



*Allocation of Accommodation:
Choice Based Lettings
Code of Guidance for Local Housing Authorities*

Consultation



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Authorities*

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On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government

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Consultation

A summary of responses to this consultation will be published within 3 months of the close of the consultation period at the address below.

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Paper copies will be available on request.

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Responses

You are invited to respond by **10th April 2007**. Please send your written response to:

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CHAPTER 1

Purpose of the code

- 1.1 The Secretary of State is issuing this guidance to local housing authorities in England (referred to in this guidance as ‘housing authorities’) under s.169 of the Housing Act 1996 (‘the 1996 Act’). Housing authorities must have regard to this guidance for the purposes of exercising their functions under sections 167(1A) and 167(2E) of the 1996 Act. This guidance is also relevant to the duties in sections 193(3A) and 195(3A) of the 1996 Act.
- 1.2 This code of guidance (‘the Code’) provides information about those factors which housing authorities should take into account in framing their allocation scheme to offer a choice of accommodation to applicants, and factors which they may wish to consider. Accordingly the guidance is primarily for those authorities which have in place or propose to have in place a policy of offering choice to applicants. It is not a substitute for legislation and in so far as it comments on the law can only reflect the Department’s understanding at the time of issue. Housing authorities will still need to keep up to date with any developments in the law in this area.
- 1.3 Housing authorities which offer a choice of accommodation to applicants continue to allocate accommodation within the meaning of Part 6 of the 1996 Act and must comply with the provisions of Part 6. This guidance is therefore supplementary to the Allocation of Accommodation Code of Guidance for Local Housing Authorities¹ issued in November 2002 (referred to in this guidance as the ‘Allocations Code’).

Who the guidance is for

- 1.4 This guidance is specifically for housing authority members and staff. It is also of direct relevance to registered social landlords (referred to as ‘RSLs’). Where a housing authority requests it, RSLs have a duty under section 170 of the 1996 Act to co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority’s allocation scheme. Other private landlords may also work in partnership with housing authorities to enable applicants to be offered a choice of accommodation and this guidance may be of interest to these landlords.

¹ *Allocation of Accommodation Code of Guidance for Local Housing Authorities*, ODPM 2002

- 1.5 Many of the activities covered by this guidance require joint planning and operational co-operation between housing authorities and other bodies. These are likely to include social services departments, health authorities, other referral agencies and voluntary sector organisations, and RSL 'HomeBuy Agents'², although this list is not exhaustive. This guidance will be relevant to these organisations as well.

Legislation in context

- 1.6 In framing their allocation scheme to offer a choice of accommodation to applicants, housing authorities should ensure that their policies and procedures are compatible with obligations imposed on them by other existing legislation, in addition to Part 6 of the 1996 Act, including but not limited to:
- The Race Relations Act 1976 (in particular s.71)
 - The Disability Discrimination Act 1995 (in particular s.49A)
 - The Human Rights Act 1998
 - The Freedom of Information Act 2000 (in particular s.19).
- 1.7 Section 71 of the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000) requires specified bodies, including local authorities, to have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between people of different racial groups. The aim of this provision is to make the promotion of racial equality central to the way relevant services are designed and delivered. Local authorities are also required to publish a race equality scheme every three years. Policies and procedures on offering choice to housing applicants should have regard both to wider duties imposed on public bodies in terms of race relations, and to the local authority's own race equality scheme.
- 1.8 Section 49A of the Disability Discrimination Act 1995 (inserted by the Disability Discrimination Act 2005) introduces a new duty to promote disability equality which is applicable to all public bodies, including housing authorities. This duty came into force in December 2006. It includes, amongst other things, the requirement to have due regard to :
- the need to promote equality of opportunity between disabled persons and other persons;
 - the need to eliminate unlawful discrimination; and
 - the need to take steps to take account of disabled persons disabilities, even where that involves treating disabled persons more favourably than other persons.

² HomeBuy Agents are appointed RSLs which provide a point of contact for affordable housing options in a given area in England and handle the application process for the Open Market and New Build Homebuy products.

- 1.9 Section 19 of the Freedom of Information Act 2000 requires public authorities to adopt and maintain a scheme which relates to the publication of information by the authority, and to publish information in accordance with that scheme. The publication scheme must specify the classes of information which the authority publishes or intends to publish; the manner in which information of each class is, or is intended to be, published; and whether the material is, or is intended to be, available to the public free of charge or on payment. The type of information covered by a publication scheme would include the authority's allocation scheme. This is in addition to the duties under section 168 of the 1996 Act to make information available about the authority's allocation scheme.
- 1.10 The policies and procedures on offering a choice of accommodation should be seen in the context of the authority's other housing functions. They should be compatible with the local authority's housing strategy and the relevant regional (and sub-regional) housing strategy. Since the allocation of accommodation under Part 6 is one of the tools for combating homelessness, the policies and procedures on choice should also be considered as part of the housing authority's homelessness strategy.
- 1.11 For a wide range of vulnerable people, housing, care and support are inextricably linked, and housing authorities will want to consider how their policies on offering choice to applicants interacts with other programmes of care and support.

CHAPTER 2

Overview of the legislative provisions and the Government's 'choice based lettings' policy

Introduction

- 2.1 This chapter provides an overview of the Government's policy on offering social housing tenants a choice of accommodation and sets out the obligations imposed on, and powers granted to, housing authorities under Part 6 of the 1996 Act which are particularly relevant to offering choice.

Housing authority's obligations under s.167(1A) of the 1996 Act and powers under section 167(2E)

- 2.2 Sections 167(1A) and 167(2E) of the 1996 Act were inserted by section 16 of the Homelessness Act 2002 ('the 2002 Act').
- 2.3 Section 167(1A) provides that an allocation scheme must include a statement as to the housing authority's policy on offering people who are to be allocated housing accommodation a choice of accommodation, or the opportunity to express preferences about the accommodation to be allocated to them. This means that the housing authority must take a policy decision on this issue and address it within their allocation scheme.
- 2.4 A policy of allowing applicants an opportunity to express their preferences on areas or types of property is not the same as offering applicants a choice of accommodation. In the Secretary of State's view all housing authorities should adopt an allocation scheme which offers a choice of accommodation and she has set a target for all housing authorities to have done so by 2010. In the meantime, however, housing authorities which do not offer a choice of accommodation should consider giving the applicant an opportunity to express preferences in relation to accommodation. This means allowing the applicant to express a preference about, for example, the location and type of

accommodation to be allocated. Wherever possible, such preferences should be taken into account in allocating accommodation to that person.

- 2.5 Section 167(2E) provides that an allocation scheme may contain provision about the allocation of particular accommodation to a person who makes a specific application for that accommodation. This is intended to facilitate choice by providing for the adoption of 'advertising schemes' whereby applicants can apply for particular properties which have been advertised as vacant by the housing authority.
- 2.6 Section 167(2E) does not specify how authorities should offer a choice of accommodation. However, in the Secretary of State's view the most effective way of doing so is by adopting an advertising scheme and accordingly she expects that all housing authorities will adopt allocation policies and procedures which incorporate an advertising scheme.

Definition of 'choice based lettings scheme'

- 2.7 The term 'choice based lettings scheme' will be used in this guidance to mean that an authority has adopted allocation policies and procedures which incorporate an advertising scheme.

The Government's policy on offering a choice of accommodation to applicants

- 2.8 The Secretary of State believes that allocation policies for social housing should provide for applicants to be given more of a say and a greater choice over the accommodation which they are allocated, while continuing to ensure that the primary purpose of social housing is to meet housing need. This is the best way to ensure sustainable tenancies and to build settled, viable and inclusive communities. Tenants who have been offered a choice of accommodation are more likely to be satisfied with their home and remain in that home for a longer period. Satisfied tenants are more likely to meet their tenancy obligations and maintain the property in good condition.
- 2.9 In January 2005, ODPM published *Sustainable Communities: Homes for All*³, the Government's five year housing plan for England. Paragraphs 5.18 to 5.21 of that document set out the Government's choice-based lettings policy objectives. These objectives are:
 - to make it as easy as possible for applicants and tenants to move between local authority, housing association and privately owned accommodation by encouraging the extension of choice-based lettings to cover low cost home ownership options and properties for rent from private landlords, as well as social housing;

³ *Sustainable Communities: Homes for All*, Office of the Deputy Prime Minister, January 2005.

- to develop choice-based lettings schemes on a regional and/or sub-regional basis, recognising that housing markets do not follow local authority boundaries;
- to support prospective applicants to choose the housing option which is best for them, including: promoting a wide range of options within the district (including low cost home ownership, mutual exchange, the private sector); providing information about 'staying put' options such as aids and adaptations; mobility schemes, including moves from high to low demand areas; property shops and housing advice centres.

CHAPTER 3

Choice based lettings: general

The extent of a policy to offer choice to applicants

- 3.1 Where housing authorities adopt a policy of offering a choice of accommodation, the policy should, as far as possible, extend to all applicants and to all available accommodation. Policies which restrict choice to certain categories of applicant or certain types of dwelling are likely to be more difficult for applicants to understand, and may be regarded as less open and transparent. Local authorities should ensure that any policy of restricting choice does not have a discriminatory impact on a particular group or community.
- 3.2 The fact that certain applicants – for example, people with physical or mental impairments – may have difficulty in making an application for accommodation without assistance, should not preclude them from being offered a choice of accommodation. Instead applicants should have access to any necessary assistance to enable them to make an application (see paragraphs 5.18 to 5.24). Likewise, the fact that certain applicants may have difficulty in living independently in the community without care and/or support should not preclude them from being offered a choice of accommodation. Rather housing authorities should work together with other relevant agencies and providers to ensure that people can apply for appropriate accommodation and receive the support and care necessary to allow them to live as independently as possible. To this end, specialist and supported accommodation should not normally be excluded from a choice based lettings scheme. However, where specialist or supported accommodation is advertised alongside other accommodation, it is important to make clear that only those applicants with relevant housing and/or support needs may apply for it. This may be done, for example, by making clear in the details of the advert that only certain categories of applicants will be considered for the accommodation (see paragraphs 4.58, 4.66 and 4.67).
- 3.3 There may be occasions, however, when it is not advisable or practicable to offer a choice of accommodation to a particular applicant or category of applicants. This category could include sexual or violent offenders where the need to manage the risk which they pose to other individuals or the community in general could limit the amount of choice they can reasonably be allowed.
- 3.4 Housing authorities should try to keep to a minimum the circumstances in which choice may have to be restricted and should ensure that these are clearly set out in the published allocation scheme.

Applications for housing accommodation

- 3.5 Section 166(3) of the 1996 Act requires a housing authority to consider every application for an allocation of accommodation, provided it is made in accordance with the procedural requirements of the allocation scheme.
- 3.6 Applying for an allocation of accommodation where an authority operates a choice based lettings scheme will normally involve applicants in a two-stage process: in the first instance they will be required to apply to join the scheme; and in the second stage they will be required to express an interest in particular accommodation (a process which may be referred to as 'bidding') if they wish to be considered for an allocation of that accommodation. It is important that the procedural requirements of the allocation scheme cover both parts of this process and distinguish clearly between them.

Open v. closed advertising

- 3.7 Housing authorities are encouraged to adopt an 'open advertising' approach whereby all applicants and interested members of the wider local population can find out about vacancies which are advertised (eg in a local newspaper or on a public website). 'Closed advertising' approaches which only advertise available vacancies to those who have priority under the scheme should be avoided. At best they make it more difficult for authorities to fill hard to let properties; and at worst may operate to exclude a proportion of applicants from the allocations process.

Eligibility

- 3.8 Housing authorities must ascertain if an applicant is eligible for an allocation of accommodation, or whether he or she is excluded from an allocation under s.160(A)(1), (3) or (5) of the 1996 Act. Housing authorities may also decide to treat an applicant as ineligible for an allocation because of serious unacceptable behaviour under s.160A(7) of the 1996.
- 3.9 Section 160A of the 1996 Act prevents a housing authority from allocating housing to a person who is not eligible. This means that housing authorities which operate a choice based lettings scheme must consider an applicant's eligibility at the point at which he or she is considered for an allocation of particular accommodation. However, housing authorities should also consider an applicant's eligibility at the time he or she applies to join the choice based lettings scheme. This is because an applicant who is accepted on a scheme has a reasonable expectation that he or she will be eligible to be allocated accommodation under that scheme. However, even where a housing authority undertakes rigorous enquiries about eligibility at the point at which an applicant joins the scheme, the authority will still need to check the person's eligibility when considering making an allocation to him or her. This is particularly significant in the context of an allocation under Part 6 where it is possible that a substantial amount of time may have elapsed between the point at which an applicant applies to join a scheme and the point at which he or she is considered for an allocation of accommodation.

- 3.10 Where a housing authority concludes, at the time that the applicant joins the scheme, that he or she is a person from abroad but is nonetheless eligible for housing, it is recommended that the authority inform the applicant that changes to his or her immigration status or the statutory eligibility criteria prior to an allocation could affect his or her eligibility.

Offers of accommodation and refusals

- 3.11 Housing authorities should not, as a matter of course, impose penalties on applicants who refuse an offer of accommodation which they have applied for under a choice based lettings scheme. This is particularly the case where applicants are expected to apply for properties before they have had a chance to view them. Rather, authorities should ensure that applicants receive sufficient information about the property which is advertised to enable them to make an informed decision as to whether or not to bid for it. This is the best way to ensure that applicants do not bid for properties which do not meet their needs or aspirations.
- 3.12 Authorities may seek to limit the number of refusals by restricting the number of bids which applicants can make at any particular time. This approach restricts the amount of choice available to applicants and is not recommended.
- 3.13 As stated at paragraph 3.11 of the Allocations Code, applicants must be allowed a reasonable period to make a decision about accommodation offered to them under Part 6 of the 1996 Act. This applies equally to accommodation offered under a choice based lettings scheme. The Secretary of State considers that the fact that an applicant has expressed an interest in particular accommodation by bidding for it should not be treated as meaning that he or she has made a final decision to accept it. This is particularly the case where applicants have not had the opportunity to view the property before submitting an application.
- 3.14 Some applicants may require a longer period than others. For example, applicants requiring additional assistance and/or support may wish to take advice in making their decision. Housing authorities should allow sufficient time for such applicants to arrange for an adviser or advocate (who may be a friend or family member) to accompany them when viewing accommodation.
- 3.15 Where a housing authority receives a bid from someone who is disabled or has access needs, they should be aware that the person may need assistance in viewing the property and, where this is the case, the authority should make sure that such assistance is made available.

CHAPTER 4

Choice based lettings: policy content and scheme design

Introduction

- 4.1 The main way in which a choice based lettings approach differs from a traditional, officer-led approach to the allocation of accommodation is that it requires the applicant to play an active part in the allocation process. Accordingly, it is crucial that the processes and procedures for allocating accommodation, including the system used for prioritising applicants, are transparent and easy to understand and use. This points to having a simple process for determining an applicant's priority.
- 4.2 However, it is important that those in greater housing need are not disadvantaged by the introduction of choice based lettings. Whilst the Secretary of State recommends that authorities take the opportunity to simplify their processes and procedures wherever possible, authorities are reminded that they must comply with the requirements of part 6 of the 1996 Act, and in particular the requirement to ensure that reasonable preference for an allocation is given to those in the reasonable preference categories.
- 4.3 The main aim of this chapter, therefore, is to provide guidance on how authorities can reconcile the twin aims of offering applicants a choice of accommodation and simplifying their allocation scheme, with the need to ensure that priority for accommodation goes to those with greater housing need.

Self-assessment and comparative need

- 4.4 The Secretary of State recognises that, in offering applicants a choice of accommodation, some who wish to be allocated accommodation more quickly may decide to bid for vacancies for which there is likely to be less demand. In making decisions of this nature, applicants are said to be 'self-assessing' their needs. It is important that, in designing their allocation scheme, authorities do not rely on such self-assessment processes to determine relative or comparative housing need. Rather allocation schemes must be framed so that authorities are able to identify comparative housing need and ensure that those in greater housing need are given the appropriate priority for housing which meets their needs and are not induced to apply for accommodation which does not meet their needs in order to be housed more quickly.

Assessing housing need

4.5 As stated in paragraph 3.6 above, a choice based lettings scheme involves what is essentially a two-stage process:

- (1) the initial application stage when an applicant joins the scheme and his or her eligibility and priority are assessed; and
- (2) the bidding stage when an applicant bids for properties which are advertised.

This two-stage process allows for a simplified process of determining priority at the initial stage and then, if necessary, a more detailed look at relative priority between shortlisted applicants once bids have been submitted.

4.6 Whatever system of prioritisation is adopted, it is important that housing authorities have in place mechanisms for assessing applicants' housing need and identifying those who are in greater housing need. Application forms should require sufficient detail about an applicant's personal circumstances to enable an authority to assess their housing need, or to identify those cases where further investigation may be needed. Good liaison between housing authorities and other landlords and agencies (eg social services, primary care trusts), including information sharing protocols, will be essential. Medical and welfare panels may have a role to play in assessing applicants who have been referred to the authority by another agency, or whose application suggests that there is a medical or welfare need. Some applicants may not wish to refer to a medical or welfare condition on the application form or may not be aware that they have such a condition, for example if they are suffering from a mental illness. Housing officers who have direct contact with the applicant, either face to face or over the telephone, may be well placed to identify such applicants and should receive appropriate training on how to deal with such a situation.

Prioritising applicants

4.7 In framing their allocation scheme to determine priorities in the allocation of housing, housing authorities must ensure that reasonable preference is given to the following categories of people, as set out in s167(2) of the 1996 Act:

- (a) people who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who are not in priority need;
- (b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3);
- (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;

- (d) people who need to move on medical or welfare grounds, including grounds relating to a disability; and
 - (e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).
- 4.8 In addition, section 167(2) gives housing authorities the power to frame their allocation schemes so as to give additional preference to particular descriptions of people who fall within the reasonable preference categories and who have urgent housing needs.
- 4.9 Paragraph 5.9 of the Allocations Code sets out a number of considerations to which housing authorities should have regard in framing their allocation scheme to give effect to s. 167(2). These are equally relevant where a housing authority offers a choice of accommodation and accordingly are reproduced, as follows:
- a) the scheme must include mechanisms for:
 - i) ensuring that the authority assesses an applicant's housing need; and
 - ii) identifying applicants in the greatest housing need;
 - b) the scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.167(2), over those who do not;
 - c) the reasonable preference categories must not be treated in isolation from one another. Since the categories can be cumulative, schemes must provide a clear mechanism for identifying applicants who qualify under more than one category, and for taking this into account in assessing their housing need;
 - d) there is no requirement to give equal weight to each of the reasonable preference categories. However, housing authorities will need to be able to demonstrate that, overall, reasonable preference for allocations has been given to applicants in all the reasonable preference categories. Accordingly it is recommended that housing authorities put in place appropriate mechanisms to monitor the outcome of allocations; and
 - e) a scheme may provide for other factors than those set out in s 167(2) to be taken into account in determining which applicants are to be given preference under a scheme, provided they do not dominate the scheme at the expense of those in s.167(2).
- 4.10 Otherwise, it is for housing authorities to decide how they give effect to the provisions of s.167(2) of the 1996 Act in their allocation scheme.

Points-based approaches

- 4.11 Many housing authorities have adopted a points-based approach to the prioritisation of applicants. Points-systems can be complex and consequently lacking in transparency and difficult for applicants to understand. Housing authorities which have, or propose to adopt, a choice based lettings scheme and which choose to operate a points-based system should consider whether there is any scope to simplify that system.

Banding approaches

- 4.12 An appropriate method of applicant prioritisation could be a system that groups applicants into a number of 'bands' that reflect different levels of housing need or relative priorities within a housing authority's allocation scheme. Such systems are commonly referred to as 'banding schemes'. Generally speaking banding schemes are simpler for applicants to understand and simpler for housing authorities to operate than points-based systems.
- 4.13 Paragraphs 4.14 to 4.42 below provide guidance on factors and issues which authorities should take into account in framing an appropriate banding scheme.

PRIORITISING APPLICANTS

- 4.14 In the Secretary of State's view, a banding scheme will normally need to distinguish between at least four broad levels of priority in order to comply with the requirements of s.167, as follows :
- People with no entitlement to reasonable preference.
 - People entitled to reasonable preference on a single, non-urgent basis.
 - People entitled to reasonable preference on a cumulative basis.
 - People entitled to additional preference (being persons with urgent housing needs).
- 4.15 Where an applicant's circumstances change, an authority should reassess his or her housing need and consider whether it is necessary to place the applicant in a different band. Generally speaking the onus is on applicants to inform the authority when there is a relevant change in their circumstances. However, it would be good practice for an authority to check periodically whether there has been a change in the circumstances of applicants on the waiting list and indeed whether applicants wish to remain on the waiting list. In the case of applicants who have been assessed as in urgent housing need, authorities are encouraged to review their circumstances more frequently.
- 4.16 At the point of evaluating the bids, authorities should check whether the circumstances of the prospective successful bidder have changed in any material way. This will be relevant to determine –

- whether the applicant is still eligible to be allocated the accommodation (where relevant);
- whether the size of the applicant household matches the property advertised;
- whether the applicant household meets any other specific letting criteria set out in the advert;
- whether the applicant has the appropriate priority under the banding scheme.

THE COMPLEXITY OF THE ALLOCATION SCHEME

- 4.17 A banding scheme must be consistent with and give effect to the principles in the authority's allocation scheme for determining priorities for an allocation. The greater the number and complexity of these principles, the more complex the banding scheme will normally need to be.
- 4.18 Complexity within a banding scheme may be given effect to either by increasing the number of bands or by employing mechanisms for differentiating between applicants in the same band (see paragraph 4.22 and 4.32 below). While a scheme which involves a large number of bands may seem more complex, it is likely to be easier for applicants to understand than a scheme which has only a limited number of bands but a complex mechanism for determining priorities within those bands.

REASONABLE PREFERENCE

- 4.19 A banding scheme must be framed so as to ensure that, overall, reasonable preference is given to applicants who fall within the reasonable preference categories over those who do not. This does not preclude a scheme from providing for other factors than those set out in s.167(2) of the 1996 Act to be taken into account in determining which applicants are to be given preference for an allocation. However, it does mean that a scheme must not include, within the same band, people with reasonable preference and people who do not fall within any reasonable preference category.

ADDITIONAL PREFERENCE

- 4.20 Applicants entitled to additional preference should normally be given the highest level of priority within a banding scheme, since they will have been assessed by the authority as having the most urgent housing need.

CUMULATIVE PREFERENCE

- 4.21 A banding scheme must allow for greater priority to be given to those applicants in the reasonable preference categories who have been assessed as having ‘cumulative’ or ‘composite’ preference.

DETERMINING PRIORITIES BETWEEN HOUSEHOLDS IN THE CUMULATIVE AND ADDITIONAL PREFERENCE BANDS WITH DIFFERENT LEVELS OF HOUSING NEED

- 4.22 Authorities should make provision for identifying those households within the cumulative preference band who (while not entitled to additional preference under the allocation scheme) have more pressing housing needs than other households in the same band, and for ensuring that they are given greater priority for an allocation. Authorities may choose to do this at the point of determining between applicants who have bid for a property. This would involve re-assessing applicants in the cumulative preference band who had been shortlisted in order to determine which of those applicants have the most pressing housing needs. This would enable the authority to maintain a simple banding scheme. While it could make the bid assessment process more cumbersome to administer, this would only be in those instances where more than one applicant in the cumulative preference band submitted a bid.
- 4.23 If an authority decides to adopt such an approach, it is important that this is clearly spelled out in its allocation scheme, including the criteria to be used by the authority in determining which applicant has the most urgent housing needs.
- 4.24 As this approach could otherwise render feedback information less transparent, authorities might wish to include another column/symbol in the feedback information to indicate that factors other than waiting time had been taken into account in prioritising the successful bid.
- 4.25 Another approach would be to create sub-bands within the cumulative preference band. This would inevitably mean a more complex banding scheme but conversely would make the bid assessment process simpler to administer and feedback more transparent.
- 4.26 In areas of very high demand for social housing, where even applicants in the additional preference band may have to wait significant periods for suitable accommodation, the local authority may also need to put in place mechanisms for choosing between persons entitled to additional preference to identify those applicants with greater need and ensure that they are given greater priority for an allocation.

PRIORITY CARDS AND BANDING SCHEMES

- 4.27 Some housing authorities make use of time-limited ‘priority cards’, often in conjunction with a banding approach, as a means of prioritising applicants in urgent housing need. While such time-limited priority cards may be used to

accord greater priority to certain households within a band, the Secretary of State is of the view that an alternative approach which increases the number of bands in the scheme is likely to be simpler for applicants to understand and for authorities to operate. Where priority cards are used, the following principles should be observed.

- 4.28 Time-limited priority cards are likely to be most appropriate for applicants who have urgent housing needs. They may also be useful as a means of encouraging applicants to apply ('bid') early for properties, for example where applicants who have been accepted as statutorily homeless are placed in temporary accommodation (see paragraph 4.50 below). Time-limited priority cards will be less appropriate as a means of prioritising applicants who have specific, long-term rather than acute, housing needs and who may have to wait a long time before appropriate housing is available, eg disabled applicants who require accessible accommodation, or applicants who require large family-size accommodation, where the accommodation is in short supply.
- 4.29 Time limits should be reasonable and appropriate. For example, they should reflect the amount of time it is likely to take for accommodation appropriate to the applicant's needs to become available. It is essential that, where the applicant does not make use of the priority card within the specified time limit, there is a mechanism for reconsidering his or her housing needs and the need for any assistance, and for extending the time limit where this is appropriate (for example, where it is determined that the applicant continues to have urgent housing needs).
- 4.30 One benefit of a priority card system is that it enables housing authorities to keep a closer eye on priority applicants, and in so doing to identify those who may be having difficulty applying because they have a need for assistance which they are not receiving (see paragraphs 5.18 to 5.24 below).

BACK-DATING APPLICANTS

- 4.31 Some choice based lettings schemes use a method of 'back-dating' an application (thereby making it seem as though the person has accrued more waiting time than is really the case) as a way of giving more priority to applicants with greater housing need, in cases where applicants with different levels of housing need are in the same band. Such an approach is not recommended. It could confuse applicants and is likely to make monitoring and 'feedback' information inherently unreliable. If it is thought necessary to distinguish between applicants in this way, it is preferable to create new bands or sub-bands.

DETERMINING PRIORITIES BETWEEN HOUSEHOLDS WITH A SIMILAR LEVEL OF NEED

- 4.32 When operating a banding scheme it is important to have a mechanism for determining allocation priorities between two or more households with similar levels of need. The simplest way of doing this is by taking into account the length of time they have been waiting for an allocation (in the case of new

applicants this will normally be the date of their original application and in the case of transferring tenants, the date they applied to transfer). The Secretary of State considers that such an approach would be sensible and fair.

- 4.33 If prioritising applicants within a band by waiting time only would produce unfair results (for example, because applicants would not be allocated accommodation in accordance with their level of housing need), the local authority should consider creating an additional band or using another mechanism to determine priorities within the band.

AREAS OF LOW DEMAND

- 4.34 In districts where there is low demand for social housing, applicants entitled to reasonable preference are likely to be housed relatively quickly and there will generally be less need to differentiate between different degrees of housing need. In these circumstances, it may be appropriate to operate a simple banding system involving only two bands: one for applicants with reasonable preference and one for those who are not in housing need. However, local authorities need to recognise that even in those areas where there is less pressure on social housing, there may be some applicants who are in particularly urgent housing need, or who are in housing need and require a specific type of property which is in shorter supply, such as a large family house or adapted accommodation. This means that, where a housing authority operates a simplified banding scheme of this kind, they should still have in place a system for identifying applicants with urgent housing need who need to move quickly and for ensuring that such applicants are given greater priority for an allocation. The local authority's scheme should be flexible enough to ensure that where such a situation arises, it can prioritise the household with more urgent needs over other households with less urgent need, even if those households have waited for longer. This might be by means of a time-limited priority card (see paragraphs 4.27 to 4.30 above); or by allocating directly outside the choice based lettings scheme. The latter approach may be more appropriate where the need to find alternative accommodation is extremely urgent as in the case of a victim of domestic violence whose life might be at risk if they remain where they are. Some schemes take into account different degrees of priority by 'back-dating' the application; this is not recommended for the reasons given in paragraph 4.31.

QUOTAS AND TARGETS

- 4.35 It is important that priority for accommodation goes to those in greater housing need. However, this does not mean that, in operating a choice based lettings scheme, every property which is advertised must be allocated to the applicant with the greatest housing need, or only to those in the reasonable preference categories. An allocation scheme may include other policy objectives, such as :
- ensuring a balance between meeting the housing needs of existing tenants and new applicants;
 - promoting more sustainable and balanced communities; and

- widening the housing opportunities for those who are not in greatest housing need.
- 4.36 One way of meeting these objectives might be to aim for a certain proportion of lettings to be made to applicants who have no identified housing need or only low-level need.
- 4.37 Authorities should not set rigid quotas which could restrict their ability to meet the requirement to give reasonable preference overall to applicants in the reasonable preference categories; or seriously impede the ability of applicants in housing need to access appropriate accommodation. However, they may wish to set broad targets which should be published as part of the authority's allocation scheme.
- 4.38 In setting targets, authorities should take into account :
- the size and composition of the waiting list (ie the proportion of applicants in the reasonable preference categories, and the proportion of existing tenants seeking a transfer and new applicants who do not have identified housing needs; and also the size and type of properties which the different categories of applicants require); and
 - the profile of their stock and the vacancies which are likely to become available.
- 4.39 Authorities should avoid setting targets which result in the more popular or scarce types of property being allocated disproportionately to those who are not in identified housing need. It is also important not to set targets which could discriminate, either directly or indirectly, on racial or other equality grounds.
- 4.40 Authorities should monitor their allocation outcomes so that the targets can be altered, should there be any risk that the reasonable preference requirements will not be met.

LOCAL CONNECTION

- 4.41 In determining relative priorities between applicants in the reasonable or additional preference categories, housing authorities may take into account certain factors, including any local connection between the applicant and the authority's district. This means that an applicant who falls within one of the reasonable preference categories, but who does not have a local connection, may be given less priority than an applicant who falls within one of the reasonable preference categories and who does have a local connection. However, the former (ie the applicant who must be given reasonable preference but has no local connection) must be given greater priority under an authority's allocation scheme than an applicant who does have a local connection but who is not required to be given reasonable preference. Where housing authorities take into account local connection in determining priority between different applicants in the reasonable preference categories, this is likely to result in greater complexity within their banding schemes.

- 4.42 An applicant who has no local connection and no identified housing need may be given very little priority under an allocation scheme. Where an authority experiences high demand for social housing, this could mean that such a person stands very little chance of ever being allocated accommodation. However, authorities should not design their banding scheme in such a way that people who have no local connection are effectively excluded from applying for accommodation.

Waiting time based schemes

- 4.43 Some choice based lettings schemes prioritise applicants primarily by waiting time, with those in the reasonable preference categories being given time limited priority cards. In the Secretary of State's view such schemes would not be appropriate where there is high demand for social housing and/or where a significant proportion of applicants are in urgent housing need. Furthermore, such schemes are unlikely to meet the requirement to provide for 'cumulative preference' to be taken into account (see paragraph 5.9(c) of the Allocation Code) unless they also include mechanisms which enable the authority to:
- identify applicants who fall within more than one of the reasonable preference categories; and
 - ensure that such applicants are given greater priority for an allocation where this is justified.
- 4.44 It is recommended that authorities adopt a scheme which prioritises applicants according to housing need in place of a scheme based primarily on waiting time.

First-come, first-served

- 4.45 Paragraph 5.27 of the Allocations Code recognises that it may be appropriate to go outside the reasonable preference categories to allocate hard-to-let accommodation. Accordingly, choice based lettings schemes which offer such accommodation on a 'first-come, first served' basis will usually be appropriate. Housing authorities should have a system in place to identify hard to let properties, and this should be published as part of their allocation scheme to ensure transparency when such homes are allocated. For example, a hard-to-let property might be one which had already been advertised under the choice based lettings scheme and had received no expressions of interest.

Monitoring

- 4.46 When operating a choice based lettings scheme, whatever system of prioritisation is adopted by a housing authority, it is imperative that robust monitoring mechanisms are in place in order to demonstrate that overall reasonable preference is given to those in the reasonable preference categories, and that the authority is able to meet the priorities and principles set out in its allocation scheme.

Choice for applicants owed the main homelessness duty

- 4.47 The Secretary of State considers that people owed the main homeless duty (under s.193(2)) should, wherever possible, be offered a choice of accommodation where they are allocated accommodation under Part 6.
- 4.48 Some people owed the main homelessness duty may be vulnerable and need advice and assistance in order to participate actively in a choice based lettings scheme. Authorities are, therefore, advised to pay particular attention to the guidance in paragraphs 5.18 to 5.24 to ensure that people owed the main homelessness duty are not disadvantaged under a choice based lettings system.
- 4.49 The Secretary of State considers that, generally speaking, applicants owed the main homelessness duty should have the same opportunity as other applicants to refuse an offer of accommodation which they have bid for successfully, regardless of whether the authority considers the accommodation is suitable for them, without incurring a penalty.
- 4.50 Where applicants owed the main homelessness duty are placed in temporary accommodation pending the availability of a settled home, authorities may wish to give them priority for an allocation under a choice based lettings scheme but limit the period for which they are given priority. Where authorities wish to limit the 'priority period', this could be done by, for example, giving the applicant a time-limited priority card or placing the applicant in a priority band for a limited period of time.
- 4.51 However, authorities are reminded that applicants should not be put under pressure so that they feel constrained to bid for accommodation that may not be suitable for them and their household. Accordingly, the 'priority' period should be realistic. In determining the priority period, authorities should take into account the pressure on social housing in the district and the time it would normally take for someone with priority under the scheme to secure an offer of suitable accommodation. Larger households and those with special needs which are difficult to meet (eg those who need accessible accommodation) will need a longer priority period, since the availability of suitable vacancies may be limited.
- 4.52 The consequences of an applicant failing to secure the offer of a suitable home during the priority period should be set out clearly in an authority's allocation scheme and explained to individual applicants at the outset. It is also important that there is a process for examining the reasons why an applicant has failed to secure the offer of a suitable home during the priority period. Where it becomes clear that nothing suitable had been advertised during the period, that the applicant had not fully understood what he or she was expected to do under the scheme, or that the applicant was incapable of accessing the scheme without advice and assistance, the authority should consider extending the priority period and addressing any need for further advice and assistance to enable the applicant to participate effectively in the scheme.

- 4.53 Where the authority does not wish to extend the priority period, they should consider making a 'final' offer of accommodation under Part 6 in accordance with section 193(7) of the Housing Act 1996. If the applicant accepts the offer, the main homelessness duty comes to an end.
- 4.54 Under section 193(7), the main homelessness duty would also come to an end if, having been informed of the possible consequences of refusal and of the right to request a review of the suitability of the accommodation, the applicant refuses a 'final' offer of accommodation under Part 6. However, by section 193(7F) of the 1996 Act, an authority cannot make a 'final' offer unless they are satisfied that the accommodation is suitable for the applicant and that it is reasonable for the applicant to accept the offer. Under section 193(7A), an offer of accommodation is a 'final' offer of accommodation only if it is in writing and states that it is a 'final' offer for the purposes of section 193(7).
- 4.55 Whichever outcome applies (acceptance, or refusal of a final offer), applicants should not be precluded from continuing to participate actively in the choice based lettings scheme – although it should be made clear to them that they will no longer have the priority status accorded to applicants who are owed the main homelessness duty.

Providing choice for disabled people with access needs

- 4.56 Section 167(2)(d) of the 1996 Act provides that people who need to move on 'medical and welfare' grounds must be given reasonable preference for an allocation. Section 167(2) has been revised (by section 223 of the Housing Act 2004) to make clear that 'medical and welfare grounds' include grounds relating to a disability. The amendment, which came into effect on 27 April 2005, is intended to ensure that disabled people with access needs are given appropriate priority for social housing.
- 4.57 The Secretary of State encourages housing authorities to include accessible properties (ie housing which has been designed or adapted to meet the needs of disabled people) within their choice based lettings scheme. She believes that this is the best way to ensure that disabled people have the widest possible choice of accommodation.
- 4.58 The Secretary of State believes that accessible housing should be allocated to people with relevant access needs. Accordingly, the Secretary of State encourages housing authorities to design their choice based lettings scheme in such a way that priority for accessible accommodation is given to people who have access needs. This is consistent with the new duty to promote disability equality. One way to do this would be by means of the advertising criteria. While it would be lawful to provide that only disabled people can apply for accessible vacancies, it would not be lawful to provide that disabled people can only apply for accessible property. However, where a disabled applicant applies for accommodation which does not meet his or her access needs, the housing authority will need to take into account whether it is reasonable and practicable to adapt that property when assessing his bid (and must do so in accordance

with their duties under the Disability Discrimination Act 1995 and the Housing Grants, Construction and Regeneration Act 1996). If it is reasonable and practicable for the property to be adapted, the disabled applicant should be considered for the vacancy on the same basis as other applicants who have submitted a bid. Where there is a shortage of accessible property, and failure to adapt a property would lead to unreasonable delays in housing for a disabled person then the local authority should take steps to identify properties which are suitable to be adapted, and consider giving priority to disabled persons who bid for such properties.

- 4.59 Where an accessible property is advertised, it is important that the property is identified as such in the advertisement and that the advertisement gives sufficient information about the level of adaptations and/or accessibility features in the accommodation for disabled applicants to make an informed decision on whether or not to apply for the particular property. In the Secretary of State's view, this is the best way to ensure that:
- the most effective and efficient use is made of accessible housing stock; and
 - disabled people are allocated accommodation which meets their needs, while giving them the widest possible choice and a greater say over where they live.
- 4.60 In the case of accessible accommodation, it is also particularly important to include information about external access to the property (eg whether there is a ramp up to the property and whether there is accessible parking nearby) and relevant information about the surrounding area (eg are local shops and public transport easily accessible).
- 4.61 Housing authorities are also encouraged to maintain lists or databases of accessible housing within their district. This is likely to be of assistance to disabled applicants even where property is allocated under a choice based lettings scheme. Disabled applicants should be able to see the full range of accessible properties (the number and type of properties; accessibility features and level of adaptations of each property; and location) and be informed about the time they are likely to wait for any type of property to become available. Such information can assist people in determining whether to apply for a particular vacancy which is advertised.
- 4.62 Disabled people may need additional assistance and support to participate in a choice based lettings scheme on an equal footing with other applicants. The nature and degree of assistance they require will depend on the nature and degree of their disability. The following is a non-exhaustive list of the type of assistance and support which housing authorities should consider making available:
- advising individual disabled applicants when suitable accessible property is about to or has been advertised;
 - making arrangements, including providing transport, for physically disabled applicants to visit properties;

- ensuring that websites are accessible for people who have visual impairments or learning disabilities;
- using symbols rather than words in adverts;
- providing large print maps on websites;
- enabling text messaging for people who have hearing impairments;
- providing documents in large or clear print, Moon or Braille;
- making information available on computer disk or audiotape;
- ensuring that advice and information is available over the telephone – for those who cannot use a website or cannot get to a property or advice shop easily;
- mailing out literature to the housebound and physically disabled;
- ensuring that people with learning disabilities who do not have support from any other source (eg friend, relative or social worker) are assigned a suitably trained member of staff to support them.

Local lettings policies

- 4.63 Section 167(2E) of the 1996 Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. This is the statutory basis for so-called 'local lettings policies'. Local lettings policies may be used to achieve a wide variety of housing management and other housing policy objectives. So for example, local lettings policies may be used to lower the proportion of older children/young adults on an estate to reduce the incidences of anti-social behaviour; or to deal with concentrations of deprivation by setting aside a proportion of vacancies for applicants who are in employment.
- 4.64 Local lettings policies may be operated in conjunction with a choice based lettings scheme. However, authorities need to bear in mind that any local lettings policy will restrict the choice available to many applicants, and may lead to choice based lettings schemes which are more complex and less transparent. Consequently, local lettings policies should be clearly set out in the allocation scheme and accompanied by a explanation/justification of the policy which should be evidenced based wherever possible.
- 4.65 The use of local lettings schemes should not detract from a local authority's ability to afford priority overall to those persons entitled to reasonable preference. Consequently, it will not usually be appropriate to apply local lettings schemes to more than a limited part of a local authority's stock (or stock to which the authority has nomination rights).

Advertising criteria – ‘restrictive labelling’

- 4.66 Where accommodation is allocated by means of a choice based lettings scheme, housing authorities may wish to attach criteria (known as ‘advertising criteria’ or ‘restrictive labelling’) to particular accommodation which is advertised specifying, for example, that:
- only people of a particular description may apply for that particular accommodation; or
 - people of a particular description will be given preference for that particular accommodation.
- 4.67 Restrictive labelling may be used, for example, to give effect to a local lettings policy or to a target-based system (see paragraph 4.35 to 4.42), or to match people with access needs to accessible accommodation. It is important that the practical application of such labelling should be operated in accordance with criteria or policies which are set out clearly in the authority’s allocation scheme, and that the effect should not be directly or indirectly discriminatory. Where an authority uses restrictive labelling, it should monitor the impact to ensure that it continues to comply with its duty to give reasonable preference to applicants in the reasonable preference categories.

Restricting choice

- 4.68 The fact that a housing authority adopts a policy of offering choice does not mean that applicants should be able to express an interest in and be considered for any and every available vacancy.
- 4.69 In framing and operating a policy of choice, a housing authority should be mindful of the need to ensure that there are no adverse implications for the good use of their stock and that it does not conflict with their ability to continue to provide for housing need.
- 4.70 So, for example, applicants should not be permitted to apply for vacancies which would result in statutory overcrowding. Conversely authorities will normally wish to ensure that applicants are not permitted to apply for vacancies which would result in under-occupation, although there may be occasions where this makes good housing management sense (eg in the case of hard-to-let properties or where the authority wishes to bring down the child density ratio on an estate). The information which is provided when a property is advertised (‘the advertising criteria’) should assist applicants in establishing whether or not they are entitled to express an interest in a particular vacancy.
- 4.71 The duty to confer reasonable preference on certain categories of people means that an authority should ensure that they are allocated accommodation which meets their identified needs. It is for the authority to make a final judgement on whether it is appropriate to allocate particular accommodation to a particular individual even under a choice based lettings scheme. So, for example, an authority may decide that it is inappropriate to house a drug user on an estate

which is known to have a large proportion of other users or where there is a known drug dealer. However, it is important that an authority does not second-guess an individual's needs and should normally take into account his or her views before making a final decision. The authority may find that the drug user's main source of support lives on that estate as well.

- 4.72 There may be policy justification for designing a choice based lettings scheme to ensure that not all the popular properties go to those in greater housing need (eg by providing that priority cards will cease to have effect where more than a specified number of bids are received for an advertised vacancy). However, such an approach may limit the scope for those who must be given reasonable preference for an allocation to access housing which meets their needs, and may, for example, inadvertently lead to concentrations of homeless applicants in unpopular areas or in areas where there is already a high concentration of deprivation. Where authorities do adopt such an approach, it should be monitored carefully to ensure, for example, that it does not produce outcomes which are discriminatory on racial or other grounds, or conflict with the authority's ability to continue to provide for housing need. Such an approach is not recommended in areas where there is high demand for social housing or where a large proportion of housing applicants are in housing need.

Choice and mobility

- 4.73 The Government wants to see choice based lettings schemes develop which offer new and existing social housing tenants the opportunity to apply for available vacancies in other local authority areas. The greater the opportunity for social housing mobility, the wider the choice of accommodation available to people who are seeking a new home.
- 4.74 One way of increasing the opportunities for mobility between local authority areas is to develop choice based lettings schemes on a regional or sub-regional basis and guidance on how to do this is contained in Chapter 7. However, even where housing authorities do not participate in regional or sub-regional choice based lettings schemes, there are ways in which they can frame their allocation scheme to increase the opportunities for mobility across local authority boundaries. These would include:
- i) dispensing with a local connection requirement; or restricting such a requirement to particular properties or particular parts of the district (for example, properties in high demand or small rural villages);
 - ii) using s.167(2E) (local lettings policies) to ensure that particular properties are allocated to essential workers, such as nurses or teachers, regardless of whether they are currently resident in the authority's district;
 - iii) ensuring that, where people are given reasonable preference because they have a need to move to a particular locality in the authority's district (where failure to meet that need would cause hardship, s. 167(2)(e)), this applies equally to people who are not resident in the district;

- iv) developing reciprocal arrangements with other authorities or RSLs to set aside a certain proportion of their lettings for inter-borough nominations (for more detail on cross-boundary allocations, see paragraph 7.14-7.15);
- v) setting a target for a certain proportion of lettings to be made to applicants who have no local connection with the district.

CHAPTER 5

Managing a Choice Based Lettings scheme

Consultation

- 5.1 Paragraphs 6.4-6.6 of the Allocations Code provide guidance on considerations which authorities should take into account when consulting on changes to their allocation scheme, or before they adopt a new scheme, and this will include the adoption of a policy of offering choice to applicants.
- 5.2 Authorities are required to consult RSLs with which they have nomination arrangements. When considering whether to adopt a policy of offering choice to applicants, authorities are urged to go further than the statutory requirement to consult and explore the possibility of entering into partnership with all or most of the RSLs in their district so as to offer all those who are seeking social housing the widest possible choice of accommodation. It is important to do this at an early stage, so that RSLs are given the opportunity to contribute to the design of the choice-based lettings scheme.
- 5.3 Organisations and individuals who provide advice and support to applicants will be crucial to the success of a choice based lettings scheme. In addition to the relevant statutory and voluntary bodies which provide care and support, authorities should consider whether there are other organisations which represent the interests of existing or potential applicants who may be socially excluded or disadvantaged by a choice based lettings system. Examples may include groups which represent ethnic minority communities, the gypsy and traveller community, drug or alcohol misusers. Bodies which represent the views of people with physical and learning disabilities and mental health problems, and their carers, should also be included. Involving these groups will help authorities meet their race equality and disability equality duties.
- 5.4 Authorities are also urged to consult existing tenants, applicants and residents. It may also be helpful to involve users in designing and testing various aspects of the scheme, in particular any supporting technology (eg a website). It will be particularly helpful to involve users who may have particular communication requirements, for example, people with visual impairments, those with learning difficulties, or those who cannot understand or speak English well.

Information, advice and assistance/support

- 5.5 Section 166(1) of the 1996 Act provides that housing authorities must ensure that advice and information about the right to apply for accommodation is available free of charge to everyone in their district.
- 5.6 Housing authorities should also ensure that sufficient information is available to all applicants to enable them to apply for accommodation. This includes general information about the procedures for applying to go on the scheme and for applying for advertised vacancies; information about how applicants are prioritised under the scheme and how successful applicants are selected; and the rationale for advertising criteria, for example that priority for bungalows is given to older people or those with disabilities (see paragraphs 4.66 to 4.67 above). If RSL vacancies are included in the scheme, it will be helpful for applicants to know what eligibility criteria each RSL operates. Information should be easy to understand and should be available in translation where relevant and in alternative formats (Braille; large print, and audiotapes etc). It is also important that information can be accessed by all applicants. Choice based lettings schemes which rely entirely, or to a large extent, on web-based information, for example, may restrict participation by applicants who have difficulty accessing or operating a computer. Likewise, authorities which rely on local papers or freesheets to advertise accommodation should ensure that they are widely available at locations across the district, or directly mailed to applicants who would otherwise have difficulty accessing them (eg the housebound). Ideally information should be available using a variety of media, including printed hard copy form, on a website or via the telephone. While authorities should provide user-friendly information about their choice-based lettings scheme, this is in addition to, rather than an alternative to, the duties in sections 167 and 168 to have and publish an allocation scheme.
- 5.7 Applicants also need information about particular vacancies which are advertised in order to determine:
- whether they are entitled to bid for the property;
 - whether the property meets their needs and any other requirements; and
 - what their likelihood of success would be if they expressed an interest for the property.

Information in the advert will be important and should include basic details about the property such as:

- location;
- type (flat, bungalow etc);
- size (eg no of bedrooms);
- type of heating; and
- whether it has a garden.

The more information provided (eg about the condition of the property, and access to services) the easier it is for applicants to make an informed decision. Advertising criteria could be used to indicate what type of applicant is entitled or excluded from bidding for a property, or who will be given preference for a property. Authorities must be careful to ensure that advertising criteria are not unlawfully discriminatory. Adverts should be unambiguous and easy to understand. Authorities should consider how to address the needs of applicants, for example, who are blind or partially sighted, who have learning difficulties, or who cannot read English. Symbols rather than words, the use of Braille and translations may all assist; or information on available vacancies could be provided to applicants by telephone.

Information and advice about stock availability and other housing options

- 5.8 An applicant has the right to information to help him assess whether accommodation appropriate to his or her needs is likely to be made available and, if so, how long this is likely to take. 'Feedback' about advertised properties which have been let (see paragraphs 5.11 to 5.15) may assist applicants to assess how long they are likely to have to wait for a particular type of property or property in a particular location. Authorities should also consider making available general information about the profile of their stock. This might include the type, size and location of the stock, whether it is accessible or could be adapted, and how old it is. In the case of stock which is in short supply, an indication of how frequently it is likely to become available would also be helpful.
- 5.9 Some applicants may have to wait a considerable time before appropriate accommodation is made available to them, particularly in areas of high demand for social housing and/or where the applicant has low priority. It could assist them to know about other appropriate housing options which might be available to them. This might include options to rent in the private sector, low cost home ownership options, mobility schemes which enable them to move out of the district, and home improvement or aids and adaptations services which might enable them to stay in the existing accommodation for longer. Authorities are encouraged to make information about housing options available to all applicants when they apply to join a choice based lettings scheme and to provide further advice to individual applicants whenever this may be appropriate (for example, in the case of applicants who bid frequently but without success).

Advice

- 5.10 A choice based lettings approach requires applicants to be more proactive than a traditional allocations approach in which allocation decisions are made by housing officers on the basis of need. For this reason all applicants may need advice as well as information to assist them to participate successfully. This is likely to be particularly important for applicants when they first join a choice based lettings scheme. Advice could be provided by staff of the authority or

another partner landlord, or by the voluntary sector. It is likely to be most effective if the person providing the advice has appropriate housing related experience and is properly trained.

Information about accommodation which has been allocated under a choice based lettings scheme – ‘Feedback’ information

- 5.11 It is recommended that housing authorities publish information about accommodation which has been allocated through a choice based lettings scheme (more commonly known as ‘feedback’). This should specify the number of applications/bids received for the property and give an indication of the reason why the property was allocated to the successful applicant which will normally relate to their level of priority under the scheme. An example might be the band and waiting time of the applicant, or their points level. This information can be extremely useful both to those applicants who have expressed an interest in the vacancy, because it notifies them that the particular vacancy has been let, and to applicants generally, because it assists them to make judgements about what sort of property to bid for in future. Since this information is likely to be of interest to most if not all applicants, it should be easily accessible and authorities may want to consider using a variety of media, such as the local newspaper and website. Those individuals who have expressed an interest in the particular vacancy but are unsuccessful may want more personalised feedback on why they were unsuccessful. It would be helpful if authorities were able to provide this wherever possible.
- 5.12 Authorities may wish to go further and extract generalised information from feedback data to help inform applicants’ bidding strategies. For example, authorities could produce and publish tables giving estimated waiting times by estate or parish and/or property type.
- 5.13 However, housing authorities need to bear in mind that section 166(4) prohibits them from divulging to other members of the public that a person is an applicant for social housing, unless they have the applicant’s consent. Furthermore, authorities should process any personal data which they hold about applicants consistently with the Data Protection Act 1998. This means that, where housing authorities publish information about particular accommodation which has been allocated under a choice based lettings scheme, they must be careful not to provide information which would enable a member of the public to ascertain the identity of the individual applicant who has been allocated the accommodation. In particular, housing authorities should guard against providing information which might put the successful applicant at risk of violence or intimidation by other individuals or members of the public. In extreme cases, it may be advisable not to publish the fact that a property has been let. However, authorities should avoid doing this unnecessarily as it is likely to detract from the transparency of the scheme.

- 5.14 Where direct lettings are made for whatever reason, information about these lettings should normally be published alongside information about lettings made through the choice based lettings scheme.
- 5.15 Authorities should also consider providing more detailed feedback to unsuccessful bidders at regular intervals – perhaps after they have submitted a certain number of unsuccessful bids. This might involve advising applicants about the need to change their bidding strategy, or providing them with advice about alternative housing options available to them, eg low cost home ownership options or the private rented sector (see paragraph 5.9 above).

Application form

- 5.16 While application forms should not be so complex/complicated that applicants have difficulty in completing them, it is important that they are drafted to obtain sufficient information from applicants to enable authorities to identify those applicants who are likely to have:
- priority under the authority’s scheme; and/or
 - difficulty in making an application or choosing their accommodation without additional assistance.
- 5.17 Application forms should also obtain sufficient information to enable authorities to monitor the fairness of allocations and compliance with equal opportunities requirements. So, for example, information about ethnicity or disability should be collected through the application form.

Support and assistance

- 5.18 Section 166(1)(b) of the 1996 Act requires a housing authority to secure that any necessary assistance is made available free of charge to persons in its district who are likely to have difficulty in making an application without assistance. Paragraph 6.9 of the Allocations Code provides that, where authorities adopt an allocation policy which requires the active participation of housing applicants in choosing their accommodation, the level of assistance needed by those who are likely to have difficulty in making an application will normally be greater, and housing authorities will need to provide for this. In providing for this, authorities are advised to consider:
- which individuals or group of applicants are likely to have difficulty in making an application without assistance;
 - how to identify individuals who need assistance;
 - what type and level of assistance are they likely to require; and
 - whether that assistance is currently available and from what organisation.

- 5.19 Some people in the reasonable preference categories may need a high level of additional assistance. In such cases failure to provide such assistance could result in an individual failing to participate in the choice based letting scheme. Authorities must ensure that applicants are given the assistance which they need to take advantage of the reasonable preference to which they are entitled.
- 5.20 However, housing authorities are advised not to equate those who may have difficulty in participating in a choice based lettings scheme with those who are in the reasonable preference categories. It is not necessarily the case that only those in the reasonable preference categories will have difficulty participating in a choice based lettings scheme; neither is it necessarily the case that everyone in the reasonable preference categories will need assistance to participate. The following is a list of people who may have difficulty in making an application without assistance of some sort – the list is illustrative and not exhaustive : people for whom English is not their first language (eg refugees) or people who have literacy problems; people with learning difficulties; people who lead chaotic lifestyles, such as those who misuse drugs or alcohol; people with mental health problems; people who are currently undergoing a crisis in their lives and for whom their housing situation may be only one of many problems, such as victims of domestic violence; those who are socially excluded such as rough sleepers; the gypsy and traveller community; older people and vulnerable young people.
- 5.21 The appropriate type and level of assistance will depend on the type of difficulty the applicant is likely to experience. In some cases it may simply be a matter of ensuring that information and advice is available in translation, or that any relevant written material is delivered to those who are housebound. However, someone with a severe learning disability or acute mental health problem is likely to require intensive support throughout the process.
- 5.22 It is important that housing authorities work together with social services and relevant health bodies and professionals, other housing providers, the community and voluntary sector, and carers and users groups, to:
- identify which type of applicants are likely to need assistance in order to choose accommodation that is appropriate to their needs; and
 - ensure that suitable assistance is available.
- 5.23 An authority may provide assistance itself. This could include a range of activities, from training applicants on use of the website, for example, to making bids on applicants' behalf (with their agreement). However, there is no requirement for the authority to provide assistance itself. Where an authority relies on other organisations and individuals to provide such assistance, the authority will need to be very careful to ensure that the support needs of all applicants can be addressed. Authorities should consider and provide for the training needs of organisations and individuals (eg social services, voluntary agencies, advocates) about how the choice based lettings scheme operates in order to help them advise and assist their clients.
- 5.24 Authorities should consider maintaining a list of applicants who require assistance and support. In many cases it may be relatively simple to identify

those individuals who need assistance at the initial application stage. However, this may not always be the case. Similar considerations are likely to apply to those set out in paragraph 4.6 about assessing need. Otherwise, an applicant's behaviour may give an indication that they have a need for assistance which is not being met. So, for example, the fact that an applicant in priority housing need has failed to bid at all or bids for inappropriate accommodation is a good indication that the person may be experiencing difficulties.

Undue influence

- 5.25 Housing authorities should ensure that, when providing information, advice and assistance, they do not seek to unduly influence an applicant's choice of accommodation.

Monitoring

- 5.26 Authorities are encouraged to monitor their choice based lettings schemes. Monitoring will assist authorities in assessing whether the scheme is: meeting its aims and objectives and whether it is working well; or whether changes need to be made. Data collected may help to inform the authority's homelessness strategy as well as its wider housing strategy. In particular, data on which types of properties are hard to let or in short supply, and which areas are unpopular, will feed decisions on new stock, redevelopment and redesignation, or demolition.
- 5.27 Monitoring is crucial to ensure that authorities comply with:
- the duty to give reasonable preference to certain applicants;
 - the race equality duty; and
 - the disability equality duty.
- 5.28 The following is a range of matters which authorities could usefully include in their monitoring arrangements – it is illustrative and not exhaustive:
- **Housing management performance** – relet times, refusals.
 - **Support mechanisms** – are they effective?
 - **Nomination arrangements** – the number of successful nominations, proportion going to people in the reasonable preference categories, number of failed nominations and reasons for the failure.
 - **Lettings outcomes, policies and quotas** – the proportion of lettings (and separately, direct lettings outside CBL) overall going to, for example, homeless applicants, other applicants in housing need, applicants on the 'assisted list', ethnic minority applicants, transferring tenants and new applicants; and the size and quality of properties going to each group. More specifically the proportion of disabled applicants let accessible properties,

and conversely the proportion of accessible properties let to disabled applicants.

- **Comparative data** about applicants on the waiting list should also be collected. Taken together the waiting list and lettings data may be used to determine whether existing lettings policies and quotas are effective or whether they need to be revised. For example, are existing policies having a disproportionate impact on certain groups or communities, are disabled people having to wait disproportionately long for suitable property, is the authority still able to give effect to its duty to give reasonable preference?
- **Ethnicity data** – particularly numbers on the waiting list, housing outcomes, and bidding behaviour. The CRE website provides good practice on monitoring ethnicity and the categories to use.
- **New communities** – authorities should identify the existence of any new communities within the district and monitor their involvement in choice-based lettings. Authorities which use the census categories to define ethnicity may need to reconsider their ethnicity categories as the census categories do not capture this level of detail.
- **Community cohesion issues** – whether minority ethnic applicants are moving into predominantly white areas and vice versa.
- **Potentially disadvantaged/assisted list applicants.** Given the pro-active nature of CBL, it is particularly important to monitor the activity levels (ie bidding) and housing outcomes for potentially disadvantaged groups. Authorities may be able to use demographic and socio-economic data on new applicants to assist in identifying potentially disadvantaged applicants.
- **Tenancy sustainment** – are tenancies lasting longer or are there more applications to transfer.
- **Bidding behaviour** – number of households which are actively bidding in any given period. This can be compared to the numbers on the housing waiting list; and can also be used to look at patterns of bidding over time. What proportion of applicants in various categories (eg. homeless households, others in housing need, on the ‘assisted list’, and minority ethnic applicants) – are not bidding or bidding infrequently and what reasons are they giving for not bidding.
- **Inter-authority, or inter-regional mobility** – ie numbers/proportions of out- of-borough applicants on the waiting list, making bids, and achieving lettings.
- **Customer satisfaction** – do applicants find the system easy to understand and to use, are ethnic minority applicants and/or disabled applicants as satisfied with the system and/or outcomes as other groups.

- 5.29 Authorities which are introducing a choice based lettings scheme are strongly encouraged to establish a baseline to monitor from; and to retain historical data from the period before the choice based lettings scheme is introduced for comparative purposes.
- 5.30 Rigorous management of the waiting list is important to ensure that the usefulness of waiting list numbers, as an indicator of demand, is not compromised. Authorities are also reminded that data protection legislation (see following paragraphs) requires that personal information is kept up-to-date and is not held for longer than necessary. It is, therefore, strongly recommended that authorities review their waiting list on an annual basis.

Information sharing and data protection

- 5.31 Housing authorities may need to share information about applicants with other agencies and organisations, for example, to ensure that applicants are properly assisted to participate in a choice based lettings scheme and that they are housed appropriately. Such organisations could include social services, other statutory agencies, and voluntary agencies. Information sharing between housing authorities and partner RSLs will be particularly important and failure to get this right could undermine the success of a choice based lettings scheme. Adopting effective information sharing protocols can help ensure that housing authorities and other agencies are clear about the type of information which can be shared with whom and for what purposes.
- 5.32 In devising information sharing protocols, and when passing on information about individual applicants, housing authorities will need to be mindful of their responsibilities under the Data Protection Act 1998. However, this should not be seen as a complete barrier to sharing any information. If landlords are unclear about their obligations and responsibilities under the Act they should contact the Information Commissioner. Advice on data sharing can also be found on the website for the Department for Constitutional Affairs:
www.dca.gov.uk/foi/sharing/toolkit/infosharing.htm

CHAPTER 6

Delivering choice in partnership with registered social landlords (RSLs) and private sector landlords

Joint/partnership CBL schemes with RSLs

- 6.1 The Secretary of State recommends that housing authorities work together with RSLs in their district to provide joint choice based lettings schemes which extend to all or the majority of the social housing vacancies to ensure that :
- best use is made of the available social housing in the district; and
 - applicants are offered the widest choice of accommodation and, as far as possible, a single point of access to that accommodation.
- 6.2 However, where RSLs are involved in choice based lettings schemes with one or more housing authorities, the housing authorities will need to ensure that this does not affect their ability to meet their statutory obligations under part 6 of the 1996 Act.

Statutory framework for co-operation

- 6.3 Section 170 of the 1996 Act provides that where a housing authority so requests, an RSL must co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's allocation scheme. Similarly, s.213 of the 1996 Act provides that where an RSL has been requested by a housing authority to assist them in the discharge of their homelessness functions under Part 7, it must also co-operate to the same extent.
- 6.4 The Housing Corporation has issued regulatory guidance which sets out the requirements on RSLs in respect of local authority nominations (Housing Corporation Regulatory Circular 02/03, February 2003). This provides that in areas where evidence of local housing need is reflected in local planning criteria for affordable housing provision, nomination agreements should provide for 50 per cent or more of true voids for nominations. The circular recognises that agreed percentages may be considerably higher in areas of housing stress.

- 6.5 Housing authorities which have, or plan to adopt, a choice based lettings scheme will want to ensure that RSLs agree that those vacancies to which the authority has nomination rights are made available through the scheme. The Secretary of State would also encourage housing authorities to negotiate with RSLs to make their other vacancies available through a joint choice based lettings scheme as well. However, it is important that, where RSLs let all or the majority of their stock through a joint choice based lettings scheme, there is a means for distinguishing those RSL vacancies to which the authority has nomination rights. It is in the interest of housing authorities, RSLs, applicants and tenants to be clear about the basis on which a tenancy is being allocated, not least in those instances where an applicant may seek to challenge the basis on which a property has been let. One way of distinguishing between the different types of letting would be to have one section of the newsletter or website for local authority lettings which would include 'nomination' lettings, and a separate section for other RSL lettings. In the local authority section, the relevant RSL landlord would be identified in the advertisement for each individual 'nomination' letting.

Applicant prioritisation and eligibility criteria

- 6.6 Housing authorities must comply with the requirements of Part 6 of the 1996 Act when they nominate an applicant to be the tenant of an RSL. This means that when advertising vacancies through a choice based lettings scheme to which the authority has nomination rights, it is important that applicants for those vacancies are prioritised in accordance with s.167 of the 1996 Act.
- 6.7 RSLs may operate eligibility criteria that differ from those which housing authorities are entitled to take into account (by virtue of section 160A(7)). Where this is the case, the eligibility criteria of each participating RSL should be clearly set out in the published CBL scheme details. In addition, where this is feasible, the eligibility criteria applied by an RSL should be stated in the advertisement of any relevant vacancy, so that applicants are clear about the basis on which the property is offered.

Nomination agreements

- 6.8 A local authority nominates a person to RSL accommodation when it does so 'in pursuance of any arrangements (whether legally enforceable or not) to require that housing accommodation, or a specified amount of housing accommodation, is made available to a person or one of a number of persons nominated by the authority', (s159(4)).
- 6.9 It is important that nomination agreements are in place between the housing authority and all RSLs participating in a joint choice based lettings scheme. This is the case even where RSL partners have agreed to put all or the majority of their stock through the choice based lettings scheme.
- 6.10 Such agreements should set out the proportion of lettings that will be made available; any criteria which the RSLs have adopted, following consultation with the housing authority, for accepting or rejecting nominees; and how any disputes about suitability and eligibility will be resolved.

- 6.11 When negotiating nominations agreements, housing authorities should try to ensure that criteria for rejecting nominees are kept to a minimum. This will be particularly important where the housing authority has transferred its housing stock.
- 6.12 Housing authorities should ensure that the details of nominated households given to RSLs are accurate and comprehensive, and in particular provide information about any vulnerability, support needs and arrangements for support. To prevent new tenancies from failing and to minimise the likelihood of the RSL rejecting a nomination, housing authorities should ensure that adequate support packages are in place for applicants who need them before a nominee is expected to take up their tenancy.
- 6.13 Housing authorities should ensure that robust monitoring arrangements are in place to monitor effective delivery of the terms of the nomination agreement or protocol. This will be crucial, to ensure that housing authorities can demonstrate that they are meeting their statutory obligations under Part 6, and in particular the requirement to give reasonable preference to persons in the categories set out in s.167(2). Monitoring arrangements should cover successful and 'failed' nominations.
- 6.14 A 'failed' nomination occurs when an RSL applies its own criteria to reject an applicant who has applied for particular accommodation and who would otherwise be allocated that accommodation, because he or she has appropriate priority under the choice based lettings scheme and is eligible for an allocation under Part 6. It is particularly important to monitor failed nominations to identify whether any particular applicants in the reasonable preference categories are being consistently denied access to accommodation for which they should be given priority.
- 6.15 The monitoring arrangements will also need to cover nominations to any RSL stock which is not included in the joint choice based lettings scheme.

Common housing registers

- 6.16 Where housing authorities and RSLs pool together all their available accommodation in a single choice based lettings scheme, they are advised to consider developing a single list or database of all applicants who have applied and been accepted onto the joint choice based lettings scheme (referred to here as 'a common housing register').
- 6.17 A common housing register is primarily an administrative tool which facilitates the operation of a joint choice based lettings scheme. Applicants on the common housing register who wish to bid for local authority allocations (including RSL vacancies to which the local authority has nomination rights) will need to meet the section 160A eligibility criteria.

Stock transfer, contracting out

- 6.18 Choice based lettings schemes which involve a housing authority and partner RSLs may operate in different contexts, including where the housing authority has contracted out some of its allocation functions and/or where the housing authority has transferred part or all of its stock.
- 6.19 Housing authorities which have transferred all or part of their stock, as well as those which have contracted out allocation functions, retain their statutory obligations regarding the allocation of accommodation, homelessness and the provision of housing advice. They also retain the responsibility for broader strategic duties such as the the duty to undertake a periodic review of housing conditions and to consider aggregate housing needs.
- 6.20 All housing authorities are required to have an allocation scheme regardless of whether or not they retain ownership of the housing stock and whether or not they contract out the delivery of any of their allocation functions. Authorities are prohibited from contracting out certain allocation functions, including adopting and altering the allocation scheme, which includes the principles on which the scheme is framed.
- 6.21 In so far as a joint choice based lettings scheme applies to accommodation which is allocated within the meaning of s.159, housing authorities must ensure that:
- the principles of the choice based lettings scheme, and in particular the principles for determining priorities between applicants, comply with the requirements of part 6 of the 1996 Act;
 - the principles of the choice based lettings scheme are set out in the authority's allocation scheme; and
 - accommodation which is allocated within the meaning of s.159 under a choice based lettings scheme is allocated in accordance with the authority's allocation scheme and in accordance with the requirements of Part 6.
- 6.22 In circumstances where a stock transfer landlord – or an RSL to which a housing authority has contracted out some of its allocation functions – has, or proposes to, set up or participate in a choice based lettings scheme, housing authorities are strongly advised to actively participate in the scheme as well. This is the best way to ensure that they can properly carry out their statutory allocation and homelessness functions and duties as well as their strategic housing responsibilities.

Private sector landlords

- 6.23 Housing authorities may wish to encourage private sector landlords to advertise vacancies through their choice based lettings scheme in order to present a wider range of housing options to applicants. A nomination to a private sector landlord is outside the scope of Part 6 of the 1996 Act, and the letting is likely to

take the form of an assured shorthold tenancy. If vacancies in the private rented sector are to be advertised alongside social housing vacancies the differences between the types of tenure will need to be highlighted. When advertising private sector vacancies, authorities should ensure that the advertisement makes clear the following :

- that the tenant will acquire more limited tenancy rights than in respect of local authority or RSL accommodation;
- the basis on which the landlord will select the successful bid, if this differs from the basis on which successful bids for social housing vacancies are selected.

CHAPTER 7

Regional and sub-regional choice-based lettings schemes

Policy objective

- 7.1 The Government's policy objective is for choice based lettings schemes to develop on a sub-regional and/or regional basis. The Secretary of State believes that such schemes, involving a partnership of housing authorities and registered social landlords – and working together with private landlords wherever possible – are the best way to achieve the greatest choice and flexibility in meeting tenants' housing needs.
- 7.2 There are likely to be a number of benefits from larger, sub-regional or regional schemes which span housing authorities' boundaries:
- they bring together a larger pool of available housing, giving tenants more choice and helping to ease localised problems of high demand;
 - they break down artificial boundaries and recognise existing housing and labour markets;
 - they enable greater regional mobility;
 - for RSLs, they reduce the costs and complexities associated with being involved in several different schemes; and
 - they enable partners to share the costs associated with developing and implementing choice based lettings schemes.

Different models of sub-regional and regional CBL

- 7.3 The Secretary of State recognises that housing authorities which plan to set up a sub-regional or regional choice based lettings scheme should have the flexibility to determine how far they wish to coordinate their allocation functions with partner authorities, in line with local policy objectives. In some instances, authorities may decide to retain their own individual allocation schemes. In other circumstances, authorities may decide to adopt a single regional or sub-regional allocation scheme.

Delegating functions to a central body

- 7.4 A common feature of most sub-regional or regional choice based lettings schemes is likely to be the designation of a single body or organisation to carry out some of the administrative tasks in relation to the scheme. There are two principal options available to housing authorities seeking to delegate their allocation functions to a central body. The constitution of the central body will depend to a large extent on who the partners to the scheme are and which functions the partners choose to delegate to the body.
- 7.5 Firstly, housing authorities have powers to delegate some of their allocations functions to another body under the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 ('the Contracting Out Order'). Schedule 1 of the Order lists the allocation functions which cannot be contracted out, namely: adopting or altering an allocation scheme; consulting with relevant RSLs before adopting or altering an allocation scheme; and making the allocation scheme available at the authority's principal office, or providing a copy of the scheme on request.
- 7.6 Housing authorities may wish to use the powers under the Contracting Out Order to delegate allocation functions to a lead housing authority or some other body, including an RSL or a special purpose vehicle set up specifically for this purpose. The functions which could be delegated would include, for example, the central advertising of available properties on behalf of all partners, processing of applications and the compiling of a shortlist of bids for each advertised vacancy.
- 7.7 Secondly, local authorities have general powers to work together in the discharge of their functions. Subject to the constitutional arrangements of the authorities concerned, an authority may be able to arrange for the discharge of its functions by another authority, or two or more authorities may be able to arrange for the joint discharge of their functions by a joint committee. These powers could be used to establish a regional or sub-regional choice based lettings scheme involving two or more housing authorities which could be operated either by a lead authority discharging the functions of the other authorities, or by a joint committee set up by all the partner authorities. If the authorities wished to do so, they could delegate all of their Part 6 functions to this type of central CBL body.
- 7.8 Housing authorities may not use these general powers to operate a regional or sub-regional choice based lettings scheme together with RSLs or private sector landlords as partners to the scheme. However, it would be possible to include within such a scheme RSL vacancies to which a local authority had nomination rights (see paragraphs 6.8 to 6.15).

Regional and sub-regional allocation schemes

- 7.9 Where two or more housing authorities operate a choice based lettings scheme on a regional or sub-regional basis, they are encouraged to consider the benefits of adopting a single, common allocation scheme across all the participating

authorities. Such an approach should have a number of advantages for local authorities and RSL partners, and for applicants. For instance, it is likely to:

- be more efficient and cost-effective for landlords;
- be more transparent and simpler to understand for applicants, particularly those seeking to move between local authority districts;
- promote greater mobility and thus provide greater choice for applicants.

7.10 In the Secretary of State's view, the requirement in section 167(1) for every local housing authority to have an allocation scheme can be effectively discharged by two or more local authorities acting jointly to produce a common allocation scheme. Where a joint regional or sub-regional allocation scheme is adopted by partner authorities, it is important that this is clearly stated on the face of the document. The allocation scheme should explain, for example, that it is a joint scheme for the region or sub-region made up of the named authorities. The role of any central body allocating on behalf of the partner authorities should also be outlined in the joint allocation scheme.

7.11 When framing a joint allocation scheme, housing authorities must ensure that reasonable preference is secured for all applicants to the partner authorities who are entitled to it under section 167 of the 1996 Act. In particular, the joint allocation scheme will still need to meet the requirement for reasonable preference to be secured for 'people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)' (section 167(2)(e)). One way this could be achieved in the context of a sub-regional or regional allocation scheme would be to give priority to an applicant who needs to live in a specific area within the region or sub-region when the applicant bids for a property advertised in that area.

7.12 Where authorities enter into a joint scheme, the same allocations criteria will apply to all allocations in the region, since authorities can only allocate in accordance with their scheme (s.167(8)). The only exception to this will be where the common allocations scheme itself makes provision for local differences under s.167(2E) (i.e. where the scheme provides for local lettings policies).

7.13 Where authorities have adopted a joint allocation scheme, a person who applies for housing under the scheme should be treated as applying to all of the partner housing authorities. Once the application is accepted he or she would be entitled to bid for vacancies advertised by all of the partner authorities, including partner authorities with which the applicant has no previous connection.

Cross-boundary allocations

7.14 Housing authorities which are partners in a regional or sub-regional scheme may wish to maintain separate allocation schemes but provide for cross-boundary allocations, that is to say allocations to applicants who live in the area

of a partner authority. Authorities who have chosen not to adopt a joint allocation scheme are strongly urged to consider the advantages to applicants of facilitating mobility in this way.

- 7.15 The arrangements for cross-boundary allocations must be capable of being operated in line with the statutory requirements of Part 6. Authorities should note the following points in particular:
- if allocations under a particular allocation scheme are usually subject to a local connection rule, the scheme should make specific provision for dealing with cross-boundary allocations;
 - an authority cannot rely on its partner authority's assessment of the applicant's priority, since it can only allocate in accordance with its own scheme. In practice, both authorities may have delegated some of their allocation functions to a central body (see paragraphs 7.4 to 7.8 above). Where this is the case, since the central body only has the powers which are delegated to it, it will still have to consider each application in accordance with the allocation scheme of the allocating authority;
 - any provision for cross-boundary allocations must not affect the authority's ability to ensure reasonable preference for the classes of person specified in s167(2). This is unlikely to be a problem if the cross-boundary applicants are all persons who are entitled to reasonable preference;
 - the basis for determining priority between cross-boundary applicants should be set out in the allocation scheme.

RSL involvement in regional CBL schemes

- 7.16 Where RSL property is advertised through a joint choice based lettings scheme by housing authorities which each have their own allocation scheme, the partners in the scheme should be clear as to which housing authority is the nominating authority. There should be clear information available for applicants as to which authority's allocation scheme applies to that property (and therefore how priority will be determined).
- 7.17 Housing authorities are encouraged to work with their local HomeBuy Agents on sub-regional or regional choice based lettings schemes. HomeBuy Agents are RSLs funded by the Housing Corporation to provide a 'one stop shop' in an area for all applicants for the Government funded HomeBuy programme.