



# Housing Decisions Panel Policy

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Housing Decisions Panel Policy			
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## 1. Background

The demand for affordable social housing far exceeds supply in Haringey with over 10,000 households waiting for secure housing and around 3,000 of these in temporary accommodation.

The Allocations Policy outlines how Haringey Council prioritises its limited social rented housing for those in greatest need, however, the policy while comprehensive cannot cover every eventuality.

For this reason a Housing Decisions Panel<sup>1</sup> is in place with discretionary powers granted to it by the Allocations Policy to award additional priority and approve offers of housing in exceptional cases.

In making decisions the Housing Decision panel members are mindful of the people on the housing register who are in severe housing need; many of whom have been waiting years for an offer of permanent accommodation

## 2. Purpose

This policy outlines under what decisions can be considered by the Decisions Panel and how these decisions will be made.

## 3. Legislative/Regulatory Framework<sup>2</sup>

- The Housing Act 1985
- The Housing Act 1996
- The Care Act 2014

## 4. Linked policies

- Allocations Policy 2015<sup>3</sup>
- Decants Policy
- Safeguarding ( adults) Policy

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<sup>1</sup> Previously known as the Exceptions Panel

<sup>2</sup> list is not exhaustive and reflects key legislation and regulation.

<sup>3</sup> In cases of inconsistency the Allocations Policy takes precedence.



## 5. Scope

This policy applies to:

- Tenants of LBH and eligible household members residing in LBH general needs properties
- Tenants and eligible household members resident in Homes for Haringey temporary accommodation (TA)
- Tenants of other social landlords in exceptional cases when considering a reciprocal move

## 6. Policy

The Housing Decisions panel will consider the following applications:

- Management Transfers
- Grants of Tenancy
- Decants
- Welfare cases
- Safeguarding cases

### 6.1. Management Transfers

See section 15.13 of the Allocations Policy.

In exceptional circumstances, tenants may be provided with an emergency management transfer. This will occur when the Housing Decisions Panel has determined that a transfer to alternative social housing offers the most appropriate way of ensuring the personal safety of the tenant, members of their household and/or the local community.

Although most of the transfer requests that are approved relate to extremely serious incidents involving domestic violence, intimidation and harassment, hate crime or threats to kill, the Panel will only approve a transfer where it is satisfied that all other ways of resolving the problem have been exhausted and that it would not be reasonable to expect the tenant to continue living in their home.

The Housing Decisions Panel is authorised to make the following decisions:

- To approve, defer or decline an application
- To request additional information
- To approve a 'direct offer' of alternative accommodation



- Approve location

## 6.2. Grant of Tenancy (exceptional circumstances)

See section 15.25.9 of the Allocations Policy.

Homes for Haringey has the freedom to grant new tenancies in **exceptional** circumstances to those unable to succeed to a tenancy having considered the merits of the case in line with the landlord's duty to address housing needs.

The Housing Decisions Panel may consider **any or all** of the following when assessing the exceptional nature of the case:

- The applicant can demonstrate that:
  - They are an immediate household member; and
  - They have lived at the property for 10 or more years ; and
  - They are on a low income; and
  - Have limited financial resources.
- The applicant would be someone the council would otherwise have a statutory duty to assist under homelessness legislation
- The applicant gave up a social housing tenancy voluntarily prior to moving in with the tenant
- Organisational error including wrong advice that has resulted in a detrimental effect on the applicant's housing situation
- Serious medical issues, disability or mental health issues that would have a severe detrimental effect on the applicant's health or wellbeing
- Where the applicant could have been part of a joint tenancy before the death of a partner/spouse/cohabitee
- Where the tenancy could have been assigned prior to the tenant moving
- The age of the applicant (under 25 or 65 and over)
- If it is in the council's interest to make a grant of tenancy

Applications will be declined:

- Where there is a history of domestic or family violence by the applicant



- Where safeguarding concerns have been raised and the applicant or member of their household was reported as being the perpetrator
- If the applicant or any member of the applicant's household is subject to an anti social behaviour order or similar
- Where there are any current or outstanding legal actions which could prevent the applicant or any member of the applicant's household being considered a suitable tenant.
- Where the balance of the 'use and occupancy' account prevents the applicant from being considered a suitable tenant

Applications will not be considered in cases of misrepresentation or fraud.

The Housing Decisions Panel is authorised to:

- Approve, defer or decline an application
- Request additional information
- Approve a grant of tenancy to the same property or to a different property
- Approve the size and location of property

### **6.3. Decants**

A temporary or permanent move to alternative accommodation so that repairs or improvements can be carried out to the property.

See Decants Policy for further information.

Note: The Housing Decisions Panel will not consider:

- Immediate/emergency decants which are considered by the Head of Occupancy and Move On
- Decants from redevelopment / regeneration schemes.

The Housing Decisions Panel is authorised to:

- Approve, defer or decline an application
- Request additional information
- Approve the size and location of property

### **6.4. Welfare Need**

See 15.22 of the Allocations Policy



This applies if at least one person in the household is vulnerable and less able to find settled or suitable accommodation.

These applicants will have a need to move but may not get medical priority because their current housing may be suitable for their needs.

Note applicants accepted for rehousing under the homelessness legislation will not normally be eligible for welfare priority because, if their temporary accommodation is unsuitable on welfare grounds, or a move to more suitable accommodation would have a positive effect on their welfare, the Council will first look to provide alternative temporary accommodation.

If a homeless applicant or household is especially vulnerable and they may be at significant risk in temporary accommodation, the Council can consider the Housing Needs Band A category of 'applicants who are in severe need and have been accepted for rehousing, by Haringey Council, under the homelessness legislation' (see section 15.8).

The Housing Decisions Panel will consider:

- The extent that the applicant's welfare is being affected by their current housing situation; and
- The benefits, if any of providing alternative accommodation

The Housing Decisions Panel is authorised to:

- Approve, defer or decline an application
- Request additional information
- Approve size and location of property
- Award priority banding

## 6.5. Safeguarding

Applications can be referred to the Housing Decisions Panel by Children's or Adult Services with any referrals signed off by Head of Service.

The Housing Decisions Panel will consider:

- The extent that the applicant's welfare is being affected by their current housing situation; and
- The benefits if any, of providing alternative accommodation



The Housing Decisions Panel is authorised to:

- Award Band A or B; or
- If the tenant should be made a direct offer;
- Approve size and location of property

## 7. The Housing Decisions Panel

The Housing Decisions Panel consists of senior managers from both Housing Demand and Housing Operations and generally meets fortnightly.

## 8. The application or referral process

Applicants are required to complete an application form unless the referral has been made by a Homes for Haringey or council officer and the circumstances of the case mean that an application form is not required.

Applicants may be required to provide supporting documentation and will be advised that if the supporting documentation is not provided by the due date the application will be deferred or declined.

## 9. Fraud and misrepresentation

See section 4.1 of the Allocations Policy 2015

Applications will not be considered in cases of misrepresentation or fraud.

All cases of suspected or alleged fraud in Housing Decisions Panel applications will be referred to the council's Fraud Team to investigate for possible prosecution.

## 10. Assessment of application

When the Housing Decisions Panel has assessed the application, the applicant will be sent a letter setting out the outcome and any special conditions within 10 working days (two weeks) of the panel date.

### 10.1. Application approved

If the application is approved the letter will confirm:



- The Banding ( if applicable); or
- if the applicant will receive a direct offer of accommodation
- the size , and, if applicable, the type of property
- the effective date

## 11. Application declined

Wherever possible an unsuccessful applicant will be advised of the outcome in person.

Where the applicant has a support worker or advocate they will also be contacted and advised of the outcome.

Unsuccessful applicants will be:

- Advised as to what they need to do next
- Advised as to what Homes for Haringey will do following the decision (the legal process)
- Given basic advice on the applicant's housing options
- Signposted or referred (where applicable) to appropriate services that may be able to assist the applicant further including with finding alternative accommodation in the private rental market
- Advised that they will be allowed a three month's grace period so that we can help them find alternative accommodation
- Advised of the formal review procedure

## 12. Informal review

The Housing Decisions Panel may revisit a case where:

- New information has become available that may change the original decision
- Information provided previously was not fully considered

This is at the discretion of the Panel.

## 13. Formal review

An applicant can request a **formal review** in the following circumstances:

- New information has become available that may change the original decision
- Information provided previously was not fully considered



The review must be requested within 21 days of date on the outcome letter.

The review will be undertaken by one or more senior managers (head of service, assistant director or director) who were not involved in the original decision.

The investigating officer reviewing the case will record and investigate the case. This may include contacting the person who has put in the application for more information.

Having reviewed the case the investigating officer may decide that:

- The original decision stands
- The original decision is amended

The final response will be given in writing and will be given within 56 days of the date of the request.

## **14. Barriers to lodging an application**

Homes for Haringey will be mindful of the fact that some applicants may have difficulty understanding the process because:

- they speak only limited English; or
- they have difficulties with reading or comprehension

Homes for Haringey will access support services and /or translators where necessary to assist those applicants

## **15. Use of advocate or support person**

The applicant can choose to have an advocate or support person. However there must be a signed consent on file if the applicant wants Homes for Haringey to liaise directly with the support person or advocate.

## **16. Consent**

We accept applications from people acting on behalf of someone else. However we will need the applicant to give written consent when someone is acting on their behalf.

Homes for Haringey will:



- Make giving consent simple and straightforward.
- Not use the issue of consent to make it difficult for someone to lodge an application.

If the person cannot give written consent Homes for Haringey will consider if there are other options for obtaining consent or responding to a question.

## **17. Help with lodging an application**

Homes for Haringey can assist an applicant to complete an application or where more appropriate signpost the applicant to an independent service that may be able to support or assist the applicant.

Homes for Haringey can organise an interpreter, Braille or signing facilities if necessary.

Where the service user has only limited English Homes for Haringey may access the services of a support person, advocate or interpreter.

## **18. Value for money**

The policy offers value for money by ensuring that applications are dealt with promptly.

## **19. Equalities and diversity**

No person will receive less favourable treatment on the grounds of race, gender, religion or belief, age, sexual orientation, physical disability, appearance, economic status or marital status.

## **20. Performance monitoring**

Homes for Haringey will report annually on:

- The number of cases taken to the Housing Decisions Panel by category and the outcome.
- Equalities and diversity

## **21. Complaints and appeals**



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A person who believes that they have not been treated in accordance with this policy (except where it comes under the formal review process) may complain using the Complaints Policy.

## 22. Version control

Revision	Date	Description of changes	Consultation?	Reviewed by
1.0	10/06/16	Initial release	internal	SMorgan
2.0	08/03/17	amended	internal	ELT