

## Wiltshire Council

### Cabinet

31 January 2023

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**Subject:** Minor Amendments to the Council Adopted Allocation Policy

**Cabinet Member:** Councillor Phil Alford – Cabinet member for Housing, Strategic Assets and Asset Transfer

**Key Decision:** Key

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#### Executive Summary

For Cabinet to consider the recommendation to make minor amendments to the allocation policy as detailed in this report ahead of a full allocation policy review to take place in 2023.

#### Proposals

To make the following amendments to the allocation policy.

##### Care Experienced Young People

For all Wiltshire care experienced young people , who are either relevant children or former relevant children to whom the Council owes duties under the Children Act 1989 (as amended), up to the age of 25:

- to be awarded Priority Band 1 status when it is confirmed that they are ready to move on into independent accommodation. In each case, a joint assessment of the care experienced young persons ability to live independently under their Pathway Plan will have been performed by Children's Services and Housing, with an independent living assessment agreed with the care experienced young person for prospective landlords. Where the care experienced young person has a tenancy with the council or a private registered provider, and their housing circumstances mean that they have a housing need under this policy, a further housing application will be treated in the same way as the application of another transfer applicant; and
- to be provided with an automatic local connection to Wiltshire as the Council are their corporate parents and the care experienced young person should always have a connection to Wiltshire. This would be an extension of the exclusion group contained within the existing allocation policy.

##### Under Occupation

- For any applicant who is a current social housing tenant within the Wiltshire Council area who is under- occupying by one or more bedrooms to be awarded Band 1 status to make homes more affordable, to help free up larger homes and make best use of our social housing stock.

### **Homeless Relief Duty**

- To enable households owed the homeless relief duties to be placed in the exclusion group.

### **Removal of suspension following a verbal offer of accommodation**

- To substitute the wording within paragraphs 4.12 of the policy to confirm that suspension from the housing register will only occur when a formal offer of accommodation has been made via email or letter and not a verbal offer.

### **Reason for Proposal(s)**

To:

1. improve our corporate parent offer to care experienced young people who are ready to live independently;
2. assist households with reducing households bills by allowing them to move to smaller properties which will better meet their housing need;
3. ensure that households who are owed the relief duty under the homeless act to be considered in the exclusion group; and
4. ensure that the Council doesn't suspend applicants from the register who are only made verbal offers of accommodation to reduce the number of complaints and reviews

**Terence Herbert**  
**Chief Executive**

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### Purpose of Report

1. For Cabinet to consider the recommendations contained within this report to make minor amendments to the allocation policy ahead of a full allocation policy review to take place in 2023.

### Relevance to the Council's Business Plan

2. The recommendations contained within this report are relevant to the Council's priorities and objectives contained within the Business Plan for the following reasons:-
  - We have the right housing – Amending Band 1 for care experienced young people will help to prevent homelessness by providing additional priority to those who are ready to live independently and allowing those in larger homes to downsize will help customers to reduce the running costs of their homes and will enable the Council to make best use of its limited housing stock; and
  - We live well together - Recommending that Wiltshire care experienced young people under 25 be placed in Band 1 will help keep them safe and help to prevent homelessness.

### Background

3. The recommendation in regards to care experienced young people originated from the Care Review 2022 which details recommendations including care experienced as a protected characteristic and giving priority access to services such as social housing. Following an initial visit with the DfE care leavers' Advisor, Mark Riddell, in October 2022, Children's Services embarked on a development plan to improve the offer as Corporate Parents to care experienced young people. As part of this plan it was recommended that additional priority should be awarded to all care experienced young people in our adopted allocation policy as well as consideration being given to providing all Wiltshire care experienced young people with a confirmed local connection to Wiltshire.
4. Due to the current cost of living crisis it has been suggested that the Council should consider giving greater priority to those who are in properties larger than what they need. This will help to free up much needed family accommodation and help to

reduce household bills for those who wish to downsize to more suitable accommodation.

5. The Council has also received a number of review applications from clients who have been suspended from the housing register following verbal offers of accommodation. It has been established that to make these decisions stronger there should be a requirement to ensure that all formal housing offers are made in writing and to ensure the client is advised very clearly of the implications of refusal. This will ensure that the Council's decisions are more robust and legally sound to defend a review.

## **Main Considerations for the Council**

### **Care Experienced Young People**

6. Under the Council's adopted allocation policy, the Council allocates priority Band 1 for all care experienced young people up to the age of 21 who are ready to move on. Local connection is looked at on an individual basis, but if a care experienced young person leaves Wiltshire for a period of time this could create a 'no connection to Wiltshire' situation based on the existing policy
7. The recommendations in this report suggest that the Council should award Band 1 status to all care experienced young people up to the age of 25 who are tenancy ready as the Council continues to be corporate parents until they are 25. It is also recommended that as the Council is the care experienced young person's corporate parents this in itself should provide an automatic local connection to Wiltshire.
8. In regards to demand and how this recommendation will impact on the housing register it has been confirmed that the Council assists an average of 59 care experienced young people each year into independent accommodation, however this may be slightly inflated as the Children In Care team were not able to distinguish within its data sets those care experienced young people who moved into University accommodation.
9. Both recommendations for care experienced young people contained within this report have been supported by the Corporate Leadership Team. The impact of implementing these recommendations will mean that the Council will have more care experienced young people in Band 1 being given the highest priority for the allocation of 1 bed accommodation.

### **Under Occupation in Social Housing**

10. The Council has recognised that customers in properties who are under occupying are struggling to pay for household bills due to the property being too big for the client's needs. Under occupation is when a client has more bedrooms than required based on the Government's bedroom standard. It is also important to note that the Council is seeing a significant increase in demand for family accommodation so any way to free up much needed family accommodation at this time should be considered.
11. The Council is therefore recommending that tenants in social housing who are under occupying should be encouraged to downsize to help make best use of the Council's limited housing stock as well as helping clients to reduce the running costs of their homes

12. The Council is recommending that any applicant who is in social housing and under occupying by one bedroom or more should be allocated Band 1 to help facilitate an urgent move into more suitable accommodation. The Council currently has 39 families in Band 2 who are under occupying by two bedrooms or more and 164 in Band 3 who are under occupying by one bedroom. This will see an increase in Band 1 of approximately 203 families; however each allocation made will free up a larger family home for re-allocation through the Homes4wiltshire system

### **Homeless Relief Duty**

13. The Homelessness Reduction Act 2017, was implemented in April 2018 and placed new duties on housing authorities to intervene earlier to prevent homelessness and to take reasonable steps to relieve homelessness for all eligible applicants. In response to this change the Council amended its banding to bring those who were owed a homeless relief duty into Band 2. Those with a full homeless duty remain in Band 1.

14. The Council is now recommending a further minor amendment to enable households owed the relief duties to be placed in the exclusion group in the same way it process applicants with a full homeless duty. This will help to improve the Council's ability to prevent homelessness and reduce the number of those who may require temporary accommodation.

15. The Council is therefore recommending a minor change to the first bullet point under section 4.13.3 of the allocation policy:-

- *A person who is homeless within the meaning of Part 7, Housing Act 1996 to whom Wiltshire Council has accepted a duty under Section 193 (2) or section 195 (2) of the Act, or accepted a relief duty under Section 189 B (1) and who has a local connection to Wiltshire as defined by Section 199.*

### **Removal to suspend following a verbal offer of accommodation**

16. In the last few months the Council has received a number of requests for review from clients following verbal offers of accommodation which have been considered as suitable offers. If a client unreasonably refuses two offers of accommodation (one if in Band 1) they can be suspended from the housing register. Due to the offers being made verbally the Council does not have sufficient evidence to be able to support a suitability review and the Council is not able to evidence that the client has a clear understanding of the implications of refusing a suitable offer of accommodation.

17. The Council is therefore recommending that all future suitable offers of accommodation should be made in written form. The Council would need to substitute the wording within paragraphs 4.12 of the policy to confirm that suspension from the housing register will only occur when a formal offer has been made via email or letter and not a verbal offer.

18. The recommended revised wording is below:-

*4.12 Excepting housing applicants in Band 1, any applicant who has unreasonably refused two suitable offers of homes following a formal written offer received by the applicant by email or letter from the council or a registered provider in a 12 month period will be suspended from the Housing Register for a period of 12 months from the date of the second suitable offer, unless the*

*applicant lacks capacity. It is the council's decision in the particular cases whether the offers of accommodation are suitable to meet the applicant's housing need. The decision in relation to suitability and the decision to suspend each carry a right of appeal.*

*4.12.1 An applicant in Band 1 will receive only one offer of suitable accommodation. Any applicant in Band 1 who has unreasonably refused one offer of a home which would have been suitable for their household following a formal written offer received by the applicant by email or letter from the council or a registered provider will be suspended from the Housing Register for a period of 12 months, unless the applicant lacks capacity. It is the council's decision in the particular case whether the offer of accommodation is suitable to meet the applicant's housing need. The decision in relation to suitability and the decision to suspend each carry a right of appeal.*

*4.12.2 Autobids are automated bids placed on vacant properties that meet the needs of a housing applicant who is not able to place bids themselves and who has no friend, relative or personal representative to help them to place bids. Any applicant placing bids automatically by use of the autobid feature of the computer system would not be excluded for refusing suitable properties, except where the applicant is in Band 1 in any housing need category or in Band 2 in the relief duty category where the council has accepted a relief duty under S189B (1).*

*4.12.3 At the council's discretion, automated bids will be placed for any applicant in Band 1 or in Band 2 in the relief duty category to help the customer to move in a timely way to suitable accommodation. Applicants in these needs categories are in acute housing need so, whilst this limits applicants' choice, it is reasonable to limit choice to achieve a move to suitable accommodation.*

## **Overview and Scrutiny Engagement**

19. Overview and Scrutiny have not been engaged with these minor recommendations.

## **Safeguarding Implications**

20. The recommendation in this report will improve the offer made to our care experienced young people and will improve their perspective of securing suitable permanent accommodation.

## **Public Health Implications**

21. There are no public health implications in taking forward the recommendations contained within this report.

## **Procurement Implications**

22. There are no Procurement implications in taking forward the recommendations contained within this report.

## **Equalities Impact of the Proposal**

23. The recommendation to extend Band 1 to all care experienced young people under 25 will have a positive impact on care experienced young people in Wiltshire.

### **Environmental and Climate Change Considerations**

24. There are positive environmental impacts from reducing under occupancy of homes with 200 families on our housing register looking to downsize it would be good if the Council can look to assist at least 10% in the first 12 months. This would be 20 families moving into more suitable homes helping to reduce energy consumption for those families.

### **Workforce Implications**

25. There are no workforce implications in taking forward the recommendations contained within this report.

### **Risks that may arise if the proposed decision and related work is not taken**

26. The risks in not taking forward the recommendations would include:-

- Care experienced young people from the age of 21 to 25 would not be given the additional priority to help them to secure social housing so this could lead to higher cost placements to ensure they are suitably housed in line with our statutory obligations for care experienced young people
- Households on the register who are under occupying homes would continue to struggle with affordability in maintaining a larger home than the household requires and they will not be provided with the additional priority being recommended and would therefore be waiting much longer to downsize. This could increase homelessness due to households not being able to sustain their current home
- In regards to verbal offers of accommodation if this continues without the requirement to put the offer in writing it will open us up to legal challenge and continued reviews that need to be quashed.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

27. There are no identified risks in taking forward the decisions contained within this report.

### **Financial Implications**

28. There are no financial implications to take forward the recommendations in this report.

### **Legal Implications**

29. The recommendation contained within this report are in line with the Council's constitution and policy framework, and in accordance with our statutory responsibilities under the Children Act 1989, the Housing Act 1996 and the Equalities Act 2010 to the extent that they relate to the decision.

### **Options Considered**

30. Alternative options have not been considered as this report is only dealing with minor recommended changes to the policy. A full review will be taking place in 2023

## **Conclusions**

31. The following amendments to the Council's allocation policy are recommended for the reasons set out above:

### **Care Experienced Young People**

For all Wiltshire Council care experienced young people, who are either relevant children or former relevant children to whom the Council owes duties under the Children Act 1989 (as amended), up to the age of 25:

- to be awarded Priority Band 1 status when it is confirmed that they are ready to move on into independent accommodation. In each case, a joint assessment of the care experienced young person's ability to live independently under their Pathway Plan will have been performed by Children's Services and Housing Department, with an independent living assessment agreed with the care experienced young person for prospective landlords. Where the care experienced young person has a tenancy with the Council or a private registered provider, and their housing circumstances mean that they have a housing need under this policy, a further housing application will be treated in the same way as the application of another transfer applicant; and.
- to be provided with an automatic local connection to Wiltshire as the Council is their corporate parents and the care experienced young person should always have a connection to Wiltshire. This would be an extension of the exclusion group contained within the existing allocation policy.

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- For any applicant who is a current social housing tenant within the Wiltshire Council area who is under occupying by one of more bedrooms to be awarded Band 1 status to help free up larger homes and make best use of the Council's social housing stock.

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### **Removal of suspension following a verbal offer of housing accommodation**

- To substitute the wording within paragraphs 4.12 of the housing allocation policy to confirm that suspension from the housing register will only occur when a formal offer has been made via email or letter and not a verbal offer.

## **Emma Legg – Director of Ageing and Living Well**

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20<sup>th</sup> December 2022

**Appendices** – Allocation Policy with highlighted changes