

Reason for General Exception and Special Urgency

The grounds for urgency are that a policy must quickly be put in place in order to provide residents with clarity regarding their rehousing arrangements following the fire at Grenfell Tower.

Executive Decision Report

Decision maker and the earliest date the decision will be taken	Councillor Elizabeth Campbell, Leader of the Council Not before 14 July 2017 Forward Plan ref: 05084/17/H/A	 THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
Report title (decision subject)	REHOUSING POLICY FOR SURVIVORS OF THE GRENFELL TOWER FIRE	
Reporting officer	Laura Johnson, Director of Housing	
Key decision	Yes	
Access to information classification	Public	

1. EXECUTIVE SUMMARY

- 1.1 This policy has been developed by the Royal Borough of Kensington and Chelsea, and aims to honour the Government's commitment to provide a new home in social housing for the former residents of Grenfell Tower and Grenfell Walk within the period of one year. The policy also reflects the Government's stated commitment that all residents will have a choice and that their individual needs and wishes are taken into account in finding a new settled home.
- 1.2 The policy explains how the Council will prioritise residents for rehousing whose homes have been destroyed by the Grenfell Tower fire. It sets out the Council's priorities and procedures to be followed in allocating housing accommodation to this group.
- 1.3 This exceptional rehousing policy has been adopted pursuant to paragraph 1.11 of the Council's Housing Allocation Scheme, February 2017 revision.

- 1.4 The proposed Special Dispensation Rehousing Policy represents an amendment to the Council's Allocation Scheme, permitted under paragraph 1 of the Scheme and effected by the Director of Housing in consultation with the Cabinet Member for Housing, Property and Regeneration.
- 1.5 The Director of Housing has the delegated authority in exceptional circumstances to amend or waive this policy.
- 1.6 The Special Dispensation Rehousing Policy is provided at Appendix A.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Special Dispensation Rehousing Policy is implemented for the following reasons.
 - To ensure that residents whose homes have been destroyed by the Grenfell Tower fire are prioritised for rehousing to permanent social housing.
 - To aim to honour the government's commitment to provide a home in social housing for the former residents of Grenfell Tower and Grenfell Walk within the period of one year.
 - To ensure that all former residents of Grenfell Tower and Grenfell Walk will have choice with regard to their permanent home, and that their individual needs and wishes will be taken into account.
 - To ensure former residents of Grenfell Tower and Grenfell Walk are given the opportunity to move from temporary housing into permanent housing as soon as possible.

3. BACKGROUND

- 3.1 The Council considers that the Policy is required given the urgent, exceptional and compelling circumstances of the survivors of the Grenfell Tower fire of 14 June 2017. In view of the manifest housing needs of those who have lost their homes, loved ones, friends, neighbours, support networks and an entire community, which has been devastated by the fire, it is right that the Council gives the highest priority to securing long term rehousing for former residents of Grenfell Tower and Grenfell Walk.
- 3.2 Former residents of Grenfell Tower and Grenfell Walk have been offered emergency hotel (Stage 1) accommodation and self-contained (Stage 2) temporary accommodation. The final stage of the rehousing commitment is to help to secure permanent social housing for these residents.
- 3.3 The Council is pledging to meet the Government's commitment to rehouse all former residents of Grenfell Tower and Grenfell Walk within twelve months. However, it is also the case that meeting those needs by the allocation of social housing will inevitably represent a considerable challenge and place significant

strain on the supply of social housing within the Royal Borough. The Council will seek to increase the supply of social housing within its area in order to meet this challenge, despite the considerable constraints on its ability to do so.

4. PROPOSAL AND ISSUES

4.1 The Council recognises that rehousing former residents of Grenfell Tower and Grenfell Walk to permanent housing is absolutely vital. Together with the wider support and assistance available to those residents, it is hoped that moving to suitable stable housing will help them to rebuild their lives.

Defining former residents of Grenfell Tower and Grenfell Walk

4.2 The Special Dispensation Rehousing Policy will apply to anyone who immediately before the fire was living at Grenfell Tower or Grenfell Walk as their main home and who falls within one of the following groups:

- Council introductory or secure tenants
- Resident leaseholders
- Subtenants or lodgers of the above
- Tenants of non-resident leaseholders

4.3 Resident leaseholders who wish to return to home ownership will be offered support to do so, under arrangements outside of the remit of the Special Dispensation Rehousing Policy. However, resident leaseholders from Grenfell Tower or Grenfell Walk who do not wish to, or cannot, return to home ownership will be entitled to be rehoused into social housing in accordance with the policy.

4.4 Former residents of Grenfell Tower and Grenfell Walk prioritised for rehousing under the Special Dispensation Rehousing Policy will be awarded 'Category A' priority for rehousing. See paragraph 4.7, below.

4.5 This policy does not extend to non-resident leaseholders.

4.6 Under existing legislation, a number of former residents of Grenfell Tower and Grenfell Walk are ineligible for the allocation of social housing due to their immigration status in the UK. However, on 5 July 2017, the The Minister of State for Immigration made a written statement in Parliament concerning the introduction of a policy on leave to remain outside the Immigration Rules for former residents of Grenfell Tower and Grenfell Walk. This was a public commitment to resolving their immigration status so that they could access public services, including social housing.

Priority for rehousing within the Council's Allocation Scheme

4.7 The Special Dispensation Rehousing Policy proposes to award former residents of Grenfell Tower and Grenfell Walk the very highest priority for rehousing to

permanent social housing. A new priority level ('Category A' equal to 3000 points, compared to the existing high priority of 2000 points awarded for exceptional priority) is recommended to apply a practical effect to this priority.

- 4.8 The Council is completely committed to permanent rehousing for all former residents of Grenfell Tower and Grenfell Walk within the period of twelve months. If a household has not been rehoused to social housing by the end of the twelve-month period, the Council will engage with that household to review their housing needs and requirements, and consider carefully any and all barriers to their participation in the rehousing process. Similar reviews will take place at subsequent three month periods if the household still has not been rehoused; however, rehousing advice and assistance will remain available to the household throughout the rehousing process.

Priority banding within Category A

- 4.9 All residents from Grenfell Tower and Grenfell Walk have endured and continue to endure enormous suffering. After very careful consideration, the Council recommends four priority bands within Category A to ensure that the most vulnerable households are given the opportunity to be rehoused first. Further detail on the priority banding is found at section 6 within the proposed policy at Appendix A, and is summarised as follows.

- **First band priority** will be given to anyone who has been bereaved as a result of the fire.
- **Second band priority** will be given to a household that has a member (i) with a serious physical or mental disability, (ii) a serious learning disability or (iii) who has needs for care and support or carer's needs for support.
- **Third band priority** will be given to any household which includes dependent children.
- **Fourth band priority** will be given to all other former residents of Grenfell Tower and Grenfell Walk.

- 4.10 In the event that two or more households have the same priority for rehousing, having applied the first, second, third and fourth priority bands, preference will be given to the household that has lived in Grenfell Tower or Walk the longest.

Rehousing process

- 4.11 The Council aims to allocate properties to former residents of Grenfell Tower and Grenfell Walk through the choice-based lettings (CBL) process. Residents will be able to bid for vacant social housing properties that meet their specified needs, identified through the housing needs assessment, relating to the number of bedrooms required and requirements such as property type, floor level, location or accessibility requirements. Where required and appropriate, residents will be assisted to place bids for suitable advertised properties. Households will be free to exercise choice when bidding (or being assisted to bid) for suitable properties.

- 4.12 Some properties have characteristics that mean that they should be reserved for households with particular needs; for example, accessible properties will be allocated by direct offer to households who need them because of restrictions on their mobility. Within that group, the Council will usually select the households to whom these specific properties are to be let using the priority banding.
- 4.13 No limit will be applied to the number of bids for, or offers of, accommodation made to households under the Special Dispensation Rehousing Policy.
- 4.14 A proportion of Stage 2 self-contained temporary accommodation provided to former residents of Grenfell Tower and Grenfell Walk is owned and managed by social landlords. As a result, it may be possible to convert Stage 2 temporary accommodation into permanent social housing where the household in occupation wishes to remain living in that property. Where possible, and with the household's agreement, this accommodation will be allocated to the household, thereby converting it from temporary accommodation to permanent social housing.
- 4.15 Former residents of Grenfell Tower and Grenfell Walk will not be forced to accept an offer of social housing, and will not be penalised for refusing such an offer. Residents will only move to a property if they are happy to do so.

The Government's commitment on rent, service charges and utility bills

- 4.16 The Government has stated that former residents of Grenfell Tower and Grenfell Walk will not be required to pay rent or utility bills for a twelve-month period triggered either by an acceptance and occupation of second stage (self-contained) temporary accommodation or by the acceptance and occupation of permanent social housing. The Government has also stated that former tenants of Grenfell Tower and Grenfell Walk will be charged rent for permanent social housing (after the twelve-month period) that is no greater than the rent they were paying for their Grenfell Tower or Grenfell Walk tenancy, and that the right to buy enjoyed by secure tenants of Grenfell Tower and Grenfell Walk will be preserved.
- 4.17 These commitments fall within the remit of the Government rather than the Council, and therefore the Special Dispensation Rehousing Policy does not address them. It is anticipated that the Department for Communities and Local Government will make a public statement about commitments that fall within its remit, and provide details of the period of time over which any such commitments will apply.

5. CONSULTATION

- 5.1 The Council recognises the importance and value of consulting former residents of Grenfell Tower and Grenfell Walk on the principles set out in the Special Dispensation Rehousing Policy. The Council intends the policy to assist the residents in a fair and transparent way.

- 5.2 However, the Council must balance consultation with residents with the need to offer to them vacant social housing as soon as it becomes available.
- 5.3 The Council seeks to find this balance by implementing the policy to facilitate the prioritisation and rehousing of residents while keeping the policy under review and subject to consultation with the former residents of Grenfell Tower and Grenfell Walk for a three month period. Therefore, the Council may seek to amend the Special Dispensation Rehousing Policy where feedback from former residents of Grenfell Tower and Grenfell Walk, as the Council engages with them through the rehousing process, recommends that such amendments will benefit this community as a whole.

6. LEGAL IMPLICATIONS

- 6.1 As set out in the report this report sets out how the Council will prioritise allocating accommodation to residents whose homes have been destroyed by the Grenfell Tower fire. The Council is required by Section 166A of the Housing Act 1996 to have an allocation scheme for determining priorities and procedure for the allocation of housing accommodation in the borough.
- 6.2 The Council's allocation scheme was revised in February 2017 and it is considered that paragraph 1.11 allows the Council to adopt the proposed policy. In addition, paragraph 1 states that The Director of Housing in consultation with the Cabinet Member for Housing, Property and Regeneration may make amendments to the scheme if required.
- 6.3 The policy is considered to be justifiable and lawful. The Council has a broad discretion to allocate accommodation in such a manner as it considers appropriate and case law has established that the allocation of housing is a matter of political sensitivity, judgment and local expertise and knowledge.

7. EQUALITIES IMPLICATIONS

- 7.1 In adopting this policy, the Council will have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The Council will continue to monitor the effect of this policy on the above needs and in particular will review this policy after it has been in force for a period of 3 months. Further reviews will be carried out as necessary and appropriate.

8. FINANCIAL AND RESOURCES IMPLICATIONS

- 8.1 There will be final implications arising from this policy. However, at this stage, these cannot be quantified but will be addressed as they become apparent. Some funding may be available from the Department of Communities and Local Government.
- 8.2 Procedures will need to be put in place to ensure the Government's policies around rents and utilities are implemented effectively.

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Special Dispensation Rehousing Policy – Survivors of the Grenfell Tower Fire.

1. Introduction

This exceptional rehousing policy has been adopted pursuant to paragraph 1.11 of the Council's Housing Allocation Scheme, February 2017 revision.

The Grenfell Tower fire that occurred on 14 June 2017 was a humanitarian disaster on an unprecedented scale within the borough. The loss of life and harrowing events of the fire as well as its aftermath have devastated an entire community. The surviving residents have been offered emergency hotel (Stage 1) accommodation and self-contained (Stage 2) temporary accommodation. It is right that the Council gives the highest priority to securing long term rehousing for those in the community worst affected by this tragedy.

This policy reflects the Government's commitment to provide a new home in social housing for the former residents of Grenfell Tower and Grenfell Walk within the period of one year. The policy reflects the government's stated commitment that all residents will have a choice and that their individual needs and wishes are taken into account in finding a new settled home for them.

The policy explains how the Council will prioritise residents for rehousing whose homes have been destroyed by the Grenfell Tower fire. It sets out the Council's priorities and procedures to be followed in allocating housing accommodation to this group.

The Director of Housing has the delegated authority in exceptional circumstances to amend or waive this policy.

2. Who is covered by this policy

This policy applies to anyone who immediately before the fire was living at Grenfell Tower or Grenfell Walk as their main home and falls within one of the following groups:

- Council introductory or secure tenants
- Resident leaseholders
- Subtenants or lodgers of the above
- Tenants of non-resident leaseholders

This policy does not extend to non-resident leaseholders.

Resident leaseholders will be offered support, confirmed under separate policies, to return to home ownership. However, for those who are not able to exercise their right to a new leasehold property, or would prefer to be rehoused into social housing, they will be entitled to rehousing in accordance with this policy.

3. Eligibility

The statutory rules on eligibility under section 160ZA of the Housing Act 1996 apply to the allocation of tenancies under this policy. There is no eligibility requirement in relation to granting a tenancy to a former resident of Grenfell Tower and Grenfell Walk who is already an introductory or secure tenant of the Council.

In relation to former residents of Grenfell Tower and Grenfell Walk who would otherwise be ineligible for the allocation of a tenancy, on 5 July 2017 the Minister of State for Immigration made a written statement in Parliament concerning the introduction of a policy on leave to remain outside the Immigration Rules for former residents of Grenfell Tower and Grenfell Walk. This was a public commitment to resolving their immigration status so that they could access public services, including housing.

4. Type of accommodation to be offered

4.1 Security of tenure

There is a range of landlord providers who will be offering homes to let to the residents covered under this policy. They include:

- The Council
- Registered Providers (Housing Associations)
- Other neighbouring Local Housing Authorities

For all Council and other local authority tenancies, these will be let as secure tenancies.

These will be lifetime tenancies and will not be subject to the flexible tenancy regime introduced under the Localism Act 2011.

For registered providers, all tenancies will be let on Assured Tenancies under the Housing Act 1988.

4.2 Rent charges and service charges

The Government through the Department of Communities and Local Government (DCLG) has been meeting the cost of temporary accommodation provided to survivors of the Grenfell Tower fire. It is anticipated that DCLG will make a public statement about its

commitment to meeting the rent and/or service charge liabilities of households rehoused under this policy, including details of the period of time over which any such commitment will apply. Therefore, such commitments fall outside the remit of this policy.

4.3 Succession

Residents granted a secure tenancy will enjoy the equivalent of pre-Localism rights of succession, in order to ensure that their succession rights will be at least as favourable as those under their previous tenancy.

Residents who are changing landlords will be provided with details of their new landlord's succession policy at the point of sign up to their new tenancy. The Council will seek to procure the grant of succession rights equivalent to those given under this policy to secure tenants.

5 Assessment of need

5.1 Needs assessments

This policy aims to provide all households with the best possible housing choice. To support the household in achieving their best housing option all households are being assisted to complete a housing needs assessment. In order for a full and proper assessment of housing needs to be made all households are encouraged to provide accurate and detailed information as requested.

As part of the needs assessment process officers will ask households to provide Equality and Diversity information. The Council asks households to assist in this process in order to help to deliver the Council's commitment to equality of opportunity when applying this policy.

Officers will also ask for feedback from households in relation to their experience of the rehousing policy. The Council fully understands that this is an extremely painful time for the individuals and families affected by the fire. The Council asks households to engage in the feedback process to enable the Council to continually monitor, review and improve the delivery of this policy with the aim of ensuring that it meets the community's needs in the best way that it possibly can.

The applications shall be kept up to date and Keyworkers will assist households to include any changes in circumstances which affect the accommodation they require.

5.2 Bedsize

The size of property each household requires will be assessed as set out below:

- We will offer properties of the same bedroom size as the one where the household was living, or

- If the household was overcrowded, one that currently meets the needs of their household.
- Flexibility will be exercised to reflect the household's needs as agreed with the Family Liaison Officer and Keyworker. For example, where additional bed space is required for care/support.

The same rules that are used for housing benefit purposes will be used to calculate bedroom size: this means that children of the same sex can share up to the age of 16 and different sexes up until the age of 11. Medical exemptions will also be considered when determining the number of bed spaces required.

5.3 Split households

Where it has been agreed (and included within the housing needs assessment) that a household will be split into 2 or more households, each household will be assessed separately and in accordance with this policy.

5.4 Adaptations

The property offered will be adapted to meet the needs of the household (as assessed by an OT) if there is a disabled household member.

6. Points and priority bands

Due to the compelling and exceptional circumstances, all former residents of Grenfell Tower and Grenfell Walk will be awarded 3,000 points resulting in the highest priority for rehousing. This priority for rehousing will be known as 'Category A'.

The Council is completely committed to long-term rehousing for all former residents of Grenfell Tower and Grenfell Walk within the period of one year. After the period of one year has ended, if any household has not been rehoused on a long-term basis, the Council will review the household's housing needs and requirements, including any barriers to their participation in the rehousing process or to meeting their housing needs. Similar reviews will take place at subsequent three month intervals if the household has still not been rehoused on a long-term basis.

The following priority bands will be applied when determining priority for properties made available to former residents of Grenfell Tower and Grenfell Walk.

If two or more households are within the same priority band, qualification in addition for the next priority band be considered as a tie break and after that qualification for the next priority band. If two or more households are still tied at the end of this process, length of residence will be used as the deciding factor.

- **First band priority** will be given to anyone who has been bereaved as a result of the fire. This means:

(a) anyone who lost a person who was living with them in the same flat on the date of the fire, or where that person is missing following the fire; or

(b) anyone who has lost a member of their family who was living in a different flat on the date of the fire, or where that family member is missing following the fire.

(1) A person is a member of another's family within the meaning of this provision if—

(a) he is the spouse or civil partner of that person, or

(b) he is that person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.

(2) For these purposes:

(a) a relationship by marriage or civil partnership shall be treated as a relationship by blood,

(b) a relationship of the half-blood shall be treated as a relationship of the whole blood,

(c) the stepchild of a person shall be treated as his child, and

(d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.

- **Second band priority** will be given to a household that has a member (i) with a serious physical or mental disability, (ii) a serious learning disability or (iii) who has needs for care and support or carer's needs for support, assessed as meeting the eligibility criteria under the Care Act 2014.
- **Third band priority** will be given to any household which includes dependent children.
- **Fourth band priority** will be given to all other former residents of Grenfell Tower and Grenfell Walk.
- **Length of residence** means that, in the event that two or more households have the same priority having regard to first, second, third and fourth band priority, preference will be given to the household that has lived in Grenfell Tower or Walk the longest.

The Council retains the discretion to allocate tenancies outside of the above priority bands, in particular:

- **Direct Offers**

Some properties have characteristics that mean that they should be reserved for households with particular needs e.g. accessible properties will be allocated to households who need them because of restrictions on their mobility. Within that group, the Council will usually select the households to whom these specific properties are to be let using the above priority banding.

- **Converting Stage 2 temporary accommodation into long term accommodation**

Sometimes it will be possible to convert Stage 2 temporary accommodation into long term social housing where the household wishes to remain living in that property. In order to minimise the disruption to households caused by having to

move home several times, when this becomes possible, the accommodation will be allocated to the household currently occupying it as Stage 2 temporary accommodation.

- **Exceptional cases**

It is not possible to set guidelines that are appropriate for every individual situation in advance. The Council will exercise discretion in exceptional cases.

7. The allocation process

7.1 Bidding process

Once a household has been included onto the housing register and assessed under this policy, they will be eligible to bid for properties that meet their specified needs as agreed through the needs assessment including the number of bedrooms needed, any essential requirements concerning property type, floor level, location or mobility requirements.

Normally this will be by way of an Assisted Bid so that households will be able to exercise choice by bidding for properties advertised through the CBL (Choice Based Letting) scheme.

If there is an overriding need for a specific type of property as agreed with the family's Keyworker or Family Liaison officer, a Direct Offer will be made.

7.2 Number of bids/offers:

There is no limit to the number of bids for or offers of accommodation made to any household under this policy.

Keyworkers will discuss the reason for any refusal to inform future offers.

7.3 Rehousing

If a household accepts a property, then their application under this policy will be closed.

8. Keyworker/Family Liaison Officer role

The Keyworker/Family Liaison Officer is critical to the rehousing process under this policy. They will support households throughout the rehousing journey, ensuring that the household is at the heart of the rehousing process and act as their voice where appropriate. This includes:

- Ensuring the suitability assessment is up to date reflecting the household's housing needs to ensure that any offers of accommodation are suitable.
- Coordinating viewings for properties and liaise with the household's new landlord to ensure that the property is ready to move into.

- Assisting in furnishing the new home.
- Assisting in setting up utilities, council tax etc.
- Liaising with the TA provider.
- Assisting the household in accessing any support and assistance needed during the rehousing journey.

9. Complaints and Appeals

This policy aims to provide everyone to which it applies with a safe, settled and secure new home. If residents are not happy with the way their case has been handled in the first instance they should raise this with their Keyworker and/or Family Liaison officer, or with their allocated Housing Advisor. Residents can contact the Housing Department direct by telephone on 020 7361 3008.

If a former resident of Grenfell Tower or Grenfell Walk wishes to submit a complaint or an appeal about the application of this policy to their own circumstances, they may contact the Council's Housing Review and Scrutiny Team in the following ways.

By email housingreviews@rbkc.gov.uk

In writing Housing Review and Scrutiny
 Housing Needs Department
 Royal Borough of Kensington and Chelsea
 The Town Hall
 Hornton Street
 London
 W8 7NX

10. Equality and Diversity

In adopting this policy, the Council has had due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council will continue to monitor the effect of this policy on the above needs and in particular will review this policy after it has been in force for a period of 3 months. Further reviews will be carried out as necessary and appropriate.

The Council will continually monitor, review and improve the delivery of this policy with the aim of ensuring that it meets the community's needs in the best way that it possibly can.