

# **The Royal Borough of Kensington and Chelsea**

## **Housing Allocation Scheme**

**February 2017 revision**



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

## Contents

1	Introduction .....	1
2	Housing options .....	9
3.	Succession and Assignment – Council tenancies.....	14
4.	Our priorities and points.....	15
5.	Important provisions .....	34
6.	Important definitions governing the assessment of applications .....	37
7.	Allocation of properties .....	41
8.	Equality and diversity .....	49
9	Reviews and complaints.....	49
10	Who to contact for further advice .....	52
	Appendix One – persons from abroad.....	53

## **1 Introduction**

This document explains the options available for those looking for a home in the Royal Borough of Kensington and Chelsea, 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 decide 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 166A 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 groups.

The operation of this scheme will be monitored and reviewed regularly from February 2017 onwards. The Director of Housing in consultation with the Cabinet Member for Housing, Property and Regeneration may make amendments to the scheme if required. Before making any alterations to the scheme reflecting major policy changes the Council will consult with Registered Providers (Social Landlords) and allow them a reasonable opportunity to comment on the alterations.

### **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 social housing tenancies granted 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.

Total number of lettings	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
	473	558	470	436	502	460

## 1.2 Realistic options

Prior to this policy being introduced, there were over 8,500 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 rehousing 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 realistic 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 and Flexible tenancies

Affordable Rent tenancies have now been introduced and will be let through our choice-based lettings system and using this Housing Allocation Scheme. Other changes to social housing introduced in 2011 through regulatory reform and the Localism Act mean that Flexible tenancies can now be issued, which are fixed term secure tenancies. These Flexible tenancies, which largely replace new lifetime 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 Allocation Scheme 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 Tenancy Policy details how the Council will issue tenancies to the social homes it owns and which the Kensington and Chelsea Tenant Management Organisation (KCTMO) manages on its behalf. Following satisfactory completion of a trial period of 12 months, five-year tenancy terms will normally be issued to 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 scheme 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.

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.

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

Unless a distinction is made, the terms 'social housing' and 'a social housing tenancy' mean both social rented tenancies and Affordable Rent tenancies.

#### **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 complement each other. The Tenancy Policy explains how the Council will issue fixed term tenancies and how those tenancies will be reassessed 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 reassessed.

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. This avoids any doubt or confusion about what the landlord is offering and what the prospective tenant's responsibilities will be throughout the duration of the tenancy. Contact the Housing Options and Allocations Team for further advice on these issues.

The Allocation Scheme reflects the Council's ambition to be a borough with an 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 aims to provide a range of housing and support options to support working households, to prevent homelessness where possible and to promote the best use of its stock through relocating households to more appropriate accommodation.

The Allocation Scheme reflects the Council's objectives 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.

There are five broad objectives for social housing tenancies in the Royal Borough, as set out in our Tenancy Strategy and which this Allocation Scheme will help us to achieve, namely:

- 1) Tackling housing need
- 2) Ensuring appropriate use of housing and tenancy options
- 3) Promoting affordable housing options
- 4) Promoting mobility and reducing under-occupation and overcrowding
- 5) Supporting and incentivising work and training

The Council works within existing legislation and its policy gives some preference for social housing to other groups as required by legislation, whilst seeking to make sure that our communities are balanced and employment is encouraged and supported.

The following documents and legislation have been considered when developing this Allocation Scheme (this list is not exhaustive):

- Housing Act 1996 as amended
- Housing Act 1985
- Localism Act 2011
- Equality Act 2010 and our equality impact analysis
- Royal Borough's Housing Strategy 2013-2017
- Royal Borough's Tenancy Strategy 2013-2017
- Royal Borough's Tenancy Policy 2013
- London Housing Strategy
- Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012
- The Housing Act 1996 (Additional preference for Armed Forces) (England) Regulations 2012
- The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012
- Providing social housing for local people Statutory guidance on social housing allocations for local authorities in England 2013
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

## **1.5 Joining the Housing Register**

Most people can approach the Council to seek advice about their housing, 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.

Any potential applicants can carry out a self-assessment of their housing circumstances using our online assessment tool at [www.rbkc.gov.uk/housing](http://www.rbkc.gov.uk/housing)

Upon completion this will give an indication if any priority for housing might exist. All applicants can approach the Housing Options and Allocations Team for advice about their housing options and the assessment tool will direct both those with a priority for housing and those who do not have a priority for housing who would like further assistance to take advantage of this service.

Actual inclusion onto the Housing Register will only take place once a household's housing circumstances have been formally assessed, normally following an initial face-to-face or telephone interview with one of the Housing Options and Allocations Team. They can be contacted on 020 7361 3008.

## **1.6 Eligibility**

Applicants who do not fall into one of the following categories will be subject to immigration control and will not usually 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 (e.g., 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.

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. A more detailed summary of the current legislation governing eligibility can be found at Appendix One.

## **1.7 Qualification**

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

- i) Applicants residing outside of the borough (please see section 1.8 below for exceptions).
- ii) Applicants who have not resided in the borough for the last three years continuously (see section 1.8 for further explanation below).
- iii) Applicants with zero points (unless applying for sheltered accommodation).
- iv) Applicants with insufficient priority for rehousing (unless applying for sheltered accommodation). Insufficient priority is defined as not being awarded reasonable preference or a local priority for rehousing.
- v) Applicants with high levels of income and savings (see 1.10 below). 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.
- vi) The Council has the power to determine whether in its opinion applicants or members of their household have been guilty of unacceptable behaviour serious enough to make them unsuitable to be Council tenants so that they should be disqualified.
- vii) Applicants under the age of 16.

### **The Council will also disqualify the following:**

- a) Applicants who have supplied false or misleading information on their application for housing.
- b) Any applicant who has paid money to obtain a tenancy with either the Council or a housing association operating within the borough.
- c) 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 antisocial 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.
- d) Applicants who the Council considers to have made themselves deliberately overcrowded, if they have no other priority for rehousing (see section 4.10).
- e) Applicants who the Council considers to have deliberately moved into a property unsuitable for their disability or long-term health condition. In these cases, where the accommodation has a substantial impact on the independence of the applicant or a member of their eligible household, making the property unsuitable, and there is no other priority for rehousing, the applicants may be disqualified (see section 4.6).

f) Applicants, or members of their household, who have disposed of financial assets and resources sufficient to resolve their housing need without good reason (see section 1.10).

Applications from the people who do not qualify under categories vi), a), b), c) and f) above will need to demonstrate a change in behaviour in order to re-apply. Ordinarily, applications may be reconsidered after five years, during which there must have been no repeat occurrence of the behaviour that resulted in previous non-qualification.

## **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 continuously for the past three years 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 4.17), the following applicants will also be considered to have local residence:

- Those accommodated out of borough by the Council under a statutory duty, and who 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 until rehoused
- Those placed into supported accommodation or other short-term accommodation out-of-borough but who 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
- Those owed a statutory duty to be provided with suitable housing by us, whether or not they were or are currently living in the borough
- Those who are to be rehoused under a reciprocal arrangement with any other council
- Those serving in the regular forces or who have served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act
- Those who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner where:
  - (i) the spouse or civil partner has served in the regular forces; and
  - (ii) their death was attributable (wholly or partly) to that service

- Those who are serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service
- Those with no immediate local residence due to service overseas with the British Armed Forces, but with strong family connections to the borough
- Those Council tenants in KCTMO properties located outside of the borough boundaries
- Applicants who the Council determines to have a 'Right to Move' under The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

The Council retains the ability, in exceptional circumstances, to exercise discretion to include applicants on the Housing Register where they have not lived in the borough continuously for the past three years and do not meet the criteria set out above. Discretionary decisions will be made by the Director of Housing or an officer with delegated authority.

### **1.9 Applicants with insufficient priority for rehousing**

All applicants are individually assessed so that their full housing circumstances can be ascertained and appropriate housing options advice provided. Once assessed, households that do not attract any points (as defined by section 4.1) will not ordinarily qualify for inclusion on the Housing Register.

It should be noted that we do not maintain a separate list for low priority transfers. Households with little or no priority for rehousing who want to move from existing council tenancies need to register with a mutual exchange scheme or consider other options, details of which can be found in section 2. 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.

### **1.10 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 periodically review the financial limits 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 February 2017 are:

- Household gross income greater than £60,000, or savings greater than £30,000 for families seeking properties with two or more bedrooms

- Household income greater than £40,000 or savings greater than £30,000 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, and vulnerable residents applying for general needs housing, on a case by case basis and may apply discretion if the resident cannot reasonably use such resources to secure their own accommodation.

### **1.11 Special dispensation allocations**

Section 4 of this Scheme explains how the Council prioritises residents for rehousing. However, the Council may also allocate properties outside of the priorities set out in section 4. For example, properties may be allocated through:

- Local lettings plans (see section 7.8)
- Reciprocal arrangements with other local authorities or housing providers
- Temporary to permanent decants for secure tenants of the Council (where it is demonstrated that the temporarily decanted tenant cannot return to their original tenancy)
- Witness protection programmes and similar schemes to which the Council has become party.

The Council will publish policies and procedures for the allocation of properties outside of the priorities set out in section 4, but still considered to be allocations within the Allocation Scheme.

## **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.

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. 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.

It is important to remember that the Council can offer housing options advice and assistance to applicants admitted to the Housing Register and awarded priority for rehousing. The number of applicants awarded priority will greatly exceed the supply of social housing.

These other options may include:

- Privately rented housing in the borough, in less expensive parts of London or further afield
- Low-cost home ownership and below market rents: schemes to help you buy your own home, if you cannot afford the full cost, or to rent properties if you cannot afford market rents
- 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 and Seaside and Country Homes
- 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: For more information on adaptations, see: the People First website ([www.peoplefirstinfo.org.uk](http://www.peoplefirstinfo.org.uk)) or telephone Adult Social Care on **020 7361 3013**
- 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.

More information on the above options may be found at [www.rbkc.gov.uk/housing](http://www.rbkc.gov.uk/housing).

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.

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.

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.

The Council's Housing Options and Allocations 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 4.8).

We have written factsheets on the housing options which might be available to you. You can find these factsheets at [www.rbkc.gov.uk/housing](http://www.rbkc.gov.uk/housing) under Housing publications.

We have also developed an online self-assessment form which works out the likelihood of you being rehoused into social housing in the Royal Borough. You can find the self-assessment at [www.rbkc.gov.uk/housing](http://www.rbkc.gov.uk/housing).

**If you are already homeless, or think you may be going to lose your home**, you should contact the Homelessness Team (020 7361 3008 or [housing@rbkc.gov.uk](mailto:housing@rbkc.gov.uk)). 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 into suitable 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. A housing offer may be either social housing or an offer of accommodation in the private rented sector here or in another area.

### **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). The team can be contacted on 020 7361 3002 or [environmentalhealth@rbkc.gov.uk](mailto:environmentalhealth@rbkc.gov.uk)

Where possible, we encourage tenants and occupiers to stay in their homes. A factsheet containing further advice for tenants of social landlords is available on the Council's website at [www.rbkc.gov.uk/housing](http://www.rbkc.gov.uk/housing) (see Housing publications).

## **2.1 How to apply for housing**

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 rehoused, 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 rehousing. Notes explaining this in more detail may be found in section 1.5 above.

If an application to 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 rehoused.

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 from the Housing Register due to antisocial 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 a property, see our information on current financial limits in section 1.10. 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 terminate it before you can sign for an allocated property (see section 5.2).

## **2.2 Telling the truth on your application**

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 this, 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 suspend your application until we are able to verify your details.

If the Council has reasonable doubts about the validity of an application, it may be suspended until all necessary investigations have been completed.

Failure on the part of an applicant to provide requested information may render that application incomplete. As a result, (and on a case by case basis), the Council will consider that application to be withdrawn.

If you fail to provide relevant information, hide material facts or attempt to obtain housing through false information, or if you paid money to obtain a tenancy with either the Council or a housing association operating within the borough, you will not qualify for registration (see section 1.7). If you do not qualify on the above grounds, you will need to demonstrate a change in behaviour in order to re-apply. Ordinarily, applications may be reconsidered after five years, during which there must have been no repeat occurrence of the behaviour that resulted in previous non-qualification.

### **2.3 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, for example, you move home, have a baby, or someone moves into or 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 point 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. See section 2.2 for further information about telling the truth on your application.

The Council may withdraw allocations 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.

### **2.4 Joint applications to the Register**

We will register joint applicants to the Housing Register (that may lead to an allocation of a joint tenancy) if we consider a couple to be partners (married, in a civil partnership, or living together as partners). The term "partner" is defined within section 6.1.

If the couple are not married or don't have a civil partnership, we can consider evidence of them living as partners. Where an applicant is deemed to be single we

will register them as a sole applicant and the Council will not allocate joint tenancies to applicants who are not partners.

### **3. Succession and Assignment – Council tenancies**

#### **3.1 Succession**

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

#### **Existing Council 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 86A, 87, 88, 89 and 90 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, this counts as a succession and no further statutory successions can be claimed. If the tenancy is assigned to a household member (who would need to meet the criteria for a statutory succession), 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 possession of the under-occupied property in order to ensure the best use of our stock for those who need it most.

#### **New Council 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'.

Therefore, the Council does not have a separate policy concerning discretionary successions. People residing in a Council property who do not meet the criteria for statutory succession and therefore are required to vacate should make their own housing arrangements or seek advice and assistance from the Council's Homelessness Team.

## 4. Our priorities and points

### 4.1 Priority groups

The Council offers some preference 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 (see sections **4.4**, **4.5** and **4.6**)
- People occupying insanitary or overcrowded housing, or otherwise living in unsatisfactory conditions (see section **4.10**)
- People owed a duty under various sections of the Housing Act 1996 relating to homelessness (except for restricted cases) (see section **4.13**).
- People who are homeless but not owed a duty (except restricted cases) (see section **4.16**)

We do not normally award priority points to households 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 10 'Locality hardship' points (see section **4.18**).

We award 10 priority points to people who are homeless within the meaning of Part 7 of the Housing Act 1996 but not owed the main housing duty by this or any other local authority. In the Council's view, this amounts to a reasonable preference within the context of the housing conditions within the borough, other legislative requirements and the Council's objectives.

The Council works to tackle poor quality housing, whatever the tenure. Where possible, we encourage tenants and occupiers to stay in their homes. For further details, see section 2. Where the unsatisfactory nature of the housing has a serious

impact on the occupier's health or independence, they may qualify for points under sections 4.4, 4.5 or 4.6.

The Council will award **local priority** to the following groups of people:

- People who present with exceptional and compelling circumstances and no other suitable housing options are available.

Section **4.3** – 'Exceptional priority' explains the priority awarded to this group of people.

- Council and social landlord tenants looking to move from a property with two or more bedrooms to a smaller property, or in a property which has been adapted for a disabled person and the current occupier no longer needs those adaptations and the property could be let to someone who does.

Or

- Council and social landlord prospective tenants being asked to move from a property where there is a legal right of succession but the property is too large for their needs.

Section **4.8** – 'Vacating homes' explains the priority awarded to this group of people.

- People suitable to foster or adopt one or more children but who need more appropriate accommodation in order to do so.

Section **4.9** – 'Supporting adoption and fostering' explains the priority awarded to this group of people.

- 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.

Section **4.7** – 'Redevelopment of homes' explains the priority awarded to this group of people.

- People to whom the Council or the Kensington and Chelsea Tenant Management Organisation owes a contractual duty to provide accommodation.

Section **4.11** – 'Contractual duties' explains the priority awarded to this group of people.

- People resident in supported accommodation or care provided or paid for by the Council or where the Council has placed them ready to move to independent living and where the Council has a statutory obligation to provide ongoing help and accommodation, or where it has been decided to give additional priority.

Section **4.12** – 'Move-on priority' explains the priority awarded to this group of people.

The Council will award **additional priority** to the following groups of people:

- People who are in one or more priority categories listed above where the applicant, their partner or a member of their household is in paid work averaging 16 hours or more per week and has been in work for at least six months continuously.

Section **4.14** – ‘Paid work’ explains the priority awarded to this group of people.

- People who fall within one or more of the statutory reasonable preference categories and have urgent housing needs, and who are serving or former members of the Armed Services or their bereaved spouses or civil partners, or serving or former members of the Reserve Forces and who satisfy further requirements as set out in 4.15.

Section **4.15** – ‘Armed Forces’ explains the priority awarded to this group of people.

Priority between applicants is ordinarily decided using a points scheme, which is set out in the table below. The points scheme is used to decide who we can make an offer of rehousing to. All applicants are awarded points according to an assessment of their circumstances by the Council.

Most social housing tenancies are advertised through the Council’s choice-based lettings scheme, Home Connections. More information on this scheme can be found on its website: <http://www.homeconnections.org.uk> (select ‘RBKC’ or ‘Royal Borough of Kensington and Chelsea’).

Alternatively, you can contact the Housing Options and Allocations Team on 020 7361 3008.

The points scheme is used to decide who should ordinarily 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	Section
Exceptional priority	2,000	4.3
Emergency health and independence	2,000	4.4
At serious risk of harm	1,900	4.5
Supporting health and independence	900	4.6
Redevelopment of homes	900	4.7
Vacating homes	700	4.8
Supporting adoption and fostering	700	4.9
Overcrowding	200	4.10
Contractual duties	200	4.11
Move-on priority	100	4.12
Homeless duty	100	4.13
Paid work	50	4.14
Armed Forces	50	4.15
Homeless	10	4.16
Locality hardship	10	4.18

## 4.3 Exceptional priority (2,000 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 a 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 exceptional priority 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 rehousing compared to the low supply of social housing.

If you have been awarded exceptional priority points you cannot be awarded points under any other priority category.

#### **4.4 Emergency health and independence (2,000 points)**

Emergency health and independence points will only be awarded to people who have a medical condition or disability which is 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 and no other suitable housing options are available.

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 rehousing 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 authority or department responsible for the applicant's welfare.

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. Applicants awarded a high priority for rehousing will have approached the Council requesting a move and will have demonstrated their need. Therefore, the Council expects such applicants to accept rehousing to a suitable property when it is offered to them. See section 7.4 for information on penalties for not bidding or refusing an offer of suitable housing.

If you have been awarded emergency health and independence points you cannot be awarded points under any other priority category.

If you have been awarded emergency health and independence points, subsequently complete a successful homeless application, and you are placed into suitable temporary accommodation, your emergency health and independence points will be removed and you will be awarded housing duty points.

#### **4.5 At serious risk of harm (1,900 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 serious and immediate 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.

Should serious risk of harm points be awarded, the application to the Housing Register must be completed in the name of the tenant, the tenant's spouse or partner, or in the names of the joint tenants. In other words, serious risk of harm applications will not be considered for a member or members of the household only. The whole eligible household should be prepared and willing to be 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. Ordinarily, applicants awarded serious risk of harm points will have the opportunity to bid for properties through choice-based lettings; however, the Council may make a direct offer of a suitable property at any time in order to rehouse the applicant quickly.

If an applicant refuses two suitable offers through choice-based lettings or refuses one direct offer of accommodation, their points will be removed and the applicant will no longer qualify for the Housing Register. The applicant can seek further advice on their options from the Council.

If you have been awarded serious risk of harm points you cannot be awarded points under any other priority category.

#### **4.6 Supporting health and independence (900 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.

The Council does not prioritise residents for rehousing where their health is affected by disrepair as there are other ways to deal with this. 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.

**If you need help to make your home suitable for your needs**, you can get information from the People First website ([www.peoplefirstinfo.org.uk](http://www.peoplefirstinfo.org.uk)) or Adult Social Care on **020 7361 3013**.

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

If you are living 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.

Applicants (or members of their eligible household) for whom it is essential to use a wheelchair indoors (and this need is supported by independent medical reports) will not be subject to this three month provision. If you fall into this category you will be awarded supporting health and independence points as soon as the Council's assessment concludes that you warrant them.

Supporting health and independence priority is awarded to households where, in the current home, a disability or long-term health condition has a substantial impact on the independence of the applicant or a member of their eligible household (see definition at section 6.1). 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 **substantially** improved by moving to another property. For these applicants, the solution lies in treatment, not rehousing. 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 substantial 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 relevant professional, medical, and healthcare services, 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 rehousing to another property will play a critical role in addressing an applicant's health problems.

**You must not deliberately move into a home that is unsuitable due to your medical or health needs.** If we believe that you have deliberately moved into a property in which a disability or long-term health condition has a substantial impact on your independence or that of a member of your eligible household, making that property unsuitable and where it was otherwise reasonable for you to secure alternative suitable accommodation, supporting health and independence points are unlikely to be awarded or may be removed. The Council will consider the circumstances and merits of such cases very carefully.

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 rehousing on health grounds. Secondly, it recommends the nature of suitable alternative accommodation. The Council may award:

- Two thousand points for emergency health and independence. See section 4.4.
- Nine 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 substantial impact on independence in the current home, or when it cannot be proven that rehousing 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 awards priority for properties which are accessible to the applicant and their household. For more on applying for accessible housing, see section 7.6.

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 rehousing 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, with your agreement and authorisation, contact your GP, occupational therapist, health professional or social worker direct for any further information required.

**Please note that we may ask you to provide independent medical reports, such as the last 12 months' 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 months. 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 reassessment that do not match these 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 Council's 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 performs 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 rehousing will have approached the Council requesting a move and will have demonstrated their need. Therefore, the Council expects such applicants to accept rehousing to a suitable property when it is offered to them. See section 7.4 for information on penalties for not bidding and refusing an offer of suitable housing.

Generally homeless applicants to whom the Council has accepted a duty will only be awarded homeless duty 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 and having a substantial impact on independence as stated earlier in this section. Points will be awarded if a move to suitable accommodation has not been possible within three months of the date the Council recognises the accommodation to be unsuitable. In line with the Council's Temporary Accommodation Placements Policy the household may be moved to more suitable temporary accommodation at which point any health and independence points awarded may be removed.

If you have been awarded supporting health and independence points you cannot also be awarded housing duty points (section 4.13) if:

- i) the Council subsequently accepts a full statutory duty to accommodate you under Section 193(2) of the Housing Act 1996 (a 'successful homelessness application'), and
- ii) you remain in your original home and are not placed into temporary accommodation.

If you have been awarded supporting health and independence points, subsequently complete a successful homeless application, and you are placed into suitable temporary accommodation, your supporting health and independence points will be removed and you will be awarded housing duty points.

#### **4.7 Redevelopment of homes (900 points)**

These points will be awarded to Council and (where specifically agreed by the Council) other 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, leaseholders and freeholders.

The Council will award decanting tenants a very high priority for rehousing to help them move to an alternative home of their choice through the choice-based lettings process.

Decanting tenants will be supported to find alternative accommodation and where necessary direct offers will be made (see section 7.2).

#### **4.8 Vacating homes (700 points)**

Vacating homes points will be awarded to Council and social landlord tenants who are:

- a) 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.

This is known as an 'under-occupation move'.

This can include a move from one property to two smaller properties, where one member of the household wishes to live independently, but only if the net property occupied is less than previously. This is referred to as a 'split tenancy'. Only one additional property is permitted under a split tenancy.

Example A. A couple living in a three-bedroom house with an adult daughter would be eligible to move to a one-bedroom and a studio 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 as soon as alternative accommodation had been made available.

Example B. 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 as soon as alternative accommodation had been made available.

- b) 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. This is known as a 'mobility transfer move'. 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 if it has not been adapted.

This ordinarily applies to properties registered on the Accessible Housing Register, categories A-E but not properties with above the fourth floor that are only served by one lift. The Council's Housing Occupational Therapists will determine whether a property meets the criteria for mobility transfer.

You may also be eligible for further help with your move.

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.

- c) Being asked to move from a property where there is a legal right of succession but the property is too large for their needs. Tenants falling into this category should approach the Council and apply to the Housing Register in order to receive vacating homes priority.

Applicants who satisfy the criteria for a) under-occupation move **and** b) mobility transfer move may be allocated two awards of vacating homes points (1800 points).

Help with a move, either as a result of an under-occupation move or a mobility transfer move is offered at the discretion of the Council.

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 these schemes as they offer a route to a move to a smaller property that does not have excess bedrooms.

More information on under-occupation and mobility transfer moves can be found at [www.rbkc.gov.uk/housing](http://www.rbkc.gov.uk/housing). Alternatively, you can contact the Housing Opportunities Team on 020 7361 3008.

#### **4.9 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 Kensington and Chelsea Children's Services that a person has been assessed as suitable to foster or adopt one or more children who are in the care of Kensington and Chelsea Family Services, but needs more appropriate accommodation in order to do so. Exceptions to this rule will be considered where a Kensington and Chelsea resident wishes to foster or adopt a wider family member who does not ordinarily reside in the borough.

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.

Foster and adoptive parents who are recommended by our Children's Services and who will be overcrowded as a result of fostering or adopting will be registered for one additional bedroom where appropriate. Direct offers of suitable accommodation may be made to applicants in this category.

#### **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 a household: many families live with additional family members who will not qualify as part of a household under this scheme (see section 6.1).

Generally, homeless applicants whom this Council has housed in temporary accommodation who are assessed as lacking two bedrooms or more will be moved to suitable alternative temporary accommodation. Homeless applicants may also wish to consider alternative rehousing options, such as rehousing to a private sector property, or to low cost home ownership or intermediate rent properties.

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 and you may not qualify for the Housing Register.

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 6.4 below for how we calculate the number of bedrooms you have now and the size of accommodation you need.

**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 Options and Allocations Advisors for advice on 020 7361 3008.

**If you live with other people in their home,** you may not be eligible for severe overcrowding points on your application (refer to sections 6.1 and 6.2 for further details).

If you have been awarded overcrowding points you cannot also be awarded housing duty points (section 4.13) if:

- i) the Council subsequently accepts a full statutory duty to accommodate you under Section 193(2) of the Housing Act 1996 (a 'successful homelessness application'), and
- ii) you remain in your original home and are not placed into temporary accommodation.

If you have been awarded overcrowding points, subsequently complete a successful homeless application, and you are placed into suitable temporary accommodation, your overcrowding points will be removed and you will be awarded housing duty points.

Households living in a Council property on a fixed term tenancy, who are overcrowded by two or more bedrooms, may be registered on the Housing Register to help them move during the term of their current tenancy. If suitable alternative properties that

meet assessed housing need are available, a direct offer may be made. However, their fixed term tenancy may be renewed if no alternative suitable properties are available. In other words, becoming overcrowded (lacking two bedrooms or more) during your fixed term tenancy does not guarantee a move to a larger property.

#### **4.11 Contractual duties (200 points)**

These points will be awarded where the Council or the Kensington and Chelsea 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. This contractual duty will ordinarily be stated within the employee's employment contract and / or service tenancy agreement. These points will be awarded three months before the contract is due to end, and reassessed after six months.

In order to receive contractual duties points, the contract must be ending for the following reasons:

- retirement or voluntary retirement where the employee has reached the eligible age for pension credit
- redundancy where the employee has reached the eligible age for pension credit
- resignation or dismissal on medical grounds where it is proven that the employee can no longer secure paid work, or the employee has reached the eligible age for pension credit.

Former employees satisfying the criteria for contractual duty points must also satisfy the criteria for qualifying for the Housing Register (see sections 1.7 and 1.10). For example, if the former employee owns a property or a share in a property and the value of the share is greater than the savings limit, they will be assessed as having sufficient financial resources and will not qualify to join the Housing Register.

Former employees awarded contractual duty points may be nominated to a Council property or a Registered Provider (housing association) property, and may be granted any form of social housing tenancy (including 'lifetime' and fixed term secure and assured tenancies, and tenancies on an 'Affordable Rent').

#### **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 the Council, or where the Council has 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 or 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 of application.

If a person who has been awarded move-on points has accrued arrears, they may be suspended (see section 5.2 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 Single Homeless Officers 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 4.14).

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 (e.g., 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.

If you have been awarded move-on priority due to being in paid work (see point a above) you will be prioritised for a move to the Council's Working Hostel provision. You will be awarded move-on priority pending a vacancy becoming available. If you are offered a suitable vacancy in the Working Hostel provision, but refuse it, your Move-on priority points will be removed (or not awarded if the award is pending). This may mean that you no longer qualify for the Council's Housing Register.

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 5.1).

If you have been awarded move-on 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 section 7.2 on direct offers 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 a suitable offer, the Council is likely to consider it has ended its duty to you.

#### **4.13 Homeless duty (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 Homelessness 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 may 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. 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 it has a statutory duty to provide temporary, social or private rented sector housing. Homeless duty 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 duty 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 duty 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 section 7.2 on direct offers 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 a suitable offer, the Council is likely to consider it has ended its duty to you.

If you have been awarded emergency health and independence points (section 4.4) and/or supporting health and independence points (section 4.6) and/or overcrowding points (section 4.10) you cannot also be awarded housing duty points if:

- i) the Council subsequently accepts a full statutory duty to you under Section 193(2) of the Housing Act 1996, and
- ii) you remain in your original home and are not placed into temporary accommodation.

Applicants (or members of their eligible household) for whom it is essential to use a wheelchair indoors (and this need is supported by independent medical reports) will not be subject to the above provision.

If you have been awarded health and independence points and/or overcrowding points, subsequently complete a successful homeless application, and you are placed into suitable temporary accommodation, your health and independence points and/or overcrowding points will be removed and you will be awarded housing duty points.

#### **4.14 Paid work (50 points)**

Only one award of paid work points can be awarded per application.

##### **Paid work**

We want to support economic growth, reduce social polarisation and welfare dependency 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 priority categories other than this category and where the applicant, their partner or a member of their household is in work and has been in work for at least six months continuously at the time of awarding the points, averaging 16 hours or more per week. Work must be paid and not voluntary. The income earned from paid work should ordinarily, on average and at least, represent a rate of income equal to the National Minimum Wage. It should be noted that the receipt of benefits in return for work does not count as paid work for the purposes of this priority.

The applicant, partner and / or member of the household cannot 'share' the six months' qualification period. At least one eligible person must have worked for a minimum of six months in order to qualify for paid work points.

The working person(s) must fall within our definition of the household to qualify for paid work points. See section 6.1 for our definition of who can be counted as a member of your household.

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 payslips. You will need to provide six months' most recent payslips both at the time you join the Housing Register and when you are nominated for or made an offer of social housing.

**If you are self-employed**, please contact us to discuss what proofs of work you can provide.

Applicants on maternity leave who wish their paid work points to continue must provide written proof from their employer of the agreement to return to work after maternity leave has ended.

The Council 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, 50 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) serving in the regular forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- b) formerly serving members of the regular forces
- c) recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service
- d) serving or have served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

There is information on support for [Armed Forces Support Services](#) on our website

#### **4.16 Homeless**

Households who are assessed as homeless as defined in Part 7 of the Housing Act 1996 but who do not qualify for homeless duty points are entitled to ten homeless points.

#### **4.17 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 the 'reasonable preference' referred to in section 4.1. 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, the applicant will not be entitled to homeless duty points.

#### **4.18 Locality hardship and the Right to Move**

We do not normally award priority to households 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 ten locality hardship points.

Applicants who the Council determines to have a 'Right to Move' under The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 will be awarded locality hardship priority.

The Council will determine and publish an annual quota of properties to be allocated to applicants with the Right to Move. Given the extreme pressures on both social housing and temporary accommodation in the Royal Borough, the quota will not exceed one per cent (rounded figure) of the previous year's lettings.

Applicants with the Right to Move may participate in the Council's choice-based lettings, but it is anticipated they will be rehoused following a direct offer of accommodation. Applicants with the Right to Move will be allocated social housing according to their priority date on the Housing Register so that the household with the earliest priority date (verified application date) will receive the next direct offer of a property to this cohort.

The size of the property to be allocated will be determined by the needs of the eligible household under the terms of the Royal Borough's Allocation Scheme.

These households will be subject to provision for suspensions set out in section 5.2.

#### **4.19 Award of points for different circumstances**

Applicants who qualify for multiple priority categories will have all their points assessed and can be awarded points under several different categories, for example, overcrowding, health and independence, and Armed Forces, with the following exceptions:

- a) Applicants awarded exceptional priority or emergency health and independence or at serious risk of harm priority cannot be awarded points under any other priority category (see exception below).
- b) Housing applications awarded supporting health and independence (with respect to their eligible household members) and/or overcrowding points cannot also be awarded homeless duty points (section 4.13) if the Council subsequently accepts a full statutory duty to accommodate the eligible household under Section 193(2) of the Housing Act 1996 but the household remains in its original home and is not placed into temporary accommodation.

Applicants (or members of their eligible household) for whom it is essential to use a wheelchair indoors (and this need is supported by independent medical reports) will not be subject to this provision.

The Council takes the view that by being awarded emergency health and independence points and/or supporting health and independence points and/or overcrowding points, the applicant will have already been awarded a 'reasonable preference' for the allocation of a property, even if the Council subsequently accepts a full statutory duty towards the applicant and his/her household.

A housing applicant may be awarded multiple points under emergency health and independence and supporting health and independence if they apply to different members of the household.

Only one set of points can be awarded under each category, unless you satisfy criteria for both an under-occupation move **and** a mobility transfer move (see section 4.8).

## **5. Important provisions**

### **5.1 Active pursuit of rehousing**

Once an applicant is awarded a priority for rehousing, it is expected that they will actively seek accommodation using the Council's choice-based lettings system. If no suitable properties have been available within a reasonable period of time (especially for applicants awarded a very high priority) the Council may make a direct offer of housing. A direct offer of suitable housing may be made to any applicant on the Housing Register at any time, ordinarily 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 7.2.

### **5.2 Suspensions**

In order to ensure appropriate and efficient use of our limited supply of social housing to those who need it most, 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 four weeks' rent arrears, or the equivalent of four weeks' charges, or who have accrued arrears and left their accommodation 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 Director of Housing or a delegated officer may waive or modify the requirement for repayment of

rent arrears where rehousing is urgent or to meet the objectives of the Council.

- ii) Applicants against whom the KCTMO 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). Social 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) will also be suspended. In exceptional circumstances the Director of Housing or a delegated officer may waive or modify the requirement for repayment of rent arrears where rehousing is urgent or to meet the objectives of the Council.
- iii) Any tenant whose landlord has initiated legal proceedings for a breach of tenancy other than rent arrears.
- iv) If an applicant has a tenancy of another property, the Council will require them to terminate it before they can sign for an allocated property and therefore their application will be suspended until they take effective steps to terminate their tenancy.
- v) If an applicant refuses two property offers, through either choice-based lettings and/or direct offers, their application may be suspended for 12 months. Their priority date will also move to the date of the last suitable offer. (See section 7.4 below.)
- vi) 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. They will be reinstated once the person is able to move on from supported accommodation and sustain a tenancy. If points are suspended for a period, the priority date will remain as the date of application.
- vii) Applicants under the age of 18, unless a responsible adult satisfies the Council that they are willing and able to pay the rent on the applicant's behalf and they enter into the tenancy and hold it as trustee until the applicant's 18th birthday under an arrangement approved by the Council and, if nominated to another landlord, that other landlord.
- viii) If an applicant deliberately fails to give us information needed to assess their application the Council will suspend their application. Applications will also be suspended pending any investigation into fraud.

### **5.3 Priority date order**

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

The priority date is determined by the date of:

- a) a successful qualifying direct application to the Housing Register, or
- b) a successful homelessness application (when the Council accepts a main housing duty under the 1996 Housing Act section 193)

except in the following circumstances:

- i) If you are already on the Housing Register and you subsequently make a successful application for the following priority awards, your priority date will defer to the date of receipt of the application for assessment for these categories
  - exceptional priority (section 4.3)
  - emergency health and independence (section 4.4)
  - at serious risk of harm (section 4.5)
- ii) If you have been placed into supported accommodation by the Council and you subsequently qualify for the Housing Register having been awarded Move-on Priority, your priority date will reflect the date you moved into supported accommodation. See section 4.12.
- iii) If you are under the Council's care as a young person or you are a care leaver **eligible** under the Children (Leaving Care) Act 2000 and you subsequently qualify for the Housing Register having been awarded Move-on Priority, your priority date will either reflect the date the Council accepted the duty of care towards you or the date you turned 16, whichever is the later. See section 4.12.
- iv) If you have refused two suitable offers of social housing, either as a result of a choice-based lettings bid or a direct offer, your priority date will move to the date of your last refusal of a suitable property. Your application to the Housing Register will also be suspended for 12 months. This penalty does not apply to statutorily homeless applicants; towards whom the Council will discharge its duty (and cease to provide accommodation) following the refusal of a suitable offer of accommodation. See section 7.4.

Exceptions to prioritisation in this way may be provided in the Council's Rehousing Plan, local lettings plans, or in Executive Decisions. These documents are published on our website.

## 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 (defined as the ‘eligible household’ or household for the purpose of this scheme)**. This is because we have such a severe shortage of larger properties, that 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 rehoused, 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 during 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, or 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** (duty accepted) 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 the property 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 4.8.

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 no one remains 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 they 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 the other family member lives, 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 child/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 if you are single.

#### 6.4 Eligible property sizes

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

<b>In calculating how many bedrooms you need, we will allow you:</b>
<ul style="list-style-type: none"> <li>• One bedroom for you and your partner, if you have one</li> <li>• One bedroom for every two children of the same sex, aged up to and including 20</li> <li>• One bedroom for a child of the opposite sex, aged over ten</li> <li>• One bedroom for any other adult aged 21 or over.</li> </ul> <p>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's circumstances.</p>

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 a senior delegated officer within the Housing Department.

We will consider:

- Households assessed as needing a 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 will not remain on the Housing Register to await a property of their assessed size. The decision to allow over-occupation lies with the receiving landlord and will be subject to landlord's 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	Two children of opposite sexes aged	Two children of opposite sexes, one or	Three children	Four or more children
<b>Studio flat</b>	X	X							
<b>One bed</b>		X							
<b>Two beds</b>			X	X	X	X			
<b>Three beds</b>							X	X	X
<b>Four or more bedrooms</b>									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, for example, 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.

## **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 rehousing
- 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 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 in terms of its space, arrangement and affordability will normally take precedence over the location or type of property, including out of borough properties.

Applicants should be aware that landlords may refuse a rehousing nomination from the Council even if the applicant satisfies the Council's criteria for the nomination. For example, the landlord may reject a nomination on grounds of affordability, past or current rent arrears, or previous behaviour on the part of the applicant or members of their household.

Pets cannot be taken into consideration when the Council decides whether an offer of accommodation is suitable. The decision whether to allow applicants to keep existing pets when they move lies with the landlord, not the Council. Applicants (and eligible household members) who require registered guide dogs and registered assistance dogs are exempt from this provision.

These criteria apply to all offers of accommodation.

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

## **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. 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. Applicants who have been assessed as requiring an accessible property will be considered for a suitable accessible property before applicants without such needs (see section 7.6). 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 reassessed and if they refuse two offers they will be subject to the penalties described in section 7.4 below.

- 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. However, under-occupying Council tenants who have come to the end of their fixed term tenancy are expected to accept a suitable offer of alternative accommodation. Please refer to the Council's Tenancy Policy for further details on this point.
- 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 an eviction from any temporary accommodation that was provided as part of that duty.

The Council relies upon landlords to confirm the date by which a nominated applicant can move into an available property. If the date of availability is more than six weeks after the date the Council was notified of the vacancy, the Council will not make a direct offer of that property.

If the Council has already made a direct offer of the property and is subsequently advised by the landlord that the property will not be ready for at least six more weeks, the Council reserves the right to 'call off' the nominations process. In such circumstances, the Council cannot guarantee that the applicant originally nominated to the property will be offered the same property if and when it becomes available.

### **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. 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, 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
- Is 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. Applicants who have been assessed as requiring an accessible property will be considered for a suitable accessible property before applicants without such needs (see section 7.6).

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 (for example, 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.

The Council relies upon landlords to confirm the date by which a nominated applicant can move into an available property. If the date of availability is more than six weeks after the date the Council was notified of the vacancy, the Council will delay advertising the property.

If the Council has already advertised the property and is subsequently advised by the landlord that the property will not be ready for at least six more weeks, the Council reserves the right to 'call off' the nominations process. In such circumstances, the Council cannot guarantee that the applicant or applicants originally shortlisted for the property will be shortlisted again when the property becomes available.

## 7.4 Penalties for refusing an offer of suitable housing

In order to ensure the efficient allocation of available social housing to those who need it most, penalties may apply if you refuse an offer of suitable housing.

**Homeless applicants** may be offered property in the private rented sector. Since the implementation of 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 9.1.

**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.

With regard to choice-based lettings, the Council considers a refusal to be:

- a refusal to view a property having submitted a bid for it, without good reason, or
- a refusal to attend a viewing for a property, without good reason, or
- a refusal of a suitable property offer.

If you refuse two property offers, through either choice-based lettings and/ or direct offers, your application will be suspended for 12 months.

Further, your priority date will move to the date of the last suitable offer you received, but refused.

If you have been awarded serious risk of harm points and you have refused two suitable offers through choice-based lettings or one direct offer of suitable accommodation, your points will be removed and you will no longer qualify for the Housing Register. See section 4.5.

You may seek a review of a decision to suspend your application and to move your priority date to the date of your last refusal of a suitable property.

## 7.5 Sheltered accommodation

Sheltered housing consists of self-contained flats within buildings that provide a safe and secure environment for older people. It allows you to have your own home, while benefiting from the reassurance of staff on site during working hours.

It is not necessary to award points for sheltered housing. Applicants who require sheltered housing may simply register their interest and do not need any other points in order to be able to register. Those households that do qualify for additional points will have them awarded as defined by the relevant section/s. Direct offers of sheltered accommodation will be prioritised according to need and may also be made to other general needs applicants if such an offer is deemed to be suitable.

Registration for sheltered housing is open to applicants from the age of 60. Applicants will have to meet the general eligibility requirements stated at section 1.6 and the qualification criteria stated section 1.7 except that section 1.9 does not apply.

## 7.6 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 rehousing as an option to address this need.

Each suitable property advertised on Home Connections will be allocated an Accessible Housing Register (AHR) 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 is available on the Home Connections website, or from the Housing Occupational Therapy Team who can be contacted on 020 7361 3008.

**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 should be as flexible as possible with regard to where you will move to and you may consider properties outside of the borough. The Housing Occupational Therapy Team may be able to accompany you to view a property you have been offered or shortlisted for, to offer you tailored advice and guidance.

Ordinarily, the Council will try to allocate accessible properties by direct offer in the first instance. If an accessible property cannot be let through a direct offer, it will be advertised on Home Connections.

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. This means that a resident with an assessed need for

accessible housing will be considered for, and nominated to, an available accessible property before residents without such needs, even if the resident with the accessible need has less points.

## **7.7 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 Options and Allocations Team on 020 7361 3008.

## **7.8 Local lettings plans**

Where we consider that there is an overriding need to respond to local conditions, we will operate a local lettings plan. A local lettings plan may 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 antisocial 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 and possibly their own qualification requirements, 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 Options and Allocations Advisors on 020 7361 3008.

### **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 (see section 1.7)

- If you are told that you are not eligible to join the Register (see section 1.6 and Appendix One)
- You disagree with the points that have been awarded to your application
- You are told that your application has been suspended (see section 5.2)
- A decision to suspend your application for 12 months if you refuse two suitable property offers, through either choice-based lettings and/or direct offers.

There is no right to review an offer of accommodation (unless it is made to you as a homeless applicant under Section 193 of the Housing Act 1996) or a decision about your size and suitability requirements. If you have a good reason for disagreeing with any of these decisions, you should contact the Housing Options and Allocations Team on 020 7361 3008 to discuss this.

A request for a review should normally be made in writing, within 21 days of you being notified of the decision, and should give us as much information as possible (see contact details given in section 10). The Council will aim to complete the review within 56 days. 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 based 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 (for example, 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 9.1). 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 Options and Allocations Advisor on 020 7361 3008.
- If you think you may become homeless, contact the Homelessness Team on 020 7361 3982/3983.
- You can also visit the Council's website at [www.rbkc.gov.uk/housing](http://www.rbkc.gov.uk/housing)
- If you want to ask for a review of a decision, please write to:

Housing Review and Scrutiny  
Housing Needs Department  
Royal Borough of Kensington and Chelsea  
Second Floor  
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 force on 24 October 2013.

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, an initial three months' right of residence or a derivative right of residence under [regulation 15A\(4A\)](#) of the Immigration (EEA) Regulations 2006 (third country national carers of British children or dependants).

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.