need that particular accommodation) which is suitable for disabled occupiers and could be let to someone who needs that specialist accommodation.

- People placed in supported accommodation by the Council, who are ready to move to independent living, and are working locally
- Victims of domestic violence and others who are at risk of harm where they live now.
- People recommended by the Council's Children's Services as suitable to foster or adopt one or more children, but need more appropriate accommodation in order to do so.

Priority between these groups is decided using a points scheme, which is set out in the table below. The points scheme is used to decide who we can provide assistance to, for any of the housing options set out above. All applicants are awarded points according to an assessment of their needs by the Council.

We do not award additional priority to people who say that they need to move to a particular locality within the Borough, because the area covered by the Borough is small, and transport within it is very good, so there should be no hardship arising from living in one part of the Borough rather than another. If, exceptionally, we are satisfied that there will be such hardship, we will award 5 'locality hardship' points.

We also offer assistance to social housing tenants who wish to move out of their existing homes into the private sector, or to other areas, because this frees up homes for people who urgently need them.

Most social housing tenancies are advertised through the Home Connections scheme. More information on this scheme is included below. The points scheme is used to decide who should have priority for homes advertised under Home Connections.

4.2 Summary of points categories

The table below shows the points awarded for different types of need.

Table 1: summary points table

Category	Points	Priority group type:
Exceptional priority	1,000	Council priority group
Emergency health and independence	1,000	Reasonable preference
At serious risk of harm	900	Reasonable preference
Vacating homes	900	Council priority group
Supporting health and independence	700	Reasonable preference
Supporting adoption and fostering	700	Council priority group
Redevelopment of homes	200	Council priority group
Overcrowding	200	Reasonable preference
Contractual duties	200	Council priority group
Move-on priority	100	Council priority group
Homeless	100	Reasonable preference
Paid work points	50	Council priority group
Armed Forces points	50	Additional preference
Reduced priority	10	-

4.3 Exceptional priority (1000 points)

In exceptional, compelling circumstances and where no other suitable housing options are available, the Council may decide to use its discretion in order to resolve exceptional housing need. Having regard to the high and varied levels of housing need within the borough, such circumstances will be kept to a minimum and we anticipate very few exceptional priority cases each year. Where exceptional priority is awarded, it may be more appropriate for us to make a direct offer of suitable property (including Affordable Rent properties) to the applicant to enable them to move as quickly as possible. Where this happens, this will be agreed by the Director of Housing. Where this is assessed the following factors are brought into consideration:

- Whether other housing options are available and suitable. This includes a homelessness application.
- The need to assess and treat residents from all tenures equally. This means, for example, that a household in the private sector will be assessed and

advised in the same way as a household in the social housing sector when facing the same circumstances. Existing tenure should not influence an assessment of Exceptional Priority.

- The very high demand for social housing from applicants with a high priority for re-housing, compared to the low supply of social housing.

4.4 Emergency health and independence (1000 points)

Emergency health and independence points will only be awarded to people who have a medical condition or disability which assessed by the Council as affecting their health very severely and where the Council is satisfied that their property is totally unsuitable for their needs.

For example, the Council will consider whether it is possible to create a 'micro-environment' within the current home; whether a homelessness application and placement in temporary accommodation offers a suitable option; whether re-housing to general needs or sheltered housing through the Housing Register is appropriate. This list is not exhaustive.

Ordinarily, the Council will reach a decision following discussions with the relevant welfare authority.

The Council may decide that a direct offer of suitable housing is appropriate to meet the assessed need.

Given that medical conditions may change, these points will be reassessed at the Council's discretion in order to establish whether or not their award should continue. For example: Some applicants with medical points behave in a way that may not support their continued award. See section 4.4 for information on penalties for not bidding and refusing an offer of suitable housing.

4.5 At serious risk of harm (900 points)

These points are awarded to residents of the Royal Borough of Kensington and Chelsea. These points can only be applied for by our Children's Services, our Adult Services or the police. The referral will be considered by a panel, and points will only be awarded where there is a real and serious risk of harm from another to a child or adult in the household, unless an urgent move can be obtained. Examples might include a household experiencing domestic violence or harassment. Points may also be awarded where a child will be taken into care unless a related adult is rehoused to accommodation where they can be supported. The situation will have been assessed to ensure that there is no immediate risk and that the child or adult can remain in the household until they are rehoused.

These points are awarded due to severity of a situation warranting an urgent move. It is therefore assumed that a household will wish to move quickly and direct offers may be made to expedite this. Where a suitable direct offer is refused, the case will be reviewed and these points may be removed. Applicants may also have the opportunity to bid for properties and are expected to do so. Inactive bidding may also lead to the case being reviewed and points being removed..

4.6 Vacating homes (900 points)

The vacating homes points level will be awarded to council and social landlord tenants who are:

- Looking to move from a property with two or more bedrooms to a smaller property. You may also be eligible for extra help with a move: <http://www.rbkc.gov.uk/housing/movinghome/under-occupationscheme.aspx>
This can include a move from one property to two smaller properties, where other members of the household wish to live independently, but only if the net property occupied is less than previously. For example, a couple living in a four-bedroom house with a daughter who has a child herself would be eligible to move to a one- bedroom and a two-bedroom property but not to two two-bedroom properties. If the couple are the tenants then they would be awarded the points for vacating homes and be able to bid for a property. Once they had accepted somewhere, the daughter would be given under-occupation points and made a direct offer. She would be occupying the property without tenancy rights and would therefore be expected to move once alternative accommodation had been made available
- Looking to move from a property which has been adapted for a disabled person, where the current occupier no longer needs those adaptations and the Council believes it can let the property to someone who does. These points can also be awarded where someone is looking to move from a property which is particularly suitable for someone with a disability, even though it has not been adapted. This applies to properties registered on the Accessible Housing Register, categories A-E. You may be eligible for further help with your move: for more details see our 'Mobility Transfer Scheme'. Applicants living in properties with two or more bedrooms that fulfil the above criteria may be considered for a move from one property to two properties, if the Council deems the property to be particularly suitable for a disabled person. The aim here is to free up properties that are particularly suitable for disabled applicants and therefore the net property occupied in these circumstances may be equal to or less than previously,
- Being asked to move from a property where there is a legal right of succession but the property is too large for their needs

The number of points awarded depends upon the number of bedrooms relinquished. In some circumstances, the Council may be able to offer assistance to help people move. Both the Under Occupation and Mobility Transfer Schemes are discretionary and applicants may be removed if their re-housing requirements cannot be reasonably met.

Households under occupying by more than one bedroom at the time they move may be offered a new property one single bedroom greater than the Allocation Scheme would normally allow. Such offers may be made in the context of Welfare Reform and affordability and are made at the discretion of the Council. Applicants who are under Pension Credit age should be aware that they may face housing benefit restrictions if their property has an excess bedroom(s).

Under occupiers who are under Pension Credit age, who may face housing benefit restrictions due to excess bedrooms may also be interested in this scheme by moving to a smaller property that does not have excess bedrooms. .

4.7 Supporting health and independence (700 points)

A key aim for the Council is that everyone should have a home which enables them to live independently. Where a property has a negative impact on someone's health or independence, we will try to resolve those problems.

A solution might be to move to a more suitable home, or we might work with the relevant social services department to make adaptations or provide equipment if these are assessed by social services as being necessary and appropriate

If you feel that disrepair within your home is affecting your health, you should seek to resolve this with your landlord. The Council can give you advice about doing this. The Council does not prioritise residents for re-housing where their health is affected by disrepair.

If you need help to make your home suitable for your needs, you can contact: People First (<http://www.rbkc.gov.uk/healthandsocialcare/peoplefirst.aspx>) or Adult Social Care on **020 7361 3013**. If you need help arranging works to your home, you can also call Staying Put Services (0800 9170839).

If you are struggling a great deal within your home, re-housing may offer a better solution than adapting your home. Re-housing may involve moving to alternative social housing within the Borough or outside the Borough, or we could move you to suitable and affordable private rented accommodation. The Council can offer advice to help you decide the best option for you.

If you are residing in temporary accommodation that the council agrees is unsuitable, you will not be awarded an additional priority for rehousing on health grounds for a three month period following assessment. Instead, the council will look to secure you alternative suitable temporary accommodation as soon as it is possible.

If the Council has been unable to secure suitable alternative temporary accommodation within a three month period, you may be awarded an additional priority for rehousing on health grounds. The date of the award of this priority will be the date that the current temporary accommodation was deemed unsuitable.

‘Supporting Health and Independence’ priority is awarded to households where, in the current home, a disability or long-term health condition has a very significant impact on the independence of the applicant or a member of their eligible household (see definition at Section **). The Council will consider whether such people are unable to access essential facilities, **AND** whether a move to a more suitable property would enable independence or access to essential facilities within their home. This includes a dependent child with a long-term limiting illness or a disability.

Priority is not awarded simply because the applicant or a member of their household has ill-health: many applicants have serious medical conditions, but not all of these can be **significantly** improved by moving to another property. For these applicants, the solution lies in treatment, not re-housing. Generally, the awarding of points is not considered for common medical problems which rarely have a sufficiently large impact on independence to warrant priority under this category.

Households are only offered this priority where it can be demonstrated that a move to a more suitable home will have a significant positive impact upon their ability to enter and leave their home or to access essential facilities within the home.

Moves on the grounds of mental health or learning disabilities will be considered, taking into account advice from adult social care, and whether there are properties available which are likely to meet the applicant’s needs better than where they are now. However, it would have to be proven that re-housing to another property will play a critical role in addressing an applicant’s health problems, or will play a critical role in improving the impact of treatment.

The Council’s assessment of people who need to move on medical or welfare grounds (including needs relating to a disability) has two functions. Firstly, it considers priority for re-housing on health grounds. Secondly, it recommends the nature of suitable alternative accommodation. The Council may award:

- One thousand points for ‘emergency health and independence’. **See section XXX**
- Seven hundred points for ‘supporting health and independence’: where a move to more suitable housing would play a critical role in enabling independence or would provide improved access to essential facilities within the home where this previously did not exist, for someone whose health or independence is significantly compromised by their existing housing.

The awarding of points is not considered for common medical problems which do not have a significant impact on independence in the current home, or when it cannot be proven that re-housing will play a critical role in addressing an applicant’s health problems, or a critical role in improving the impact of necessary treatment.

The Council can award 'Emergency Health and Independence' priority or 'Supporting Health and Independence' priority for each member of your eligible household that is assessed as warranting such a priority.

The Council assesses mobility needs against agreed London-wide categories, and award priority for properties which are accessible to the applicant and their household. For more on applying for accessible housing, see Section [xxx](#).

The Council reserves the right to withhold the allocation of a property that does not meet your (or your household's) assessed need. If you repeatedly bid for unsuitable properties on the Council's Choice-based Lettings scheme, Home Connections, the Council will review your priority for re-housing on health grounds.

If you (or a member of your household) has a disability or long-term medical condition which means that your current home limits your independence or prevents access to essential facilities, then you should tell us about this. We will ask you to provide details. Your medical and social care information is seen only by relevant Council staff. The Council may contact your GP, Occupational Therapist, health professional or social worker direct for any further information required.

Please note that you may be asked to provide independent medical reports yourself, such as the last twelve month's patient records, to support your application.

Ordinarily, we will not subsequently reassess your health or independence needs unless it can be diagnostically proven that they have changed significantly within the previous three month. For example, you will need to show that you have been diagnosed with a significant new health problem which is adversely affected by your housing (such as a serious stroke) or that your independence has been permanently reduced following a hospital admission. **Requests for re-assessment that do not match this criteria will not be acknowledged and the information will simply be placed on your housing file.**

The majority of Health and Independence assessments will be completed by the Housing Health and Disability Assessment Team.

The Housing Health and Disability Assessment Team consists of healthcare professionals who are very experienced in housing issues. The Team perform to the very highest standards, set by professional medical and healthcare bodies. Though the Council may seek and value information from medical professionals, the assessment decision remains with the Council and not your health professional. Where it is demonstrated that an applicant must move on health grounds, and where it is demonstrated that a certain type and / or location of property should be recommended, the Team will award the appropriate priority and recommendation irrespective of the limited supply of suitable social housing.

Applicants awarded a high priority for re-housing will have approached the Council requesting a move and will have demonstrated their need. Therefore, the Council expects such applicants to accept re-housing to a suitable property when it is offered to them.

Generally homeless applicants to whom the Council has accepted a duty will only be awarded 'Homeless' points. In exceptional cases, 'Health and Independence' points may be awarded if the Council considers the household's temporary accommodation as unsuitable on health grounds. Points will be awarded from the date that the Council recognises the property to be unsuitable. In line with the Council's Temporary Accommodation Placements Policy household may be moved to more suitable temporary accommodation at which point any 'Health and Independence' points awarded may be removed.

4.8 Supporting adoption and fostering (700 points)

The Council is working to increase the number of opportunities for children in care to be fostered and adopted. We will award 700 points on recommendation from our Children's Services that a Royal Borough resident has been assessed as suitable to foster or adopt one or more children, but needs more appropriate accommodation in order to do so. The number of cases each year that can be awarded these points may be capped, to ensure that other households in housing need are given a fair chance to find accommodation. Direct offers of suitable accommodation may be made to applicants in this category.

4.9 Redevelopment of homes (200 points)

These points will be awarded to Council and social landlord tenants who have to leave accommodation in which they are legally residing with a secure or assured tenancy, because it is being demolished for redevelopment or significantly refurbished, and where the Council has an agreed decant programme in operation. The terms of any moves will be set out in a separate offer to affected tenants and leaseholders. Decanting tenants will be supported to find alternative accommodation and where necessary direct offers will be made (see section ***.****).

4.10 Overcrowding (200 points)

The Council has a strategy to tackle overcrowding in all tenures. This includes: supporting households to move to more appropriate accommodation; working with them to make best use of their existing home and providing advice to adults who could move out. In trying to find solutions for overcrowded households we will look at all tenures, because we have very few larger family homes. Each year only around 50 homes with three or more bedrooms are available for letting, and not all of these can be let to overcrowded households as some are needed for people with other competing priorities.

We will award 200 points where a household is lacking two or more bedrooms in their existing accommodation, according to our definitions of what space is needed. Applicants must meet our definition of household: many families live with additional family members who will not qualify as part of a household under this scheme (see section ***.***).

Lacking one bedroom will not qualify a household to join the Housing Register. This ruling should be seen as an indicator of how we have to carefully manage a very limited supply of housing and is in no way encouraging households to become further overcrowded in order to qualify for additional points for larger properties which are even more limited in supply.

You must not deliberately make your home overcrowded. If we believe you have deliberately made your household overcrowded, overcrowding points are highly unlikely to be awarded or may be removed.

Applicants should be aware that having more children in an already overcrowded household is unlikely to speed up a move, bearing in mind that the majority of properties that become available have only one or two bedrooms.

Please see section **.*

If you are overcrowded, you should consider all the options available to you, including whether any adult members of your household can move into separate accommodation to relieve the overcrowding. You can contact our housing opportunities advisors for advice:

<http://www.rbkc.gov.uk/housing/movinghome/overcrowding.aspx>.

If you live with other people in their home, you may not be eligible for severe overcrowding points on your application (refer to **section **.*** for further details).

The Tenancy Policy details how the Royal Borough of Kensington and Chelsea (the Council) will issue tenancies to the social homes it owns and which Kensington and Chelsea Tenant Management Organisation (KCTMO) manage on its behalf. Five year tenancy terms will be issued to all new tenants including those accepting a Council owned KCTMO managed property from the Council's Housing Register, and including those who meet the 'reasonable preference' criteria set out in current, relevant legislation. Tenants moving through the mutual exchange system may be subject to different tenancy terms and lengths. Potential exchangers should take advice on all aspects of the new tenancy terms thoroughly before agreeing to move.

Whilst tenancies will be reissued where the property is suitable for the households needs, tenancies will also be reissued to overcrowded households if no alternative is available, however those households will join the Common Housing Register to help them to move during the term of their new tenancy. If suitable alternative properties that meet assessed housing need are available, a direct offer may be made.

4.11 Contractual Duties (200 points)

These points will be awarded where the Council or the Tenant Management Organisation has a contractual duty to provide accommodation. This normally only applies where the applicant has previously been provided with accommodation as part of employment, and the contract of employment guarantees ongoing

accommodation. These points will be awarded three months before the contract is due to end, and reassessed after six months (see section *** ****).

4.12 Move-on priority (100 points)

Move-on priority points may be awarded to people who are: resident in supported accommodation or care that has been provided or paid for by RBKC, or where RBKC have placed you; ready to move to independent living; and where the Council has a statutory obligation to provide ongoing help and accommodation, or where it has decided to give additional priority.

Most people leaving supported accommodation or care will not be entitled to move-on priority, because there are large numbers of people moving on, and we do not have enough accommodation to meet the needs of everyone. Those who are not awarded priority will be given support to help them find other types of accommodation. The Council has decided to prioritise those with the highest needs, and those who are in employment and are unlikely to be able to afford to remain in the Borough due to the high costs of accommodation. The awarding of move-on priority is linked to a continuous assessment of a person's needs and therefore these points may not be permanent. If a person who has been awarded move-on points is not ready to leave supported accommodation due to a change in their circumstances, an assessment of their support needs or they are considered unable to sustain a tenancy, these points can be temporarily suspended and will be re-instated once the person is able to move on from supported accommodation and sustain a tenancy. If points are suspended for a period, priority date will remain as the date move-on priority points were first awarded to the application.

If a person who has been awarded move-on points has accrued arrears, they may be suspended (see section *** **** for further details).

If you are in supported accommodation and want to move on, you can apply to join the Housing Register and have your housing needs assessed, but only a small number of people will receive move-on priority. You should contact the Council's supported placement and move-on coordinators and your accommodation provider for advice on other options, within or outside of the Royal Borough.

Move-on priority points for those leaving supported accommodation or care are awarded by the Supported Housing Move-on Panel. Priority will be awarded to those who are ready to move into independent living and:

a Have been working averaging 16 hours or more per week, for six months or more. The work must be paid work, not voluntary work or training. (For more information about the definition of work see section *** ****)

or

b Have exceptional and multiple needs which mean that their chances of maintaining a private sector tenancy are significantly lower than for other people leaving supported accommodation. This will usually mean people to whom the Council owes a statutory duty (eg, under homelessness legislation, the Children Act, community care, or mental health legislation), and may

exceptionally include others who have failed in previous tenancies and have a high need for stability, for example, due to mental ill health.

All move-on applicants must have had their continuing support needs assessed and, if necessary, have a support plan agreed with a support worker, who will remain in contact after the move.

Where move-on points are awarded, applicants will be supported to look for accommodation, and to be flexible in their choices. Points will be reassessed after six months (see Section *.**).

4.13 Homeless households (100 points)

The Council works to prevent homelessness wherever possible. We can provide a full assessment of options, as well as access to mortgage advice, debt advice, and a tenancy relations service, to help prevent you losing your home due to financial difficulties or difficulties with your landlord.

If you think you might be at risk of becoming homeless you should contact our Housing and Homelessness Assessment Team who will work with you to try and prevent you from becoming homeless. They will look at all the options open to you, including staying where you are or finding a home in the private sector. **If you become homeless and are housed in temporary accommodation by us, you are likely to be living there for several years; much longer if you are waiting for a larger family home. The majority of our temporary accommodation is outside the Royal Borough of Kensington and Chelsea. For applicants who have applied as homeless on or after the 9 November 2012, the Council may discharge its homelessness duty with an offer of private rented sector accommodation.**

For households who are already homeless, the Council will assess whether they have a statutory duty to provide temporary, social or private rented sector housing. Homeless points will only be awarded to applicants to whom we have accepted a full statutory duty to accommodate under section 193(2) of the Housing Act 1996 or the previous legislation (except for restricted cases).

If you are awarded homeless points, you have a realistic chance of rehousing and should bid actively and frequently, being as flexible as you can about your choice and location of property. If you have been awarded homeless points, we may make you a direct offer of either social or private rented sector housing at any point but it may be many years before we are able to do so. You should read the sections on direct offers at Sections *.** and *.**, and we advise you to continue to bid actively in order to choose where to live. Direct offers will be a suitable offer of housing and this includes social rent and Affordable Rent tenancies, as well as offers into the private rented sector. If you unreasonably refuse it, the Council is likely to consider it has ended its duty to you.

4.14 Paid work (50 points)

We want to support economic growth, reduce social polarisation and so encourage work and the benefits this can bring to the economy and wider community. Fifty points will be awarded to applicants who are in one or more of the reasonable preference and/ or council additional priority categories where the applicant or their partner is in work averaging 16 hours or more per week. Work must be paid and not voluntary.

Proof of work will be required when we award priority, and again at the point at which you are offered a tenancy. For employees, proof will usually comprise pay slips. **If you are self-employed**, please contact us to discuss what proofs of work you can provide. You will need to provide three months' most recent payslips both at the time you register on the CHR and when you are nominated for or made an offer of social housing.

Our Income Recovery Team will investigate proof of work, and will check proofs of work against other records, including Housing Benefit. We will take action against anyone found to be committing fraud.

4.15 Armed forces (50 points)

In accordance with The Housing Act 1996 (Additional preference for Armed forces) (England) Regulations 2012, fifty points will be awarded to people who fall within one or more of the statutory reasonable preference categories and who have urgent housing needs who are:

- (a) former members of the Armed Forces
- (b) serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- (c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- (d) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

4.16 Restricted cases

There are some cases where applicants on the housing register are (a) homeless or (b) are owed duties under certain homelessness provisions within the Housing Act 1996 (or Housing Act 1985), but are not entitled by legislation to some of the 'reasonable preference' referred to in Section 3. This is because they have attained their status by reason of "restricted persons" being in their household. These persons are defined in section 184(7) Housing Act 1996, which relates to immigration law. In cases where this applies, we have decided that the applicant may only have priority for housing assistance under the following categories:

- People who need to move on medical or welfare grounds, including needs relating to a disability

- People occupying insanitary or overcrowded housing, or otherwise living in unsatisfactory conditions

4.17 Poor quality housing

The Council works to tackle poor quality housing, whatever the tenure. Our Private Sector Housing Team can arrange property inspections, and can offer advice and support to owners and landlords on how to make homes safer. Where necessary, they will take further action including statutory notices, enforcement actions (including prosecution) or works in default (carrying out urgent works and reclaiming the costs). Where possible, we encourage tenants and occupiers to stay in their homes.

4.18 Locality

We do not award priority to people who say that they need to move to a particular locality within the Borough, because the area covered by the Borough is small, and transport within it is very good, so there should be no hardship arising from living in one part of the Borough rather than another. If, exceptionally, we are satisfied that there will be such hardship, we will award 5 'locality hardship' points.

4.19 Award of points for different circumstances

Applicants with multiple needs will have all their needs assessed and can be awarded points for several different needs, eg, overcrowding, health and independence, and poor quality housing.

Only one set of points can be awarded within each type of need with the exception of 'Health and Independence' points where two or more households may be awarded them.

5. Important provisions

5.1 Time limits and removal of points

For some needs, the points awarded will have a time limit imposed, during which the applicant is expected to actively seek accommodation. When the time limit expires, the Council will reassess the needs and the attempts made to secure housing, including through Home Connections. Points may be removed, or, if no suitable properties have been available in the period and the need still exists, the time period may be extended. A direct offer of suitable housing may be made to any applicant on the Housing Register at any time in accordance with priority and priority date order. This includes direct offers to Affordable Rent tenancies. Refusing a direct offer of suitable accommodation may also result in points being removed. For more information on direct offers see Section ******.

5.2 Suspensions

Whilst this scheme is framed according to housing need, there are sometimes circumstances where applicants in housing need behave in a way that does not support it. The following categories of applicant will be suspended from the list:

- i Applicants living in temporary accommodation or in supported accommodation provided by the Council who have more than six weeks' rent arrears, or the equivalent of six weeks' charges, or who have accrued £1000 arrears and have not made an arrangement to repay and maintained repayments for at least four months from the date of the arrangement. In exceptional circumstances the Head of Housing or a delegated officer may relax the requirement for repayment of rent arrears where rehousing is urgent or to meet the needs of the Council.
- ii 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). In exceptional circumstances the Head of Housing or a delegated officer may relax the requirement for repayment of rent arrears where rehousing is urgent or to meet the needs of the Council.
- iii Any tenant whose landlord has initiated legal proceedings for a breach of tenancy other than rent arrears.
- iv) Homeless applicants to whom the Council has accepted a duty to rehouse but who retain a legal interest in a property.

5.3 Exclusions

The following are excluded from the list:

- i Applicants who have been assessed as not ready for independent living.
- ii Applicants who have not been living in the borough continuously for the last three years
- iii Households who would effectively have zero points if registered and those with insufficient priority for rehousing.

Some households are ineligible for rehousing, so will not be able to join the Housing Register. This is not the same as being excluded or suspended. These households are identified as at Section **, with more detail on immigration status in appendix one.

5.4 Priority date order

Where two or more applicants have the same number of points, priority is given to the applicant with the earliest priority date.

The priority date is the date of the application to the Housing Register, except for applicants awarded points in the higher needs categories as follows:

- For emergency health and independence, exceptional needs, at risk of harm, health and independence : the priority date is the date of receipt for assessment for these categories
- For supporting adoption: the priority date is the date of receipt of referral from social care
- For overcrowding: the priority date is the date at which you informed us of the severe overcrowding (this may be the date of application or a more recent date when your household changed, eg, through birth or adoption)
- For homeless in work: the priority date is the date of homeless application if in work at that point, otherwise the date at which the applicant or applicant's partner has been in work for six months.

Where direct offers are made, the same priority date criteria will apply.

See summary table in appendix three.

6. Important definitions governing the assessment of applications

6.1 Household

We will only consider applications to house the applicant, their partner, their immediate family, and anyone else with an exceptional need to live with them (and which is the 'eligible household' or household for the purpose of this scheme). This is because we have such severe shortage of larger properties, so families need to consider whether other people living in their household could move into smaller properties of their own.

Partner means someone who lives with the applicant as a partner, or who would live with them if they were able to. This includes mixed-gender and same-sex couples, whether or not they are married or in a civil partnership.

Immediate family means the applicant's children or their partner's children, aged 20 or less, who live with the applicant all the time, or for four or more nights every week. If a child is living with a partner or has his/her own children, s/he may not be included on the application unless they have an exceptional need to live with the applicant. Young people living away from home as students will not be included on the application.

Immediate family does not include the applicant's (or their partner's) parents, grandparents, brothers, sisters, aunts, uncles, grandchildren, nieces, nephews, cousins, friends or lodgers – unless they have an exceptional need to live as part of the household. Please note that the applicant's children, or their partner's children, aged 21 or over will not be included as part of the household for the purposes of being re-housed, unless the children have an exceptional need to live as part of the household (see below).

If the applicant and partner are separating, they must provide us with evidence of who is legally allowed to remain in the property, such as a court property order detailing to whom the property is assigned. Accommodation for children will be allowed for with only one parent, on whom the children are dependent.

People who have an exceptional need to live with you means people who are not included in the definition of 'immediate family', but who have a real need to live as part of the household in order to give or to receive care or support. This may include:

- A child (of the applicant or partner) aged 21 or over, who cannot live independently because of a disability or care need
- A carer, if someone in the household needs full-time care and no one in their immediate family (as defined in this document) is able to provide this

If you wish to include people not in your immediate family on your housing application, you must explain on your application why it is necessary for them to live with you. We may also require you to provide evidence such as: a court order, a social services or occupational therapy assessment. If you have not had a care assessment for a relative, we may require you to arrange one. If the person coming to live with you is moving from abroad, we will require evidence that they have recourse to public funds or of a sufficient sponsorship undertaking in place.

Where a household has been accepted as statutorily homeless (homeless A or B) by the Council, the application can include anyone who we accepted as part of the original homelessness application. For families with children aged 20 or older, the Council will encourage them to seek independent housing if possible, to increase the chance of the applicant being rehoused in a reasonable time.

6.2 Other people living with the applicant

The Council assesses who is eligible for rehousing, and bases its assessment of what size property someone needs on this definition. This does not mean that other people cannot live with the household, even if it makes them overcrowded, but we will not take them into account in assessing the need for rehousing. Some households will feel overcrowded but not be eligible for overcrowding priority, because we do not include everyone living there in one application. If you are a tenant, making yourself overcrowded may be a breach of your tenancy conditions.

If you have children aged 21 or over who are living at home, we can advise them on housing options. They may apply to the Housing Register in their own right, but

may have low priority, in which case they will need to consider all other options (see Section 2 on housing options). If you have adult offspring living at home, and do not require all the bedrooms in your property, we may be able to rehouse you and your child separately – see Section 3.4.

If you are a Council or social housing tenant, and we agree to rehouse your immediate family but not everyone who is currently living with you, you will be asked to make sure that none of them remain in the property once you have left.

If you live with family or friends and are not part of their immediate family, you may apply to be rehoused separately from them – for example, if you and your partner or children live with your parents in their home. If it is a social rented home, and when you move the home would be too big for the tenant(s), any offer to you may be contingent upon them also taking up an offer of an alternative tenancy. **If your living in the property makes it overcrowded**, you can apply to the Register in your own right but you may not be awarded overcrowding priority. You should contact us for housing advice.

6.3 Family members who are not currently living with you

Anyone who is part of the immediate family can be included on your application, even if they do not currently live with you:

- If members of immediate family live abroad, they can be included on the application, but the Council will not award priority for them until the family have the right to reside in the UK
- If members of the immediate family live elsewhere in the UK, they can be included on the application, but we encourage families to consider applying to be rehoused where they live, especially if the demand for housing is lower there
- Children of shared custody can only be included on one application, with the parent who is the main care provider. This means that the children live with you for more than half the week (four nights or more). We will require evidence of this
- **If you have children who visit on a regular basis**, you will be assessed as requiring a one-bedroom property rather than a studio.

6.4 Eligible property sizes

We assess the size of property each household requires. This is set out below:

In calculating how many bedrooms you need, we will allow you:

- One bedroom for you and your partner, if you have one
- One bedroom for every two children of the same sex, aged up to and including 21
- One bedroom for a child of the opposite sex, aged over ten
- One bedroom for any other adult aged 21 or over.

We will only allow bedrooms for people who are entitled to be on your application. We do not allow an extra bedroom if you are pregnant. You should notify us when the baby is born; whether this entitles you to an extra bedroom will depend on your household circumstances.

Applicants may bid only for the size of property we have identified, unless we give permission to bid for larger or smaller properties.

In exceptional circumstances, we may allow an extra bedroom for:

- Supporting health and independence, where it has been recommended by the Assessment Team
- Under-occupiers vacating large family homes (three or more bedrooms)
- Anyone to whom we have made an undertaking to offer a particular size of property, as part of a legal or contractual agreement.

The allowance of an extra bedroom will be subject to assessment and agreement by the Housing Department.

We will consider:

- Households assessed as needing four bedroom property or larger, but 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. The decision to allow over-occupation lies with the receiving landlord and will be subject to landlords' discretion.

A number of changes have been made to Welfare benefits. For example: applicants who are under Pension Credit age should be aware that they may face housing benefit restrictions if their property has an excess bedroom(s).

Please contact the Council for up to date guidance on the various welfare reforms. .

Table 2: bedroom eligibility

	One person	Couple	Two adults not living as a couple	One adult or a couple plus:					
				One child or other adult	Two children of the same sex aged 20 or under	Two children of opposite sexes aged under ten	Two children of opposite sexes, one or both aged over ten	Three children	Four or more children
Studio flat	X	X							
One bed		X							
Two beds			X	X	X	X			
Three beds							X	X	X
Four or more bedrooms									X

Studio flats and one-bed properties are available to couples without children and some single people, but most single people will only be eligible for studios.

Two-bed properties are offered to:

- A couple/lone parent with one child, or two children of the same sex, or two children aged under ten
- Two adults not living as a couple, eg, individual and carer.

Three-bed properties are offered to, for example:

- A couple/lone parent with a son and daughter, one of whom is over ten years old
- A couple/lone parent with three children, or with two sons and two daughters.

In properties where there are two living rooms, we will count one of these as a bedroom.

Applicants for larger homes will have to wait many years for a property.

6.5 Income and Savings Limits

If you have sufficient financial resources to resolve your own housing need, you will not qualify to join the Housing Register.. The Council will review the financial limits set at least every two years, to consider if they still apply, and will take into account any significant changes in: house prices in the Borough; income level; the availability of affordable home ownership; private rents.

The financial limits applicable at 1 April 2012 are:

- Household gross income greater than £60,000, or savings greater than £16,000 for families seeking properties with two or more bedrooms
- Household income greater than £40,000 or savings greater than £16,000, for single people or couples seeking a studio or one-bed flat.

If you own a property, or a share in a property, and the value of your share is greater than the savings limit, then you will be assessed as having sufficient financial resources and will not qualify to join the Housing Register. If you are aged 60 or over you may still be eligible for sheltered housing if you also have a support need.

If you own a share in a property but are unable to live there, for example, if your relationship has broken down – then we will assess your financial circumstances on the basis of the money that could reasonably be expected to be released if the property were sold. The Council will assess the income and savings of residents applying for sheltered accommodation on a case by case basis and may apply discretion if the resident cannot reasonably use such resources to secure their own accommodation.

7. Allocation of properties

7.1 What is a suitable offer of accommodation?

Applicants will be expected to accept offers of property that meet their specified needs. Suitable offers are those that are deemed as suitable and appropriate to meet the housing and medical needs of the household concerned as assessed by the

Council. 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.

In selecting properties to offer applicants, the Council will normally take into account the following factors:

- The number of bedrooms required
- Any essential requirement concerning the type or location of re-housing
- Affordability

Properties are in very short supply and are allocated to meet need. Particular preferences beyond your assessed need may be better met by alternative housing options, outside of this Allocation Scheme.

The Council will not consider preferences between an allocation of a Council property or a nomination to a Private Registered Provider (normally a housing association).

The number of available properties in the borough is limited and an application for housing made to the Royal Borough does not guarantee an offer of housing within the borough. Applicants will be expected to accept offers of accommodation that may well be outside the borough which are deemed as suitable by the Housing Department.

The suitability of a property will normally take precedence over the location or type of property, including out of borough properties.

It is the applicant's responsibility to keep their application up to date and inform the Housing Department of any changes in circumstances.

This criteria applies to direct offers of accommodation, assisted choice, choice based lettings and offers of private rented accommodation.

7.2 Direct Offers

Applicants who have qualified for the Housing Register have approached the Council expressing a need to move. The Council has assessed and recognised that need and therefore considers that it is reasonable to make direct offers to address that need.

In some circumstances, the Council will offer a property to an applicant who has not bid for it. This is called a 'direct offer' and is designed to help a household to find social housing if they need to do so urgently, or have been unable to find a home themselves using choice based lettings (see section ***. ****). Direct offers will include offers to Affordable Rent tenancies. The Council has the power to make direct offers to anyone registered on the Housing Register.

For applicants who have applied as homeless on or after the 9 November 2012, the Council may discharge its homelessness duty with an offer of private rented sector accommodation.

Direct offers will ordinarily be made to applicants with the highest priority and where two or more applicants have the same priority, the offer will be made to the applicant with the earlier priority date. Direct offers may be made to anyone who has qualified on the Housing register, but in particular:

- Households in emergency health and independence or other exceptional priority whose severe needs mean that they are not readily able to bid. Wherever possible, applicants will be encouraged to bid and to exercise choice, but if reasonable direct offers are refused, their priority may be reduced.
- Households with 'vacating homes' priority may be made direct offers of particularly suitable properties, including ground floor or new-build properties most suited to their needs, to maximise the chances of them moving. These applicants are under no obligation to accept any direct offer and refusal will not adversely affect priority. Full support in considering and making a move will be offered.
- Households awarded 'redeveloping homes' points, who have not bid successfully within the period given to them, and where the Council has begun legal action to recover their home. One reasonable direct offer will be made.
- Households awarded 'contractual duties' points, who have not bid successfully within six months of award of points. The Council will begin legal action to recover their home, and will make one reasonable direct offer.
- Households with 'Homeless' points. Any direct offer made will constitute a reasonable offer of housing; if the applicant refuses a reasonable and suitable offer the Council will have discharged its homelessness duty to the applicant and no longer owe a duty to provide housing. 'Homeless' applicants will be advised of the implications of refusing a direct offer. The Council may use direct offers to assist those households who have been waiting the longest, or to move people from temporary accommodation that needs to be vacated, or for other management reasons.
- Households awarded 'at serious risk of harm' points may be made a direct offer to enable them to move as quickly as possible.
- Sheltered housing applicants may be made a direct offer, particularly those who may find it difficult or are unable to use the choice based lettings system.
- Supported Housing scheme applicants in our medium support services who have a sufficient priority may be made a direct offer.

In all cases, the applicant should continue to bid under our Choice Based Lettings Scheme whilst waiting for a direct offer. Any direct offer will meet your assessed need and be suitable for your occupation. Our decision on suitability will be based on the information we have about you so it is important that you inform us of any changes. A suitable direct offer to a statutory homeless household will constitute our discharge of duty, which will result in being evicted from temporary accommodation.

7.3 Choice Based Lettings Scheme

Our choice based lettings scheme is called Home Connections. More detailed information about Home Connections is available on the website <http://www.homeconnections.org.uk>

Each week, social housing vacancies are advertised on the Home Connections website. Adverts are also available in the Town Hall. The Council expects applicants to check adverts regularly. We can send printed adverts only to those who are vulnerable or elderly.

Each advert identifies key features of the property:

- How big it is
- Whether it is suitable for people who need accessible housing
- Who the landlord is
- The type of tenancy that will be granted to the property: if it is a social rent or Affordable Rent property, if it is an introductory tenancy and if it is an assured tenancy, assured shorthold tenancy or a secure tenancy
- The weekly rent
- The length of the tenancy
- Whether there are any restrictions on who may bid, for example, if the property is only available to people aged over 60.

Applicants can bid for properties they are interested in, using the website, digital TV, by text, or on the automated phone line.

An eligible bid is one which is:

- For a property of the size for which the applicant is eligible
- For the correct mobility categories, if these apply
- Meets any special criteria included in the advert.

Bids for properties which are too large or do not meet advertised criteria will not be accepted.

There are no restrictions on bidding, but you may only be selected to view a maximum of three properties in any one week.

After the deadline for bids, which is usually midnight on Sunday, bids are shortlisted, and applicants with the highest number of points and who meet any categories specified in the advert are contacted and invited to view the property.

The property will be offered first to the bidder with the highest amount of points; if there are two bidders with the same amount of points, the property will be let to the applicant with the earliest priority date.

If the highest bidder refuses the property, it will be offered to the bidder with the next highest number of points (or the one with equal points but next priority date).

If you are shortlisted for a property, we will contact you with the viewing details. You (the applicant) must view it within the time available. If you will not be able to do so, or need help to do so, you must contact the Allocations Team. If you do not do so, this will be counted as a refusal.

Applicants are encouraged to actively make bids for accommodation, however the Council has the power to make direct offers to anyone registered on the Housing Register at any time, regardless of whether an applicant has previously engaged in the bidding process or not.

Whilst choice is a very important part of the scheme, the severe shortage of available properties in the Borough, particularly larger, family sized housing means that applicants who want to move need to be as flexible as possible about where they will live, and what type of property they will live in (eg, on which floors and area). As new types of tenancies have now been introduced by government, it is important that applicants are aware of the different types of tenancy lengths and rent levels of social housing and they are flexible about what decisions they will make in regards to this, It should also be noted that most vacancies occur on estates; street type properties in the Borough are less often available.

If you accept a property, you will be given advice on when you can move in and your application to the Housing Register will be cancelled.

7.4 Offers of private sector accommodation

Where an applicant is homeless through no fault of their own, eligible for assistance and in priority need, the Council has a duty to secure that accommodation is available for occupation by the applicant. This is known as the main homelessness duty. Under the Localism Act 2011, the main homelessness duty may be ended by arranging an offer of suitable accommodation in the private rented sector without requiring the applicant's agreement.

The accommodation in the private sector will be available for a sufficient period of time to provide certainty for households. The assured shorthold tenancy must be for a minimum fixed term of 12 months and if the applicant becomes unintentionally

homeless again within two years of accepting the private rented sector offer, the main homelessness duty will recur regardless of priority need.

The Council may end the homelessness duty with a offer of social housing where we decide this is appropriate.

7.5 Offers of accommodation through mutual exchange

Given the low number of property lettings, applicants affected by Welfare Reform (particularly under-occupiers who are under pension credit age who may face housing benefit restrictions if their property has excess bedrooms) may be interested in a mutual exchange.

The Council may assist with securing suitable accommodation for qualifying residents who are social housing tenants with a mutual exchange (swapping homes with another tenant). This excludes starter or probationary tenancies. We have a register of house holds in and out of London who are keen to move to or within the borough. You can view this list on Home Connections: www.homeconnections.org.uk

Tenants moving through the mutual exchange system may be subject to different tenancy terms and lengths. Potential exchangers should take advice on all aspects of the new tenancy terms thoroughly before agreeing to move.

7.6 Penalties for refusing an offer of suitable housing

Whilst this scheme is framed according to housing need, there are sometimes circumstances where applicants in housing need behave in a way that does not support it. As such, penalties may apply.

Homeless applicants may be offered property in the private rented sector. As explained above, under the Localism Act 2011, the main homelessness duty may be ended by arranging an offer of suitable accommodation in the private rented sector, without requiring the applicant's agreement. If you refuse this offer, the homelessness duty is considered to be ended and you will not be made any further offers of accommodation.

Whilst you may not be happy with the property offer you receive, it may be in your best interest to accept the property and then request a review. By doing this, you have at least secured yourself accommodation rather than refusing the property and running the risk of your review request failing and not being made any further offers. The review procedure is detailed in section ******.

For non homeless applicants, if you are shortlisted for a property, we will contact you with the viewing details. You (the applicant) must view it within the time available. If you will not be able to do so, or need help to do so, you must contact the Allocations Team. If you do not do so, this will be counted as a refusal.

If you refuse two property offers, through either choice based lettings and/ or direct offers, your application will be suspended for twelve months.

7.7 Finding accessible housing

The Accessible Housing Register aims to help people who need various types of accessible housing to find properties suitable for their needs. If you require a major adaptation to be made to your home, you should contact the Housing Department to consider re-housing as an option to address this need.

Each suitable property advertised on Home Connections will be allocated an Accessible Housing Register Category. Different categories indicate how accessible the property is: for example, if it has a small number of steps, or no steps, or lift access, and whether it is suitable for someone who uses a wheelchair. The AHR category will be displayed in every property advertisement on Home Connections. This will include all wheelchair-accessible properties. Further information about access can be viewed on the Home Connections website, or from the Housing Occupational Therapy Team.

If you need accessible housing, you should have a **health and independence assessment**. We will tell you which property categories we recommend you to bid for. There are an extremely limited number of the more accessible properties in the Borough. To move quickly, you may consider properties in a lower category, or outside of the Borough. The Housing Occupational Therapy Team can support you to bid and may be able to view these properties with you.

The Council's Housing Occupational Therapy Team works closely with the Allocations Team to ensure properties with Accessible Housing categories are prioritised to housing applicants with an assessed need, ensuring accessible properties are let to people who require them.

7.8 Housing for older people

Some properties in the Borough are only available to older people. Where this applies, properties will be advertised with an age restriction clearly shown on the advert.

Not all properties for older people are sheltered housing: some are just properties we have identified for this group. These are available to anyone who meets the age criteria.

Sheltered housing is housing for older people that consists of self-contained flats within buildings that provide a secure and supportive environment for residents. It is designed for people who wish to have their own home while benefiting from the reassurance and security of having staff on site..

For more information about housing for older people in the Borough please contact the Housing Needs Department on 020 7361 3008.

7.9 Local lettings plans

A local lettings plan may be used to meet the particular business needs of the Council, particularly given the limited supply and high demand for properties. A local lettings plan may also identify the particular needs of a small area within the Borough, or of a new housing scheme or redevelopment, and seek to use the allocation of housing to ensure that the community will be as sustainable as possible, for example, that there will be a mixture of ages of children.

The Council will work with landlords across the Borough to identify neighbourhoods, areas and schemes which would benefit from a local lettings plan. Local lettings may be used to:

- Enable new schemes to be allocated to a mixture of tenants in order to develop a sustainable community
- Enable an existing community to become more sustainable, for example, by encouraging more working families to move into the area
- Enable sensitive lettings on schemes which have had high levels of anti-social behaviour
- Enable households to return to an area they left for redevelopment to take place.
- Enable the Council to manage particular business needs

This list is not exhaustive and local lettings plans may be agreed in other circumstances where there is evidence that the local community would benefit from such a plan and there is no significant adverse impact on other communities. The equalities impact of site specific local lettings schemes will be considered before they are agreed.

All local lettings and scheme-specific plans will have clear criteria, which are openly published. When a property which is being advertised via the Home Connections website is subject to a local lettings plan, this will be stated clearly on the advert.

Any local lettings plan will be agreed for a limited time, after which it will be reviewed, and lettings will revert to the main scheme if possible.

8. Equality and diversity

The Borough is home to people from a wide range of backgrounds. We are committed to equal opportunities in housing. This means that we seek to ensure that priority for housing is based on housing need and that housing policies are fair to all sections of the community regardless of age, disability, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sexual orientation.

We want our services to be accessible to everyone who lives or works in the Borough. If you need extra help to be able to use our services, such as translation and interpretation services, large print or signing, please tell us.

All applicants for housing or rehousing may be asked to provide details of age, gender, ethnic origin, religion and sexual orientation. This is to allow us to assess the application properly as well as to monitor who is allocated housing, and to ensure that properties are being offered and allocated fairly.

9 Reviews and complaints

The Council is committed to providing you with the best possible service and to working with you to find a solution to your housing need. If, however, you are not happy with the service you have received from us, you can make a complaint. You may also be entitled to a formal or informal review of a decision we have made. If you are in any doubt as to whether you are entitled to a review, and who to request the review from, please ask one of our Housing Advisors.

9.1 Reviews

You may seek a review in the following circumstances:

- If you are told that you do not qualify to join the Housing Register due to the Council's qualification criteria.
- If you are told that you are not eligible to join the Register because of the determinations of the Secretary of State (see Section 1.3 and appendix 2)
- If you are told that you are not eligible to join the Register because the Council has decided you should be excluded (see Section 1.3)
- You disagree with the points that have been awarded to your application.
- Any decision to reduce your priority (for example, if you have been granted emergency priority but this has been taken away following refusal of a suitable offer). This includes a decision to suspend your application, which amounts to a reduction in your priority for that period. (see Section 6.1)

A request for a review should normally be made in writing, within twenty one days of your being notified of the decision, and should give us as much information as

possible (see contact details given in Section **). You may find that an independent legal or specialist housing adviser can help you with this process. If you cannot make a request in writing, you can ask someone else to do this on your behalf, or you can ask us to hear your case orally.

In considering whether or not to seek a review on the number of points you have received, you should bear in mind that decisions on priority are based upon the Council's assessment of the evidence placed before it. For example, in cases of claimed medical priority, the Council makes its assessment upon the views of health professionals, but in the context of the Scheme and the Council's knowledge and understanding of housing conditions in its area. It is highly unlikely that any review will be successful where your ground of review is simply that the Council's assessment of the same or similar medical evidence should have led to a higher level of priority.

Any review will be considered by an officer who did not make the original decision.

9.2 The right to review an offer of accommodation to statutory homeless

If the Council has accepted a full statutory duty to house you under Section 193 of the Housing Act 1996 (homelessness legislation), and you have refused a suitable property offered to you (including an offer of private rented accommodation), the Council will end its statutory duty. You can request a review of the decision to end the statutory duty and/or the Council's decision that the property is suitable – this is a right given by Section 202 of the Housing Act 1996. You should request a review by writing to the Council within 21 days of receipt of the offer of accommodation, setting out why you think the property is unsuitable.

If you make a review request under s.202, the Council will aim to deal with it within eight weeks (56 days). All decisions will be given in writing.

Where a formal review is available to you under s.202, greater detail about your right to review will be provided to you in the correspondence making the offer of accommodation. A formal review will be considered by a senior officer who was not involved in the original decision.

If you are dissatisfied with the Council's decision on review, or no decision has been made within the 56 days (unless there has been an agreed extension), you may appeal to the County Court under section 204 of the Housing Act 1996 on a point of law. In outline, an appeal should be made to the County Court within 21 days of your being notified of the review decision (or the date when you should have been notified). Appeals to the County Court, including the procedure and time limits are technical, and you may wish to seek independent legal advice (eg, from the Citizens Advice Bureau or from a solicitor) before doing so.

9.3 Complaints

We are committed to responding quickly and effectively to any complaints and comments, and to use these and any compliments about the service to review and improve ways of working.

If you feel that we have not lived up to our own commitments to you, please tell the member of staff you are dealing with or their supervisor. Often, that is the quickest and easiest way of dealing with things when we do get it wrong. If you are not happy with the response given, or if you feel uncomfortable doing this, you can make a complaint.

You can make a complaint in writing, by email, or someone else can make a complaint on your behalf. We will log your complaint and will aim to provide a response within 15 working days. If the complaint is more complicated it may take longer, but the team will keep you informed about what is going on.

If you disagree with our decision, you may have a right to request a review (see Section 10.1). If you have asked for a review of our decision, you may not also submit a complaint, until we have completed our review.

We have a three-stage complaints process, which you can use if you are not happy with our initial response. Full details about the Council's complaints procedure can be found on the Council's website:

<http://www.rbkc.gov.uk/councilanddemocracy/commentscomplaintsfeedback.aspx>

If you wish to provide a comment on the service, or a compliment, you can also contact us as indicated above. We are always pleased to receive comments and ideas for improving the service.

10 Who to contact for further advice

- For advice about your housing options, contact a Housing Opportunities Advisor on 020 7361 3008
- If you think you may become homeless, contact the Housing and Homelessness Assessment Team on 020 7361 3982/3983
- If you want to ask for a review of a decision, please write to:

Common Housing Register Review
Housing Needs Department
Room G29, The Town Hall
Hornton Street
London
W8 7NX

Appendix one – persons from abroad

The detailed provisions of these rules are complex and subject to change by statutory instruments from time to time. **If you are not a British citizen, you should contact us to discuss your status before you apply to join the Housing Register.** You may also wish to seek independent legal advice. This information is based on legislation in place at 1 April 2010.

The government says that we cannot allocate housing to:

- Persons who need leave to enter or remain in the UK, unless you fall into one of the following categories:
 - a. A person recorded by the Secretary of State as a refugee.
 - b. A person granted Exceptional Leave to Remain which is not subject to a condition of non-recourse to public funds.
 - c. A person who has unconditional and unlimited leave to remain in the UK, is habitually resident in the Common Travel Area (UK, Channel Islands, Isle of Man or EIRE) and who is not sponsored.
 - d. A person who has been granted Humanitarian Protection.
- Anyone who is not habitually resident in the Common Travel Area, subject to certain exceptions for:
 - a. Persons with rights of residence under European law.
 - b. Persons who are in the UK as a result of being deported/expelled from another country.
 - c. Other limited categories of persons who came to the UK fleeing from Montserrat, Lebanon or Zimbabwe.
- Anyone who's only right to reside in the UK arises under European law based on their status as a jobseeker or an initial three months' right of residence.

These rules do not apply to anyone who is already a secure, introductory or assured tenant of accommodation to which they have been nominated by a local housing authority. In that case, you are free to apply for a transfer regardless of your immigration status.

Documents acceptable to prove eligibility and immigration status

For proof of right to reside in the UK, and the right to benefit from government help:

- If you have a valid British passport and reside in the UK – your passport
- If you do not have a valid British passport, but have a full British birth certificate (or naturalisation certificate) – your certificate PLUS proof of your identity

- If you have a valid EU/EEA passport – your passport plus proof that you or your partner is working. Proof of work includes at least two recent and consecutive payslips, or a letter of confirmation from your employer
- If you are from outside the EU/EEA, you should provide a valid passport with appropriate visa and/or Home Office letter showing that you are eligible for recourse to public funds.

The list of documents above is not exhaustive. The Council may ask for other documentation to prove your eligibility in accordance with legislation set out by the government.

Appendix two – summary of points, time limits and priority dates

	Points	Time limit on points	Priority date	Further information
Exceptional priority	1,000	3 months	Date referred for exceptional priority	
Emergency health and independence	1,000	3 months	Date assessment requested	
At serious risk of harm	900	3 months	Date of referral by police or other agency	
Vacating homes	900	<i>None</i>	Date of application	
Supporting health and independence	700	<i>None</i>	Date assessment requested	
Supporting adoption and fostering	700	<i>None</i>	Date of referral by social care	
Redevelopment of homes	200	<i>None</i>	Date of application	
Overcrowding	200	<i>None</i>	Date you told us about the severe overcrowding	
Contractual duties	200	6 months	Date of application (points valid from three months before contract ends)	
Move-on priority	100	6 months	Date of application	
Homeless	100	<i>None</i>	Date of homeless application	
Paid work points	50	<i>None</i>	Date you provided proof of work.	
Armed Forces points	50	<i>None</i>	Date of application	

	Points	Time limit on points	Priority date	Further information
Has rent arrears in temporary accommodation	Excluded/ Suspended cases	n/a	n/a	
High financial resources or owns property		n/a	n/a	
Has legal interest (joint or sole tenancy) in a property		n/a	n/a	
Out-of-borough applicants with no need to move to Borough		n/a	n/a	
Applicants against whom the TMO or Council has initiated legal proceedings for non-payment of rent, Council Tax or overpaid Housing Benefit. RSL and private sector tenants whose landlord has initiated legal proceedings as a result of rent arrears		n/a	n/a	
Whose landlord has initiated legal proceedings for a breach of tenancy other than rent arrears.		n/a	n/a	