



CABINET SUPPLEMENTARY PAPERS

Monday, 22 April 2024 at 6.00 pm

Members of the Committee:

Mayor Caroline Woodley (Chair)

Councillor Anntoinette Bramble, Statutory Deputy Mayor and Cabinet Member for Education, Young People and Children's Social Care (Vice-Chair)

Councillor Robert Chapman, Cabinet Member for Finance, Insourcing and Customer Service

Councillor Mete Coban MBE, Cabinet Member for Climate Change, Environment and Transport

Councillor Susan Fajana-Thomas OBE, Cabinet Member for Community Safety and Regulatory Services

Councillor Christopher Kennedy, Cabinet Member for Health, Adult Social Care, Voluntary Sector and Culture

Councillor Clayeon McKenzie, Cabinet Member for Housing Services

Councillor Guy Nicholson, Deputy Mayor for housing supply, planning, culture and inclusive economy

Councillor Carole Williams, Cabinet Member for Employment, Human Resources and Equalities

Deputy Cabinet Members

Councillor Sem Moema

Councillor Sade Etti

Dawn Carter-McDonald
Interim Chief Executive

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www.hackney.gov.uk

Contact: Mark Agnew
Governance Officer

governance@hackney.gov.uk

Cabinet
Monday, 22 April 2024
Order of Business

- 10 CED S317 Amending the Council's Allocation Policy for Social Rented Homes (Pages 7 - 50)**

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- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

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You will have a Disclosable Pecuniary Interest (*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

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You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, **you must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself.



Title of Report	Amending the Council's Allocation Policy for Social Rented Homes
Key Decision No	CED S317
For Consideration By	Cabinet
Meeting Date	22 April 2024
Cabinet Member	Cllr Guy Nicholson, Deputy Mayor for Delivery, Inclusive Economy & Regeneration and Cllr Sade Etti, Deputy Cabinet Member for Housing Needs and Homelessness
Classification	Open
Ward(s) Affected	All
Key Decision & Reason	Yes Two or more wards affected.
Implementation Date if Not Called In	30 April 2024
Group Director	Dawn Carter McDonald, Interim Chief Executive

1. **Cabinet Member's Introduction**

- 1.1. In 2021 Hackney Council adopted a revised borough wide Housing Allocations policy for the allocation of social rented homes. The policy complements a number of associated local lettings policies such as those that respond to decant and right of return on regeneration led schemes on estates, and managing demand for homes on Travellers sites.
- 1.2. The new Housing Allocations policy was designed to be more transparent, accessible, and less complex to use. It was designed to be fair and accessible and focussed on identifying and responding to extreme housing needs. The policy therefore allocates properties to individuals with the most acute housing needs whilst promoting a wider understanding that the demand for social housing far exceeds what is actually available, and that for many a more realistic option is to explore a range of other avenues to find suitable housing.
- 1.3. Since the adoption of the Housing Allocations policy two substantive refinements have been identified and or required. The first, following a substantive Member led Scrutiny review, is a change to the age that a care

leaver can join the Housing Register. The second is a legal instruction from a Judicial Review that the 'definition of homelessness as set out in the Act' is added in writing to the qualifying criteria in the policy. It was ruled that it was not enough to infer the requirements as set out in the Housing Act but that it should specify what those definitions are.

- 1.4. In 2022 The Living in Hackney & Children and Young People Scrutiny Commissions conducted a joint review of the housing needs of care leavers in Hackney. Members of the Commission conducted a number of focus groups and site visits ahead of a joint session to gather evidence on this subject. This comprehensive review culminated in a detailed report setting out 10 recommendations.
- 1.5. For a young person such as a care leaver or looked-after child the Council is their corporate parent, which means as set out in law, the Council must do everything it can for a child in its care. It must give them the opportunities that other children get. This includes everything from keeping an eye on their progress at school, to looking after their health and wellbeing, to preparing them for life as independent adults – and ensuring support is available to them as young adults.
- 1.6. In 2023 the Mayor and Cabinet received and adopted the joint Commission's 10 recommendations that focussed on care leavers, and one of these recommendations was related to Housing Needs and specifically access to the Housing Register from the age 18 and not, as was currently the case, at age 21.
- 1.7. The second revision contained within this paper ensures that the Council is complying with the Judicial Review ruling. While the adopted policy recognises that homeless households would be accepted onto the housing register, the wording of the policy does not set out the provisions within the Housing Act that define a household as homeless.
- 1.8. The proposed amendments will make it clear that homeless applicants, as defined by section 175 of the Housing Act 1996, are able to apply to join the register and receive the appropriate priority regardless of whether a duty to provide accommodation under section 189B(2) (the relief duty) or the duty in section 190(2) has been established, as well as those who are homeless but have not applied for homelessness assistance under Part 7 of the Housing Act 1996.
- 1.9. The Council is recommending to the Cabinet that this amendment effectively responds to the Court's ruling and ensures the Housing Allocations Policy is compliant with the provisions of the Housing Act 1996, as defined by the Court, and prevents any future potential misinterpretation and legal challenge.
- 1.10. It must be stressed that with these changes the Housing Allocations policy remains focussed on ensuring that the limited supply of social housing

available is targeted at those households with the greatest housing need and the Council offers those who will not meet this threshold guidance to source alternative housing options.

1.11. I commend this report to Cabinet.

2. **Interim Group Director's Introduction**

- 2.1. The main Hackney Council Allocations Policy was updated in October 2021. This policy is Borough wide and operates in conjunction with the Council's local lettings policies for individual geographical areas of the Borough and types of accommodation i.e. Regeneration schemes and Travellers sites. This document refers only to the main Allocations Policy.
- 2.2. Hackney Council is statutorily required to have in place a published allocation scheme as set out in Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, and the Localism Act 2011.
- 2.3. The purpose of this policy is to explain how the Council decides how available social housing is allocated. It sets out the Council's eligibility, qualifying and housing need criteria to ensure priority is fairly allocated to households in the greatest need.
- 2.4. At a time of increasing demand and reduced supply, the Council must prioritise applications to ensure that the limited stock of social housing that becomes available goes to those in greatest need. This includes households that have significant health needs that require them to move into social housing or those that are severely overcrowded. Even then, the level of demand is such that households could be waiting a considerable period before a suitable property becomes available, particularly for those households needing large sized accommodation or ground floor properties.
- 2.5. As of January 2024, there were approximately 8,000 Hackney households on the Housing Register seeking an allocation of social housing. This number far outstrips the supply available.
- 2.6. It is therefore important that there is absolute clarity as to who can apply to join the housing register and how their application will be prioritised within the list.
- 2.7. This can be a balance between ensuring that the policy is accessible and understandable to residents against setting out the technical provisions and legal precedents that are part of the statutory framework and Government guidance.
- 2.8. At the time of its introduction it was agreed that the Council would keep the policy under review to ensure that the intentions were being met and that it remained relevant in a rapidly changing environment brought about by the Covid Pandemic, Cost of Living Crisis and volatile housing market.

- 2.9. Whilst implementation has gone well it has become clear that the existing quota of social lets allocated for children leaving care does not meet the demand and limits the ability of the Leaving Care Team to have meaningful, supportive and effective engagement with care leavers about their housing options.
- 2.10. In order to address this we propose to allow care leavers to join the housing register from an earlier age so they may bid for social housing and plan appropriately for their future.
- 2.11. The proposed change identifies Hackney Care leavers aged 18 - 25 as having a significant housing need, and consequently included within the housing register within Band B. This reflects that the Council will move away from a quota scheme for care leavers and they will now be in a position to bid for any appropriate let that becomes available.
- 2.12. In addition to the changes for care leavers, minor changes are proposed at paragraphs 2.5.4, 2.7.4, 2.7.8 & 3.2.3 to reflect recent legal advice that indicates that the policy could be open to misinterpretation, and that the wording should be amended to reinforce the initial policy intention and confirm that it is completely legally compliant.
- 2.13. In its current format, the policy does not clearly set out the specific provisions within the Housing Act that refer to the definition of a homeless household, and how the council's duties to that household would affect their priority within the register.
- 2.14. By adopting the new form of definition as recommended by legal counsel we will be able to avert legal challenge and ensure the policy is statutorily compliant.
- 2.15. Other changes to the policy at paragraphs 2.9 and 5.3 clarifies the discretionary offer where there is no statutory right of succession, and confirms that sanctions may apply where residents fail to view or repeatedly refuse an offer of a tenancy.
- 2.16. The amended wording of the Allocations scheme does not change the intent to ensure that the limited supply of social housing we have available is targeted at those households with the greatest need. It will however protect the Council from challenges and offer additional transparency as to how we process applications to the register.

3. **Recommendations**

- 3.1. **That Cabinet agrees to alter the Council's Allocations Policy in line with the recommendations contained within the report, and as set out in Appendix 1, with effect from 1 May 2024.**

4. **Reason(s) for decision**

- 4.1. Hackney Council is statutorily required to have in place a published allocation scheme as set out in Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011.
- 4.2. The context in which the allocations policy operates is increasingly complex and the allocations of properties are inevitably about distributing scarce resources against huge demand. The proposed changes set out in this report seek to address the potential for misunderstanding and misinterpretation of the Council's allocation policy, and to restore the clear policy intent.
- 4.3. In accordance with legal advice the policy is amended at paragraphs 2.1, 2.5.4, 2.7.4, 2.7.8 & 3.2.3 to reflect compliance with the Housing Act 1996.
- 4.4. The Children and Social Work Act 2017 defined for the first time in law the responsibility of corporate parents to ensure, as far as possible, secure, nurturing and positive experiences for looked-after children and young people, and care leavers. This means the Council has a responsibility to:
- act in the best interests, and promote the physical and mental health and wellbeing, of those children and young people
 - encourage them to express their views, wishes and feelings, and take them into account, while promoting high aspirations and trying to secure the best outcomes for them
 - make sure they have access to services
 - make sure that they are safe, with stable home lives, relationships and education or work
 - prepare them for adulthood and independent living.
- 4.5. The Living in Hackney & Children and Young People Scrutiny Commission 2022 review of the housing needs of care leavers in Hackney made a detailed report setting out its recommendations.
- 4.6. The Allocations Policy is changed at paragraphs 2.1 and 2.7.6 to reflect the Scrutiny Commission's recommendations regarding care leavers.

5. **Details of alternative options considered and rejected**

5.1. **Care Leavers:**

- **Do not amend policy:** This would undermine the Council's corporate parenting role to Care Leavers and limit the options available. This has the effect of shifting the focus for housing outcomes for this cohort from the Care Leavers Team to the Benefits and Housing Needs Service. However, this support will almost certainly be to relieve homelessness rather than prevent it, as without earlier engagement with care leavers, the service will not have had the opportunity to work with them on the

options available prior to the critical need for a resolution arising. As the housing crisis continues and potentially deepens, the Benefits and Housing Needs service are already finding immediate sustainable solutions extremely difficult to source, and the potential for a placement in temporary accommodation increases.

- **Increase the quota** - The paucity of social housing lets becoming available, means that increasing the number of quota properties would not necessarily result in an increase in care leavers achieving a social tenancy. Fulfilling the quota relies on the properties becoming available as we do not have a stock of suitable properties awaiting occupation. There is also the potential to reduce or remove the quota places for the other groups of residents leaving supported pathways and add them to the careleavers quota. Instead, the Care Leaving Service must react to opportunities as they arise, which places them in an invidious position where it must choose which care leavers are nominated without a clear assessment process with potential inconsistencies of allocation.

5.2. **Homeless applicants** - The allocations policy as currently worded does not fully meet the legislative intent as defined within the Housing Act 1996. Consequently the Council is open to challenge from advocates. Failing to address this presents a reputational risk to the Council.

6. **Background**

Policy Context

- 6.1. The Council's allocation policy sets out who is eligible to join the housing register to be considered for the reduced supply of social housing (Council and Housing Association stock) available in the Borough. It also outlines how the Council assesses the size and type of housing required and the priority households will be awarded. The policy determines how Hackney's housing register works.
- 6.2. Every Local Authority is legally required under Part VI of the Housing Act 1996 to have a published Housing Allocations Scheme. In framing their allocation scheme local authorities are required to give priority (known as reasonable preference) to certain categories of people and allow applicants to exercise choice in the allocation of social housing. The Allocations Policy must also give consideration to the Equalities Act 2010 in terms of eliminating discrimination but also our duty to advance equality of opportunity.
- 6.3. In October 2021, Hackney Council adopted a revised policy for the allocation of social rented homes. This policy is borough wide and operates in conjunction with the Council's local lettings policies for individual geographical areas of the borough and types of accommodation i.e. Regeneration schemes and Travellers sites.

- 6.4. The revised policy was in response to increased demand for social housing at a time of diminishing supply, and was also aimed at instilling a wider understanding of the crisis in social housing and promote a strengths based approach that supports households to resolve their housing needs.
- 6.5. In drafting the policy, the Council also wanted to ensure greater simplicity and clarity in the process, combined with a revised focus on service delivery to promote and reframe the conversation on housing options and alternative solutions. To ensure residents are advised openly about the support that is available to them beyond a move into a social let, such as disablement support and adaptations, employment, debt and budgeting advice; building on what residents can achieve not what they cannot.
- 6.6. When consulting with residents on the allocations policy, residents clearly indicated that how we communicate the new policy and approach to residents is vital. In drafting the policy document the intention was to make it accessible and easily understood by residents. However, subsequent legal advice has identified that the policy does not set out in sufficient detail the legislative framework against which we identify homeless applicants to the register or how they are prioritised. The policy also lacks clarity with regard to how applications received from Hackney care leavers aged between 18-25 are treated. The proposed amendment to the policy will address these issues.
- 6.7. The Living in Hackney & Children and Young People Scrutiny Commission 2022 review of the housing needs of care leavers in Hackney made a detailed report setting out 10 recommendations. Much progress has been made to meet those recommendations and the change for care leavers proposed now are a result of the findings of the scrutiny commission. Working with colleagues in Children's Services, the Benefits and Homeless Prevention Service have identified that the existing quota allocation of 18 Social Tenancies a year to care leavers is inadequate and ineffective at meeting the housing needs of these young adults. Increasing the quota will not address the difficulties care leavers encounter in securing settled housing.
- 6.8. With close to 400 care leavers aged 18 to 25 seeking accommodation, most are left deeply disappointed not to be put forward for a social tenancy in Hackney and incredibly anxious about what the future holds for them in terms of housing. Unfortunately, too many care leavers have no settled housing at age 21 (approx 25%) and are assessed as homeless and assisted by the Benefits and Housing Needs service through this pathway.
- 6.9. One of the most important statutory duties of the Leaving Care Service is the responsibility for ensuring that care leavers have access to suitable accommodation from the age of 18 up until their 21st birthday, whilst support is focused on other aspects of their life, in the hope of preparing them as best we can to live independently by their 21st birthday. The Children and Social Work Act 2017 introduced a new duty on leaving care services, to

support care leavers who request support until the age of 25. However, this does not include a duty to provide accommodation.

- 6.10. The key issue is that the current process generates a crisis pinch point at age 21, rather than allowing for more meaningful engagement on housing options throughout the time the care leaver is engaged with the Leaving Care Service. The reality is that for those care leavers turning 21 their housing options are limited:
- Living with friends or family and care leavers can continue to make their own arrangements to do this.
 - Accessing a social tenancy, but as previously stated, the demand significantly outweighs the supply and the majority of care leavers will be unsuccessful.
 - Accessing the Private Rented Sector, however it is important to understand that privately rented accommodation is expensive in Hackney and unless care leavers are earning a healthy wage, the reality is that the only affordable option, like other young people their age, is shared accommodation, often outside the Borough.
 - Making a formal homelessness application, where no other solution can be sourced. This would likely end in a placement in Temporary Accommodation which may itself be prolonged.
- 6.11. In this landscape, we need to ensure that care leavers are properly prepared and informed of the housing realities and how they are likely to be impacted at the earliest opportunity, before reaching the point of crisis. The reality is currently many experience reaching 21 as being like a cliff edge and however much we prepare and inform them, they feel shocked and unprepared to move out of Children's Social Care sourced and funded supported accommodation into either a privately rented home or the homelessness pathway.
- 6.12. Having considered other options, such as increasing the number of properties allocated to the quota, it is considered that the most practical change would be amending the allocations policy to allow care leavers to access the housing register from age 18. Currently, care leavers are unlikely to be accepted onto the housing register prior to reaching age 21 as up to that point they would for all intents and purposes be adequately housed and not meet the criteria for joining. However, by designating care leavers as a priority group, the threshold of having an acute housing need is not applied.
- 6.13. The proposed amendment defines Hackney care leavers 18 - 25 as residents with a significant housing need, rather than including this cohort as applicants with a specific housing need. This will overcome any potential misunderstanding as to their priority when joining the Housing Register.

- 6.14. By giving care leavers the opportunity to join the housing register at 18, we will not only give them better insight into the likelihood of achieving a social tenancy, but also it will allow the Leaving Care Service to engage more meaningfully around all housing options. It is expected that this approach will reduce the number of care leavers having to go down a homelessness route at 21. By allowing young adults in care to join the register we facilitate them to make informed decisions, expand the options they may want to consider and make the transition from being looked after into independence smoother.
- 6.15. This coordinated approach strengthens the ability of the Council to better meet its corporate parenting responsibilities to this vulnerable cohort who do not have the safety net of social systems other young adults are likely to have to support them. It also meets the requirements of the Homelessness Code of Guidance for Local authorities on care leavers.
- 6.16. Research has demonstrated that adults with lived care experience are more likely to experience poor outcomes in later life including poor physical and mental health, homelessness and involvement in the criminal justice system. By making this change to the allocations policy the Council has the opportunity to provide stability at an early stage to avert these longer term consequences.
- 6.17. Homeless households - Every Local Authority is legally required under Part VI of the Housing Act 1996 to have a published Housing Allocations Scheme. In framing their allocation scheme Local Authorities are required to give priority, known as reasonable preference, to certain categories of applicants and allow applicants to exercise choice in the allocation of social housing. The Allocations Policy must also give consideration to the Equalities Act 2010 in terms of eliminating discrimination alongside the Council's duty to advance equality of opportunity.
- 6.18. In drafting the new policy, the Council set out to develop an accessible and clear policy narrative that would be accessible to all residents. However, since the policy's publication, the Council has received new legal advice in light of recent challenges indicating that the wording of the policy can be open to a different interpretation than originally intended.
- 6.19. The proposed amendments to the Allocations Policy reflect the legal advice and reflect the original intention that the policy comply with the requirements of the housing act to give reasonable preference to applicants who are homeless.
- 6.20. There are further minor changes to the policy at paragraphs 2.9 and 5.3. The revised wording clarifies the discretionary offer where there is no statutory right of succession and confirms that sanctions may apply where residents fail to view or repeatedly refuse an offer of a tenancy.

- 6.21. These changes are necessary to ensure the scheme is both clearly legally compliant with the Housing Act and ensures that the draft document reflects more effectively the original policy intention of the Council.

Impact on residents

- 6.22. Care Leavers will be able to join the Housing Register at an earlier date providing an additional option for settled housing.
- 6.23. The proposed amendments to the policy will in effect restore the initial policy intent and set out more precisely both the qualifying criteria for applicants and how those who are able to join the register are prioritised within the register.
- 6.24. There is no material impact on residents. Those already on the housing register will retain their place while those seeking to apply to join will have a better understanding on the eligibility conditions and how applications are prioritised.

Equality impact assessment

- 6.25. The amendments to allocations policy relating to care leavers are positive and have not expected negative impacts on other protected groups.
- 6.26. Amendments relating to rewording the definition of homeless as set out in this report are aimed at clarifying the meaning in accordance with the legislation and increasing understanding of eligibility conditions and how applications are prioritised.
- 6.27. There are no identified negative impacts on protected characteristics other than those associated with the initial policy intent as set out in the Equalities Impact Assessment produced at the time the policy was put in place. An Equalities Impact Assessment specific to these changes is attached.

Sustainability and climate change

- 6.28. There is no impact on the physical and social environment as a consequence of this proposal.

Consultations

- 6.29. The initial policy was designed to respond to increased demand at a time of greater challenges of housing supply, but also promote a strengths based focus that supports households to resolve their housing needs. Amending the allocation policy as set out in this report does not impact on that initial agreed approach and consequently further consultation is not required.

Risk assessment

- 6.30. The allocations policy as currently set out does not provide the clarity and rigour required. Since the policy was initially published, we have received additional legal advice that indicates that the policy could be open to

misinterpretation and that the wording should be amended to reinforce the initial policy intention and to confirm that it is completely legally compliant.

- 6.31. In this context, there are no additional risks to residents from amending the policy, but there is a significant reputational risk to the Council should we not amend the policy.

7. **Comments of the Interim Group Director, Finance**

- 7.1 The report aims to update the Council's Allocations Policy in accordance with the recommendations outlined within this report and as specified in Appendix 1, effective from 1 May 2024.
- 7.2 The proposed change acknowledges the significant housing need of Hackney Care Leavers aged 18 - 25, who will now be included within Band B of the housing register. This adjustment signifies a departure from a quota scheme for care leavers, allowing them the opportunity to bid for any appropriate let that becomes available. There are no direct financial implications of implementing the change in policy since the housing supply will remain unchanged. However, it is anticipated that demand will increase as a result of this change.
- 7.3 Failure to implement the proposed policy change relating to homeless applicants could lead to additional judicial reviews costing upwards of £20k per case.

8. **Comments of the Acting Director of Legal, Democratic and Electoral Services**

- 8.1. In settlement of the second set of judicial review proceedings brought against Hackney Council's policy in February 2024, the authority agreed to revise the policy to ensure compliance with the statutory requirement to be found at section 166A(3) of the Housing Act 1996.
- 8.2. In essence, any local housing authority must give "reasonable preference" in the formulation of its allocation scheme to:
- “(a) people who are homeless (within the meaning of Part 7);
 - (b) people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such 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 any grounds relating to a disability); and

(e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).”

- 8.3. It must be stressed that this does not mean that individuals cannot be excluded from the policy if they do not satisfy a qualifying condition or come within an exclusionary provision (e.g., guilty of past anti-social conduct, not satisfying a residency condition, etc.) – see *R (Montero) v Lewisham LBC* [2021] EWHC 1359 (Admin); [2021] P.T.S.R. 1725 – but a local housing authority cannot exclude otherwise eligible groups or sub-groups (such as the homeless, whether or not they had actually applied to the authority for Part 7 assistance) who fall within the reasonable preference categories.
- 8.4. By way of example, it would therefore be unlawful to disqualify homeless applicants from registration with the Lettings Scheme if they had been placed in long-term homelessness accommodation – *R (Jakimaviciute) v Hammersmith & Fulham LBC* [2014] EWCA Civ 1438; [2015] 3 All E.R. 490.
- 8.5. The courts have long stated their unwillingness to get involved in the precise details of any local housing authority’s allocation scheme, and questions of banding are therefore largely for Hackney Council in furtherance of its stated objectives.
- 8.6. It is thought good practice to undertake a regular review of any policy, and fresh equality impact assessment to ensure that not only are Hackney Council’s objectives being met but also so that there is an assurance that the public sector equality duty has been complied with and that there are no discriminatory provisions or effects.

Appendices

Appendix 1 - Allocations Policy for Social Rented Homes
Appendix 2 - Equalities Impact Assessment

Exempt

N/A

Background documents

None

Report Author	Andrew Croucher Operations Manager, Benefits and Homeless Prevention Andrew.croucher@hackney.gov.uk 020 8356 1544
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Comments for the Interim Group Director, Finance prepared by	Mizanur Rahman Assistant Director of Corporate Finance mizanur.rahman@hackney.gov.uk 020 8356 4347
Comments for the Acting Director of Legal, Democratic and Electoral Services prepared by	Omur Izzet Senior Lawyer omur.izzet@hackney.gov.uk 020 8356 4037

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LONDON BOROUGH OF HACKNEY

**ALLOCATIONS POLICY FOR SOCIAL
RENTED HOMES**

**THIS POLICY COMES INTO EFFECT ON THE
1st MAY 2024**

1.	Introduction	
	1.1	Purpose
		<p>The Hackney Allocations Policy sets out Hackney Council's policy and procedures for allocating homes within the social sector (Council housing and nominations to Registered Social Landlords) to those people on the Council's Housing Register, and the legal framework within which the Council must operate.</p> <p>This policy supersedes all previous policy documents and procedures and the conditionalities outlined within the policy document are applicable to all applicants seeking to be included on the Council's waiting list.</p>
	1.2	Context
		<p>Hackney is a global and diverse borough that has undergone enormous change over the past 15 years. The borough's public services and schools have gone from the worst in the country to amongst the best. Public transport has improved hugely and the borough has experienced more than 40% business growth since 2010, with particular emphasis on the tech, hospitality and creative sectors.</p> <p>Hackney is the 6th most ethnically diverse borough in London, down from 3rd in 2005, but it has a higher ethnic diversity score than in 2005, which suggests that London as a whole is becoming more ethnically diverse, rather than Hackney less. It is also a relatively young borough with a quarter of its population under 20. The proportion of residents between 20-29 years has grown in the last ten years and now stands at just under 25%. People aged over 55 make-up only 15% of the population.</p> <p>Since 2001, Hackney's population has grown by over 73,500 persons to around 281,100. These growth trends are projected to continue with the population expected to reach just over 294,300 by 2028, and just over 325,600 persons by 2050, a forecast increase of around 44,500 persons in the next 30 years.</p> <p>Hackney continues to face significant challenges, and there remains high levels of poverty and inequality, particularly in how people access work and housing. In March 2020, 10.3% of the working age population claimed some sort of out-of-work benefit, the highest rate of any London borough. Hackney also has the highest rate of working-age adults who have no qualifications (10.8% compared to 6.7% for London overall).</p> <p>Housing is a challenge in Hackney, with rents for an average one-bedroom dwelling in the borough standing at 61.2% of median pre-tax pay in London, one of the highest ratios in London. Equally, Hackney has one of the highest rates of households in temporary accommodation with 26.83 households per 1,000 in Hackney in temporary accommodation compared to an average of 16.55 across London.</p> <p>In Hackney around 44% of households rent from a social landlord like the Council or a registered provider such as a housing association, 26% of households are owner occupiers or in shared ownership schemes and 29% rent from a private landlord. The size of the private rented sector more than doubled between 2001 and 2011 rising from 14,760 to 29,449 households.</p>

	1.3	Demand on Social Housing	
		<p>Hackney is in the midst of an affordable housing crisis. The inadequacy of Local Housing Allowance (LHA), the benefit designed to help households on a low income rent in the private sector, means that just a small proportion of local private rent properties are affordable. Low income families wanting to remain living in Hackney continue to feel the impact of spiralling rents. This has caused an adverse trend in families taking up occupancy in properties with one or more bedrooms less than their need, which is sharply increasing the number of overcrowded households in the borough. It is estimated that between 12-15% of households living in the private sector are overcrowded. This is not sustainable, both in terms of the financial and social strain it places on families, and can cause loss of a settled home and result in these households presenting to the Council threatened with homelessness.</p> <p>The lack of adequate affordable accommodation in Hackney has seen the demand for social housing rapidly increasing. The number of households seeking social housing in Hackney now significantly exceeds 13,000, while the proportion of these families considered to be in high priority has also increased; from 18% in April 2014 to 35% in July 2020. There are now over 4,700 households identified as in urgent or very urgent need.</p> <p>While the demand has increased significantly, the number of social properties becoming available to be let has reduced due to a number of factors such as the impact of right to buy and fewer households moving out of a social tenancy. The number of social tenancies becoming available to be let has reduced by almost 50% over the last 5 years: in 2018/19 only 640 lettings became available, despite there being over 45,000 social rent homes in the borough and this decline has continued.</p> <p>At a time of increasing demand and reduced supply, the Council must prioritise applications to ensure that the limited stock of social housing that becomes available goes to those in greatest need. This includes households that have significant health needs that require them to move into social housing or those that are severely overcrowded. Even then, the level of demand is such that households could be waiting a considerable period before a suitable property becomes available, particularly for those households needing large sized accommodation or ground floor properties.</p> <p>The Council seeks to assist all residents in housing need to make informed choices about their accommodation and will provide advice and support to help residents achieve their objectives. This includes helping households find a tenancy in the private sector if this will result in a new home that meets their needs sooner.</p>	
	1.4	Legal Context	
		<p>Hackney Council is required under the Housing Act 1996 Part 6 as amended by the Homelessness Act 2002 and Localism Act 2011 to have a housing allocation scheme. The Act also sets out the legal framework by which it is bound. The key legal requirements and powers are set out below:</p>	
		1.4.1	<p><i>Eligibility and Qualifying Persons</i> - To receive an allocation, an applicant must be eligible and a qualifying person. A person subject to immigration control is ineligible for an allocation of housing accommodation unless s/he comes within one of the exceptional classes prescribed by the Secretary of State.</p>

		<p>A person who is not subject to immigration control will be ineligible if s/he falls within one of a number of classes of people proscribed by the Secretary of State in regulations. If deemed ineligible, an applicant must be informed of the decision and the grounds for it.</p> <p>An applicant must also meet the qualifying persons criteria set by the authority. It is down to the authority to decide who qualifies subject to regulations made by the Secretary of State.</p> <p>Regulations provide that the authority must not disqualify by reason of local connection certain members of the Armed Forces, and former partners and spouses of members of the Armed Forces as prescribed by the Secretary of State. The authority must also not disqualify by reason of local connection certain persons looking to move to work in the borough. If an applicant does not qualify, he or she must be informed of the decision and the grounds for it.</p>
	1.4.2	<p><i>Reasonable preference</i> - An allocation scheme must give Reasonable Preference to:</p> <ul style="list-style-type: none"> ● People who are homeless (within the meaning of Part 7 of the Housing Act 1996), ● People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3), ● People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions as defined in para 4.8 of the MHCLG Guidance for local housing authorities in England Allocation of accommodation , ● People who need to move on medical or welfare grounds (including any grounds relating to a disability); as defined in para 4.10 of the MHCLG Guidance for local housing authorities in England Allocation of accommodation, ● People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others). <p>Under part VI, section 166 of of the Housing Act 1996, the Council will give additional preference to a person who:</p> <ul style="list-style-type: none"> ● is in a reasonable preference category ● has an urgent housing need, and: <ul style="list-style-type: none"> ○ is currently serving in the regular armed forces and suffering from a serious injury illness or disability which is attributable (wholly or partly) to their service ○ formerly served in the regular armed forces ○ is a bereaved spouse or civil partner who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner whose death was attributable (wholly or partly) to service in the regular armed forces ○ is, or had been, serving in the reserve armed forces (this includes the Territorial Army) and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service.
	1.4.3	<p><i>Information, Review & Choice for Applicants</i> - The allocation scheme must set out the local authority's policy on offering applicants:</p> <ul style="list-style-type: none"> ● a choice of housing accommodation; or, ● the opportunity to express preferences about the housing accommodation to be allocated to them. <p>The Scheme must be responsive to the rights of applicants in terms of;</p>

			<ul style="list-style-type: none"> ● Access to information regarding how applications for housing are assessed and the likelihood of being allocated a property and waiting time. ● An applicants' right to a review of any decision(s) on their applications, including if they are considered to be ineligible or are considered to be a non-qualifier.
	1.5	Legal powers and flexibilities granted to Local Authorities	
		1.5.1	<i>Qualifying Persons</i> - To determine participation in the allocation scheme, a local authority may decide what classes of persons are, or are not qualifying persons subject to any regulations made by the Secretary of State (Housing Act 1996 Part 6 s.160ZA (7))
		1.5.2	<p><i>Eligibility</i> - To determine eligibility in joining the Housing Register scheme the Council may take the following into account;</p> <ul style="list-style-type: none"> ● The financial resources available to a person to meet housing costs. ● Any behaviour of a person (or of a household member) which affects his/her suitability to be a tenant. ● Any local connection (within the meaning of section 199 of the Housing Act 1996) which exists between a person and the authority's district.
		1.5.3	<i>Homelessness</i> - The Localism Act allows Local Authorities to discharge their homelessness duty into the private rented sector (with a minimum 12 month tenancy) without the consent of applicants.
		1.5.4	<p><i>The Secretary of State</i> - The Secretary of State may by regulations;</p> <ul style="list-style-type: none"> ● Prescribe classes of persons who are, or are not, to be treated as qualifying persons by local authorities in England, and ● Prescribe criteria that may not be used by local housing authorities in England in deciding what classes of persons are not qualifying persons.
		1.5.5	<i>Other</i> - Local Authorities may include provision in their allocations policy for the allocation of housing accommodation to persons who do not fall into statutory reasonable preference categories in order to meet local priorities and needs provided that such persons do not dominate the scheme, and overall, the scheme operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not.
	1.6	Changes to the scheme - Consultation and delegated authority	
		1.6.1	<p>Prior to adopting or making any major change to policy, Hackney will consult with every Private Registered Provider with which the authority has nomination rights. However, The Corporate Director of & Resources, in consultation with the appropriate Cabinet Member, may make minor amendments to the scheme if required to ensure that the policy can reflect the changes to the legislative framework. In framing this Policy the Council has had regard to the following strategies:</p> <ul style="list-style-type: none"> ● The Homelessness Strategy ● The Temporary Accommodation Strategy ● The Tenancy Strategy ● The London Housing Strategy

1.7	Properties and persons not covered by this policy	
	<p>This policy is intended to cover the letting of introductory and secure tenancies in respect of Hackney Council property and nominations to assured and fixed term tenancies with housing associations with which the Council has nomination rights. However, this policy does not apply if;</p> <ul style="list-style-type: none"> ● You are seeking temporary accommodation and/or a non-secure tenancy ● You want to apply for housing within a supported housing unit, including extra care sheltered accommodation ● You are a Hackney Housing tenant and have purchased/are looking to purchase the leasehold through right to buy, ● You are seeking detailed information on a statutory succession to a social rented unit, (Appendix 5) ● You have a query regarding the vesting or disposal of a property pursuant to a court order, ● You are moving from your current home/estate as part of an identified regeneration scheme and you are to be decanted/rehoused as part of the regeneration estate programme. <p>This policy does not apply to requests for a transfer, mutual exchange or similar transfer of the tenancy by Hackney Housing or Housing Association tenants (you should contact your landlord or your local neighbourhood office).</p>	
2.	Applying to join the register	
2.1	People who may be able to join the register	
	<p>To be considered for inclusion on the Hackney Housing Register you must confirm that you meet the eligibility and qualify criteria:</p> <ul style="list-style-type: none"> ● You must be normally residing in Hackney (subject to certain exemptions*) and, ● have resided within the borough of Hackney continuously for the last three years at the point of application, or ● Be a nominee under the National Witness Mobility Scheme, or ● Have been accepted as being homeless by the Council, or are owed the prevention duty pursuant to section 195(2) of the Housing Act 1996, or ● You are moving to Hackney to provide care to a Hackney resident that has been agreed as medically required by the Council's medical advisor and there is no alternative provision/arrangements available ● You are a Hackney care leaver - You are a young person who is leaving Hackney Council care provision and are a care leaver aged between 18 and 25. ● Be fleeing domestic or familial violence, or need to move to Hackney due to social or welfare reasons and the Council accept that it is reasonable to waive the residency requirements in your case, or ● Be a student living and studying away from the borough, provided; <ul style="list-style-type: none"> ○ You have not entered into a long term tenancy (i.e. more than three years) outside the borough, and ○ You confirm that you intend to return to live in the borough at the conclusion of your course of study. 	

		<ul style="list-style-type: none"> ● Be a serving member of the “regular forces” (Royal Navy, Royal Marines, the Army and the Royal Air Force),or ● Be someone who has served in the regular forces within five years of the date of your application, or ● Be someone who has ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of your spouse or civil partner and where; <ul style="list-style-type: none"> ○ the spouse or civil partner has served in the regular forces and ○ their death was attributable wholly or partly to that service, or ● Be a divorced or separated spouse or partner of a serving member of the armed forces who has to move out of MOD accommodation, or has separated from a serving member of the armed forces within the last 3 years. or ● Be someone who is serving or has served in the “reserve forces” (Royal Fleet Reserve, Royal Navy Reserve, Royal Marines Reserve, Army Reserve, Territorial Army, Royal Air Force Reserve, Royal Auxiliary Air Force) and you are suffering from a serious injury, illness or disability which is attributable wholly or partly to that service. <p>* Exceptions</p> <p>If you are already a tenant of accommodation provided by a registered housing provider and;</p> <ul style="list-style-type: none"> ○ You are applying through the Housing Moves scheme or other similar special scheme that includes within it reciprocal arrangements agreed with other boroughs or housing associations, or ○ be applying through the Right to Move scheme, or ○ be an existing social housing tenant in Hackney who has a secure, assured or fixed term tenancy and you are currently under occupying your property and are seeking to downsize to a smaller property, or ○ be an existing social housing tenant in Hackney who is over 55 and are seeking to move into sheltered/retirement housing, or ○ be an existing social housing tenant in Hackney and are a foster carer requiring a move into larger accommodation to accommodate your foster children. <p>In which instance your application will be accepted subject to restrictions on the properties you can access through the allocations policy (see the below banding restrictions for details).</p>
2.2		<p>Persons who <u>cannot</u> join the Housing Register</p>
		<p>Certain persons will not be included on the Housing Register:</p> <ul style="list-style-type: none"> ● Persons from abroad - By law the Council cannot allocate accommodation to certain people from abroad. The relevant law is too complex to be summarised here and may be amended from time to time. Additional guidance can be found in chapter 9 and annexes 11-13 of the Homelessness Code of Guidance for Local Authorities. If the Council considers that you fall within one of the excluded categories then you will be notified of the decision in writing with reasons, and as noted above you will have the right to request a review of the decision.

- **Residential property owners/home owners** - Owners of residential property are excluded from joining the Housing Register. This applies if you, or you spouse, civil partner, or cohabitee own property anywhere, including outside of the UK. You will be excluded regardless of the status of occupation, so that leaseholders, freeholders, and owners of properties placed in trust are all excluded. The exclusion will also apply whether or not the property is subject to a mortgage or other loan or financial charge. Owners of a share of a shared ownership property will also be ineligible for inclusion on the housing register. If you have let or otherwise agreed to allow your property to be occupied by other persons this exclusion will still apply. The only exception to this rule is where you (or someone in your household) has a long term medical condition and that continuing to live in the property will significantly aggravate the condition and there is no alternative effective remedy other than moving from the accommodation.

In circumstances where an owner occupied property has been sold, or otherwise divested, in the five years prior to an application being made, you (or your partner) will be treated as if you were still an owner occupier and excluded from the waiting list unless you can demonstrate you have a housing need, there were additional exceptional circumstances which caused the sale (such as a relationship breakdown), and the proceeds from the sale were minimal.

- **People aged under 18** - The Council will not accept waiting list applications from children aged less than 18 years. The only exceptions will be as a result of a Court Order, or to meet an urgent social need approved by a qualified, Hackney Council employed, social work manager with an appropriate rent guarantee.
- **Persons considered to to have wilfully worsened their housing circumstances to take advantage of the application process** - If you have been issued with a decision of intentional homelessness by any local housing authority (in accordance with the Housing Act 1996 Section 184) you will be excluded from the waiting list for a period of three years, unless there are exceptional circumstances which, in the view of the appropriate designated officer, would make it unreasonable to exclude the application. You may reapply after that date.

This will also apply where, in the opinion of the appropriate designated officer, you have knowingly increased your household size, or knowingly moved into accommodation too small, or damaged your current accommodation with the purpose of gaining access to the housing register.

- **People who are squatting or undertaking an unauthorised occupation** - If you are squatting, or are knowingly in unauthorised occupation of social housing, you will not be included on the Housing Register unless a Court Order requires the Council to do so, or it is decided, under this policy, to make a discretionary offer to you as an unauthorised occupant.
- **People undertaking unauthorised subletting** - If you are a social tenant or homeless and living in temporary accommodation, and you have either sublet part of your accommodation without permission or sublet the whole of your accommodation without permission, you will be excluded from the housing register.

		<ul style="list-style-type: none"> ● You are someone with extensive support needs. The Council's Housing Register is aimed at those households seeking general needs social housing and/or low support sheltered/retirement housing. If the Council determines that you would not be able to maintain a social tenancy in an appropriate manner because of the extent of your support needs, then you can be referred for supported housing instead and you will be excluded from the Housing Register on that basis. ● You are someone with sufficient financial assets to enable you to secure suitable housing within the Private Sector. Social housing is in very short supply and we must target allocations at those most in need, therefore we will need to determine whether you and those in your household could reasonably afford to rent privately or even purchase your own property. The threshold will differ regarding the size of the property you require: <ul style="list-style-type: none"> ○ If you require a one/two bedroomed accommodation and your household income exceeds £80,000 per annum you will not be accepted onto the Housing Register, ○ If you require three bedroomed accommodation (or larger) and your household (as defined in para 2.4) has an income exceeding £100,000 per annum you will not be accepted onto the Housing Register. ○ If you have total realisable capital assets exceeding £80,000 you will not be accepted onto the Housing Register. ● You are already included in the household of another applicant Only one application may be made per household. You cannot make a separate application if you are included as a household member as part of someone else's application. ● You have an active Housing Register application in another Local Authority area. Even if you satisfy other eligibility criteria you may not apply to join the housing register if you already have an active application with another council or are included as a household member in someone else's application.
2.3		Making an application to join the Housing Register
		<p>If you wish to go on to the Hackney Council's Housing Register you must complete and submit the appropriate application form. The application form can be found on the Council website and should be completed online. The application will only be valid once all the sections of the application have been completed. This will then generate an electronic acknowledgement and receipt for your records. The date of your application will be the date that the online application is submitted successfully.</p> <p>Applicants unable to access the online application process will be provided with appropriate assistance and advice to make an application through alternative means.</p> <p>As part of the application process, you will be required to provide confirmation and evidence of your household circumstances. The Council has a responsibility to ensure that the details</p>

	<p>you have provided are accurate. When you make an application, the information you provide may be checked against other information held by the Council, such as the electoral register, education records, housing benefit, Council tax records and local welfare provision claims, as well as other waiting lists and rent account data retained by the Council. The Council will also undertake checks with recognised Credit Check agencies.</p> <p>The information may also be shared with other public bodies that have responsibility for protecting public funds. You may be prosecuted if you provide false information and/or relevant information is withheld. You will also need to keep the Council informed of any change in your circumstances, such as people joining or leaving your household.</p> <p>The online process includes the function for you to upload any documentation relevant to your application and in some cases this will be required before the application can be submitted. For those unable to apply online, we will provide assistance to make an application and submit any supporting information.</p>
2.4	Completing the application - Who is part of your household?
	<p>When identifying any housing need, the Council looks at the size of the household and when you apply to join the Housing Register you are applying on behalf of your “household”; that is the people who are or will be living with you as part of your family. The household is identified as any/all of:</p> <ul style="list-style-type: none"> ● The applicant ● A spouse/partner ● Any dependent children - a child must be normally resident with you, and you or your partner must be in receipt of Child Benefit in respect of the named child. Any adopted child will be included within your household, but not a foster/care placement unless the placement is permanent. ● The children of relatives are included where: <ul style="list-style-type: none"> ○ The child’s parent or guardian is dead or otherwise unable to care for the child and ○ The placement has been approved by the court and the placement is permanent, and ○ Child Benefit or Child Tax Credit for the child is being paid to you or your partner, or the child is included as within the household assessment for Universal Credit. ● Any carer where the need for a live-in carer has been supported by medical or social services recommendations, the medical condition is permanent and there is no other potential carer for the relative and there is no other property where care could be provided. ● Older children up to the age of 21 who have continuously remained a member of the household since the age of 18. This will include grown up children who have temporarily left the household to study but reside in your household in the normal residence outside of term time. ● Other adults where an appropriate officer decides: <ul style="list-style-type: none"> ○ the adult is unable to live independently and, ○ there is a medical or social requirement for them to be included as part of the household and,

		<ul style="list-style-type: none"> ○ there is no alternative provision/arrangements available <p>A child can only be included in one household for the purposes of the Housing Register. If you are a divorced or separated parent with access to your children that includes them staying with you, the Council will apply a residence test to establish whether the child (or children) normally live with you.</p> <p>This test takes into consideration not just whether the child or children stay with you regularly (even in cases of joint custody or joint residence or similar orders) but whether this would be considered their normal residence taking into account the degree of permanence or regularity. Account may also be taken of whether the child is dependent upon you and where they go to school.</p> <p>The Council may also take account of the supply and demand for accommodation, the general housing circumstances within Hackney and any under-occupation that may result where a child spends part of a week with one parent and part of a week with another. A child that is adequately housed elsewhere cannot be included.</p>
	2.5	Completing the application - Assessing your housing need
		To demonstrate that you are in housing need you and your household will need to fall within at least one of the following criteria:
	2.5.1	<p>A household considered to be severely overcrowded - Overcrowding is normally based on the number of rooms you have relative to the size and needs of your household. When identifying rooms that can be used as a bedroom, we will include all the rooms that could be used for this purpose, for example a living room or a dining room. All households consisting of more than 1 adult are considered entitled to access to a separate living room from their bedroom, although this room may be shared with non-household members - we will not count this room when assessing overcrowding.</p> <p>An applicant and their spouse or civil partner will be expected to share a room. Single people under 21 are expected to share a room with other people aged 21 or under of the same sex, whereas children aged 9 and under are expected to share a room regardless of their sex.</p> <p><i>To be considered as <u>severely</u> overcrowded your household must require two more bedrooms (or rooms that can be used as bedrooms) than you currently have available in your current accommodation.</i></p>
	2.5.2	<p>A household with a significant social need - this would apply where there is a threat to the life of you or someone in your household and there is no alternative effective remedy other than moving you from the accommodation.</p> <p>The types of circumstances that may fall within this category include:</p>

		<ul style="list-style-type: none"> ● Violent incidents where there is reason to believe the incident might be repeated e.g. rape, violence or harassment as a result of race, ethnicity, sexuality or disability, ● Gang violence where moving would end or minimize the danger, ● Sexual abuse of or attacks on children and moving would end the danger, ● Witnesses or potential witnesses where actual violence or threats of actual violence have been made supported by Police intelligence, ● Domestic violence where moving would end or minimize the danger. <p>Safety is of prime importance and a move into temporary accommodation may be necessary, although based on the availability of temporary accommodation this is likely to be outside the borough. Due to the shortage of available housing all options should be considered, for example schemes that enable a move out of the borough such as Safer London and Housing Moves. For those that wish to remain in the borough, sanctuary schemes are available.</p>
	2.5.3	<p>A household with a significant medical need - Where accommodation is unsuitable because you or a member of your household has a severe and enduring medical condition.</p> <p>Applications will not be accepted where the effect of the households housing conditions on health is moderate, slight or variable. See para 2.7.3</p>
	2.5.4	<p>A household that has been identified as homeless - A household that has been identified as homeless, or threatened with homelessness under section 195(2) of the Housing Act 1996 - An applicant will be considered as homeless where they are able to satisfy Hackney council that they are homeless as defined by Section 175 of the Housing Act 1996 – see paras. 2.7.4 and 2.7.8.</p>
	2.5.5	<p>A household living in unsanitary accommodation - accommodation will be considered unsanitary where it is lacking the basic essentials for daily life, such as electricity, water or sanitation.</p> <p>It is expected that efforts will be made to inspect the property and make it habitable before a housing register application is accepted.</p> <p>see para 2.7.5</p>
	2.5.6	<p>A household qualifying for transitional protection - where the applicant and the household;</p> <ul style="list-style-type: none"> ● were included on the Council's housing register on 30/09/21, and, ● Your household at that point included one or more children, and you are currently living in single bedroomed accommodation, or ● at this point in time the household included children where one or more of the children were within 24 months of attaining an age where they qualify for a

			<p>bedroom in their own right, (see 3.4.1), and,</p> <ul style="list-style-type: none"> • you have been assessed as overcrowded by one room.
		<p>Only those applicants that can demonstrate that their household falls within one of these criteria, will be added to the Council’s housing register unless they are applying for social housing under a recognised specific scheme or purpose.</p>	
	2.6	Completing the application - providing supporting evidence	
		2.6.1	Proving you have been resident in Hackney for 3 or more years
			<p>Residence must have been continuous although breaks of up to three months may be discounted. Time unavoidably spent outside of Hackney in hospital, prison, care home, foster placement, or analogous institutions will count towards the residential qualification provided residence was in Hackney both immediately prior to and after the out of borough placement. Similarly temporary accommodation provided by Hackney outside the borough will for the purposes of this section count as residence in Hackney.</p> <p>Applicants who are unable to reside in Hackney because of an injunction or court order resulting from their unacceptable behaviour will not be treated as resident for the period covered by the injunction or order.</p> <p>You must provide continuous proof of residence for the last full three years prior to your application. This could include benefit claims, employment records, electoral registration, education records, rent and/or tenancy records. It is up to you to prove that you meet the residential qualification and the Council will use its own records, and those of other public bodies to assess applications. If you are not on the electoral register, or not included as a non-dependant/occupant on housing benefit/Council tax reduction claims where it was appropriate for you to have been included, it will be treated as evidence that you were not living in the borough unless you can provide a satisfactory explanation.</p> <p>If you were previously placed in temporary accommodation in Hackney by another local authority, then the time spent living in the temporary accommodation does not count towards residence for the purposes of meeting the residential qualification.</p> <p>If you meet the residential criteria and are placed on the Housing Register, you must continue to live in the borough of Hackney, as outlined above, or your application may be removed from the Housing Register. If you have moved into sustained accommodation outside of Hackney, and it is not considered to be a temporary arrangement, you should apply to join the Housing Register for the area you now reside in.</p>
		2.6.2	Confirming who is part of your household
			<p>To enable us to make a full assessment of your application, it is important that you provide documentation so we can verify your eligibility to join our housing register and</p>

		<p>the details of who is living with you. Please note that we will not be able to process your application without all the documentation and a fully completed application form. This could include:</p> <ul style="list-style-type: none"> ● passports (current and valid) ● full birth certificates. ● immigration documents from the Home Office confirming your status ● full driving licence (current address) ● photo provisional driving license only (current address) (paper form is not accepted) ● marriage certificate / civil partnership certificate ● divorce papers from the court ● residence permit ● NHS medical card (current address) ● award letter from the Department for Work and Pensions / Jobcentre Plus ● naturalisation document <p>You will also be asked to confirm your current address, this could include:</p> <ul style="list-style-type: none"> ● utility bills eg gas, electricity, water etc with current address. ● bank / building society statements with current address ● award letter from the Department for Work and Pensions / Jobcentre Plus / Pension Service with current address ● letters from official bodies eg Council Tax, Housing Benefit, schools, hospitals, solicitors, social services etc ● other relevant documents with the current address e.g. hospital letters, discharge papers for ex-armed forces, etc.
	2.7	Demonstrating you have significant housing needs
	2.7.1	<i>Living in significantly overcrowded accommodation</i>
		<p>Identifying whether or not you are living in overcrowded accommodation is based on the number of rooms you need and the number available within your accommodation.</p> <p>When looking at the number of rooms your household needs, the Council allocate a room in each of the following circumstances:</p> <ul style="list-style-type: none"> ● One room for each couple who are married, in a civil partnership or otherwise cohabiting who live in your household ● One room for each single person over 21 in your household ● One room for every two persons under 21 of the same sex in your household, ● One room for every two children of opposite sexes, provided each is under the age of 10 in your household, ● One room for every single person of any age, including an adult child, of either sex in your household when there is no-one else in the household suitable to share with. Studio accommodation is considered adequate accommodation for a single applicant or a couple and you will not be considered as lacking a room until you or your partner are aged 35. If you or anyone else in your household is pregnant, the baby will not be counted towards the room assessment until after they have been born and a copy of the full birth certificate has been provided to the Council. <p>Where there are a number of persons in your household and there are a variety of</p>

		<p>ways in which they could be counted, the Council will assess your household in such a way as to allocate the minimum number of rooms required.</p> <p>You will only be considered as severely overcrowded if your household requires two or more rooms than you have available in your current accommodation. If this is not the case you will not be able to join the waiting lists and will be assisted to find alternative accommodation.</p>
	2.7.2	<i>You or someone in your household has a significant social need</i>
		<p>If you are an existing social tenant and you or your household need to move because you have been threatened or assaulted, you may qualify for consideration for inclusion on the Housing Register as a social priority.</p> <p>This will apply where there is a threat to the life of you or someone in your household and there is no alternative effective remedy other than moving you from the accommodation. Such moves will happen within the Borough unless this will not remove or substantially reduce the threat, in which case you will not be eligible for a social award but we will assist in finding suitable out of borough properties where the threat will be alleviated either through the Pan London Scheme, or similar social housing scheme or the Private Rented Sector.</p> <p>Circumstances considered a social need include:</p> <ul style="list-style-type: none"> ● Violent incidents e.g. rape or harassment as a result of race, ethnicity, sexuality or disability. ● Sexual abuse of or attacks on children and moving would end the danger ● Witnesses or potential witnesses where actual violence or threats of actual violence have been made. ● Domestic violence where moving would end or minimise the danger ● Gang violence where moving would end or minimise the danger ● In cases of criminal activity where there have been associated threats and violence. ● At the recommendation of the police, to help to provide witness protection <p>Reasonable enquiries will be made to assess the severity of the threat or risk and to ensure that a move will eliminate or minimise the future risk to life. The final decision will be made by the appropriate designated officer and will be informed by information and evidence he or she receives from the police, local neighbourhood offices and other professional/advisory agencies as appropriate.</p> <p>Housing associations should take action to help their tenants facing life threatening situations via their own housing stock. This should be the tenants first contact and a Housing Register application may not be accepted where no approach to the landlord has been made.</p>
	2.7.3	<i>You or someone in your household has a significant medical need</i>
		<p>If you or someone in your household Medical need will be determined based on the extent to which the health of the applicant's household is affected by their housing</p>

conditions and the expected benefits of providing alternative housing. You can be added to the Housing Register on medical grounds. For example, if you or someone in your household has severe mobility problems and the accommodation is unsuitable because of stairs.

Medical need will be determined based on the extent to which the health of the applicant's household is affected by their housing conditions and the expected benefits of providing alternative housing.

A medical priority is awarded only where there are medical conditions that are long term. For example, priority will not be awarded for conditions associated with pregnancy or for a short time after surgery/injury.

You will need to demonstrate that your medical condition is being caused or made worse by your housing conditions, that your current property cannot be improved or adapted to meet your needs at a reasonable cost, and that rehousing is likely to significantly improve your condition. You will not be accepted to join the register where your existing accommodation is suitable or may be readily adapted to meet the medical need.

Extra room due to a medical condition - In some circumstances you may be allocated an additional room if you (or someone in your household) would normally be expected to share a bedroom but cannot do so because of a medical condition. An assessment as to whether an additional bedroom is appropriate will be carried out by the Council's Medical Assessment Team and any award will be approved by the appropriate designated officer. This will not mean that your application attracts a higher priority, but you will be able to bid for properties which would otherwise be considered too large for your household's needs.

With regard to identifying a medical priority, Officers will always take an evidence based approach and seek the input of independent qualified medical practitioners as well as the occupational therapists employed directly by the Council. In addition, Officers work with colleagues in the Council's multi-disciplinary teams to try to ensure that a complete understanding of the household circumstances is taken into account.

The existence of a medical condition is not in itself enough to qualify for a medical priority; the key issue is whether the current accommodation is significantly amplifying the impact of the condition. An example of this would be a household with members on the autistic spectrum; there will be different needs and risks related to the property and the severity of the condition, and the assessment will take into account the potentiality for increased harm.

As part of the assessment process for applications to the Housing Register, Officers will undertake a risk assessment of the home where practicable. This will examine the level of risk associated with the property as it relates to the medical needs and whether these risks can be significantly reduced by other measures.

Examples of circumstances that do **not** accrue a medical priority include:

		<ul style="list-style-type: none"> ● damp, mould, dust and broken down lifts. These are not medical matters and are the responsibility of the landlord, the household member will need to contact the repairs service or their landlord ● lack of space, living in cramped conditions, overcrowding (assessed during the application process) ● Temporary conditions, such as pregnancy, knee surgery, broken limbs (arm, leg), hip replacements (as these are not considered a permanent disability) (this list is not exhaustive) <p>Because not all properties will suit applicants with certain medical requirements, if you are considered to be in medical need we will advise you as to the type of properties you can bid for.</p>
	2.7.4	<i>You are homeless</i>
		If you or your household have been assessed as homeless and you have been accepted as a statutory homeless household by the Council and are owed the full housing duty under section 193(2) of the Housing Act 1996..
	2.7.5	<i>Your accommodation is unsanitary</i>
		<p>If you are living in accommodation that is in an unsanitary condition you can be placed on the Housing Register. Examples of this include:</p> <ul style="list-style-type: none"> ● You do not have access to a bathroom or kitchen within the house ● You do not have a sink or cooking facilities ● You do not have an inside WC ● You not have running water and/or a functioning electricity supply ● Your accommodation has other defects that make it uninhabitable ● The Council has served a closing order on a property <p>Applicants will not qualify to join the register until the property has been inspected and a full report made on the condition of the property and appropriate remedial actions identified. Where there is a good prospect the property will be made habitable in a reasonable timespan a housing register application may not be accepted.</p> <p>The final decision will be made by the appropriate designated officer based on the information and evidence he or she receives from the assessment team. There are legal options available to you to resolve issues of disrepair with your landlord.</p>
	2.7.6	<i>You are a Hackney care leaver</i>
		You are a young person who is leaving Hackney Council care provision and are a care leaver aged between 18 and 25.

		2.7.7	Rehousing in an emergency
			<p>If your housing need is such that it constitutes an emergency you will be added to the housing register; examples of circumstances that would represent an emergency include:</p> <p>Emergency Hospital Discharge Cases – if you or someone in your household is fit to be discharged from hospital but the discharge is prevented only by the unsuitability (in the medical context) of your home, or if you do not have a home and there is no available suitable temporary accommodation – the decision whether to make an award is at the discretion of the appropriate designated officer.</p> <p>Police Witnesses – where your life or the life of someone in your household is at risk as a consequence of providing assistance to the police or other law enforcement body - the decision whether to make an award is at the discretion of the appropriate designated officer and will be based on evidence from the police or similar organisation and include referrals made under the National Witness Mobility Scheme.</p> <p>Fire, flood and roof collapse – where you are a current Council tenant and your property has become uninhabitable because of a fire, flood and roof collapse - the decision whether to make an award is at the discretion of the appropriate designated officer.</p> <p>As ordered by the Local Authority Ombudsman – where you have complained to the Local Authority Ombudsman and they have identified a case of maladministration by the Council, or by an agency acting on behalf of the Council, and recommend that emergency housing is appropriate.</p> <p>Following a successful Judicial Review – You have applied to the Administrative Court and a judicial review has decided that your housing need is such that it constitutes an emergency.</p> <p>Connected Carers needing additional rooms - Where children are unable to live safely with their parents and need to come into our care and we are supporting them to live with friends or family in a connected carers arrangement. A Connected Carer is a friend or family member who has been assessed to be equivalent to a foster carer for specific children.</p> <ul style="list-style-type: none"> ● Child/ren must be on a Full Care Order (FCO) issued by Hackney Social Services ● Social Services will confirm, in writing, a tenant is a Connected Carer for Hackney ● Family member or friend must be the name tenant and have a social housing in Hackney ● Bedroom needs will be assessed in accordance with London Borough of Hackney Allocation Policy <p>NB Children residing with a family in Hackney on a Full Care Order issued by another borough will not be considered for emergency housing.</p>

		2.7.8	<i>You have specific housing needs</i>
			<p>If you or your household meets the qualifying and eligibility criteria but do/does not meet the threshold for significant housing need, you may be added to the Council's Housing Register if:</p> <ul style="list-style-type: none"> • You are a person over 55 and are seeking to move into Sheltered/Retirement and Older People's Housing, • You are already a tenant of accommodation provided by a registered housing provider and are applying through the Right to Move scheme, or • You are a foster carer requiring a move into larger accommodation to accommodate your foster children. * • You or someone in your household has a medical condition that would be alleviated by a move to alternative accommodation, the need is urgent but the accommodation is not a threat to significantly exacerbating the condition, and a change of housing would make a substantial improvement in the quality of life of the affected person. • You are a council or social housing tenant and you occupy a property that is larger than your household needs, and you wish to downsize through the Under Occupation Incentive Scheme (Appendix 1) • You are homeless but not owed the full housing duty, or you are threatened with homelessness and owed the prevention duty under section 195 of the Housing Act 1996. An applicant will be considered homeless where they are able to satisfy the Council that they are homeless as defined by section 175 of the Housing Act 1996. This includes those owed the relief duty in section 189B(2) (the relief duty) or the duty in section 190(2), as well as those who are homeless but have not applied for homelessness assistance under Part 7 of the Housing Act 1996.
		2.7.9	<i>You qualify for transitional protection</i>
			<p>In recognition that some households who were included on the Housing Register prior to the implementation of this policy were overcrowded but not to the extent that they meet the threshold to join Band B, transitional protection may apply.</p> <p>If you were on the housing register as of 30/09/2021, and:</p> <ul style="list-style-type: none"> • Your household at that point included one or more children, and, • You are currently living in single bedroomed accommodation, <p>You will be included on the housing register within Band C (see para 3.2).</p> <p>or</p> <ul style="list-style-type: none"> • Your household at that point included more than one child, and • one or more of the children will achieve the age of 10 and/or 21 before

		<p>01/10/2023, and</p> <ul style="list-style-type: none"> there are no other children in the household with whom it would be appropriate to share a bedroom as defined in para 3.4.1, <p>You will be included on the housing register within the transitional band (see para 3.2).</p>
	2.8	Misrepresentation
		<p>If you make a false representation either deliberately or negligently, by action or omission, to cause your application to be:</p> <ul style="list-style-type: none"> accepted as qualifying to be included on the Housing Register, or Placed within an inappropriate band, <p>then the application will be removed from the Housing Register and no further application from the household will be considered for at least five years.</p> <p>This is without prejudice to the Council's right to bring civil or criminal proceedings against the applicant and/or other parties involved in the misrepresentation.</p>
	2.9	Internal moves
		<p>In cases where there is no statutory right to succeed to a secure Hackney Council tenancy following the death of the tenant, the Council will only agree a discretionary offer of tenancy to household members who meet the criteria specified in Appendix 5.</p>
	3.	How we assess your application to join the Housing Register
	3.1	<p>Once you have submitted your application, the Council will make two assessments; the first assessment will be whether your household has a significant housing need that merits inclusion on the Housing Register, and the second will be to identify which band your application will be placed in.</p> <p>Hackney operates a Choice Based Lettings (CBL) scheme and if you have been accepted onto the Council's Housing Register you will be asked to "bid" on Council properties and those nominated by our Housing Associations. Because the demand for social housing in Hackney far exceeds that which we can supply, your application will be dealt with according to the band into which you have been placed and then prioritised on the length of time you have been waiting in that band.</p>
	3.2	<p>Bandings - Hackney Council's Housing Register works on four different bands that determine how we will deal with your application and any restrictions on the type of social properties you can apply for.</p> <p>Households placed in Band A will be treated as an emergency and will be made a direct offer. (Appendix 3)</p> <p>Households placed in Band B will be prioritised above those in Band C and the Transitional band due to the more significant housing needs they are facing.</p> <p>Households placed in Band C will be prioritised above those placed into the Transitional Band</p>

		3.2.1	Those placed in Band A will have been accepted as needing emergency rehousing; households where a move is imperative to alleviate the immediate risk to the applicant's well being or the well being of a member of their household and there is no alternative but to rehouse that household in housing in Hackney. In all cases, these households will be made a direct offer of accommodation. (Appendix 3)
		3.2.2	<p>Those placed in Band B will have demonstrated they have a significant housing need (as specified within paras 2.7.1- 2.7.6) or have been accepted on the Under Occupation Incentive Scheme (Appendix 1). If you have been placed within this band you will be invited to bid for the properties currently that match your need. The properties that are available will be advertised via the Hackney section of the East London Lettings Company website. There is no restriction on the types of properties that the Council will advertise through its Choice Based Lettings scheme. The Council advertises both its own Council housing as well as housing association properties to which the Council has nomination rights.</p> <p>This means that the household with the longest waiting time bidding for a property is given first refusal on whether they take up this offer, and if not the opportunity passes down to the household with the next longest waiting time.</p> <p>Most social housing will only be provided to you based on the number of rooms you and your household need.</p> <p>You should note that you should only bid for properties that meet your identified housing need. For example if you have been accepted onto the housing register due to a significant medical need, you will only be considered if the property meets those needs. Similarly, if you have been accepted onto the housing register due to overcrowding, you should only bid for properties that are large enough to accommodate your household.</p> <p>Consequently, if you have specific property requirements your choice will be limited and you will wait longer.</p> <p>The Council reserves the right to make a direct offer to any household on the Housing Register at any time. (Appendix 3)</p>
		3.2.3	Those placed in Band C will have a specific housing need or will be homeless but not owed the main housing duty, or threatened with homelessness and owed the prevention duty (see para 2.7.8). If you are placed in Band C on the basis of specific housing need for a particular type of accommodation (para 2.7.8), you will still be invited to bid for properties advertised via the East London Lettings Company website but you will be restricted to bidding for those properties that meet the specific requirements in your application.
		3.2.4	Those placed in the Transitional Band will have met the requirements set out in para 2.7.8 and you will still be invited to bid for properties advertised via the East London Lettings Company website.
	3.3		Effective Date : Priority on the Housing Register is determined firstly by band and subsequently by effective date. Paragraph 3.3.1 explains how we will determine the

		effective date.
	3.3.1	<p>The effective date will be either: The date a fully completed application form is received by the council, or where the circumstances of an applicant, who is already in the housing register, have changed such that they are eligible for a higher priority band, the date the council are advised of that change, or</p> <p>Where the applicant is eligible for additional preference under part VI, section 166A of the Housing Act 1996 (see para 1.4.2) the effective date will be backdated 12 calendar months prior to the date of the application or date the council are advised of a relevant change, as identified in this paragraph.</p>
	3.4	<p>Bedroom Need: In order to ensure best allocation of Social Housing it is important that applicants are matched with properties that most closely meet their household's needs. Based on the household composition the council will determine the number of bedrooms and bed spaces appropriate for each applicant and their household. Applicants will be expected to bid for properties advertised that most closely meet both the number of rooms and bed spaces they need. The Council will determine the number of bedrooms and bed spaces in a property as part of the allocations process using information provided by the landlord, and this will be clearly indicated in an advertisement when the property is let through Choice Based Lettings, or on the tenancy agreement for direct offers. (Appendix 3) Applicants who bid for properties that do not match their assessed need for bedrooms and bed spaces will be overlooked for lower ranked applicants with an appropriate match.</p>
	3.4.1	<p>Number of bedrooms: When looking at the number of bedrooms your household needs, the Council allocate a bedroom in each of the following circumstances:</p> <ul style="list-style-type: none"> • One bedroom for each couple who are married, in a civil partnership or otherwise cohabiting who live in your household • One bedroom for each single person over 21 in your household • One bedroom for every two persons under 21 of the same sex in your household, • One bedroom for every two children of opposite sexes, provided each is under the age of 10 in your household, • One bedroom for every single person of any age, including an adult child, of either sex in your household when there is no-one else in the household suitable to share with. <p>Studio accommodation is considered adequate accommodation for a single applicant or a couple and you will not be considered as lacking a room</p>
	3.4.2	<p>In some circumstances an additional bedroom may be allocated if the applicant or someone in the household would normally be expected to share a bedroom but cannot do so because of a medical condition. An assessment as to whether an additional bedroom is appropriate will be carried out by the Council's Medical Assessment Team and any award will be approved by the appropriate designated officer.</p>
	3.4.4	<p>Where there are a number persons in your household and there is a variety of ways in which they could be counted, the Council will assess your household in such a way as to allocate the fewest bedrooms possible</p>
4.		

If you disagree with your assessment or banding	
4.1	<p>Households wishing to apply for social housing have the right to request the Council to provide general information as to how their application is likely to be treated under this Allocations Policy.</p> <p>Applicants also have the right to request the Council to provide general information as to whether accommodation appropriate to his/her needs is likely to be made available to him/her and if so how long it is likely to be before such accommodation becomes available.</p> <p>If you consider that the Council's decision not to include your household on the Housing Register is wrong, or you consider that the Band into which your application has been placed is incorrect, you can request a review of that decision. (Appendix 4)</p> <p>All reviews will be carried out in accordance with the statutory requirements and guidance. At the conclusion of the review the applicant will be notified of the decision on the review and the grounds for the decision.</p>
5. Responsibilities	
5.1	Once you have been accepted onto the Housing Register, you will need to bid for potential lettings via the Council's Choice Based Lettings scheme. You should bid for any suitable lettings that become available. If you have not submitted a bid for any suitable properties within a 12 month period and there is no reasonable cause for this, the Council will assume that you no longer have a housing need and your application will be removed from the Housing Register.
5.2	Hackney Council retains the right to move any applicant onto auto bidding - where the Council places bids on suitable properties on their behalf - where it is in the interests of the applicant and there are no circumstances that would make this inappropriate.
5.3	Where applicants are invited to view a property and subsequently fail to view the property or refuse the offer, sanctions may apply. (Appendix 6)
5.4	Where an applicant is included on the Housing Register because they are owed a prevention or relief duty in accordance with the Housing Act 1996 and the Homelessness Reduction Act 2017 it is a requirement that they work collaboratively with the council to meet the steps identified in the Personalised Housing Plan (PHP) to secure settled accommodation. Where the Council has brought the applicant's prevention or relief duty to an end because the applicant has deliberately and unreasonably refused to take the steps identified in their PHP sanctions may apply. (Appendix 6)
6. Reviews	
6.1	Once you have been accepted onto the Housing Register you will be required to ensure that the information held is up to date. You must advise the council immediately if anything relevant to your application changes.
6.2	The Council may choose to review any Housing Register application at any time to ensure that an applicant remains eligible to be on the waiting list and remains entitled to the priority and bedroom needs assessment previously awarded. It may choose to review individual applications, or different classes of application.

		Details of the Review process are shown in (Appendix 4)
7.	Appeals	
7.1		<p>Under the Housing Act 1966 (166A (9)) an applicant has the right to request a reconsideration of certain decisions.</p> <p>If you disagree with a decision made by the council in relation to your application to join the Housing Register you may ask the Council to reconsider it.</p> <p>Appendix 4 details how appeals must be made, the time limits that apply and how it will be considered.</p>

**London Borough of Hackney
Equality Impact Assessment Form**

Title of this Equality Impact Assessment: Hackney Allocations Policy - changes 2024

Purpose of this Equality Impact Assessment:

Changes to the allocations policy in relation to care leavers

Officer Responsible: *(to be completed by the report author)*

Name: Andrew Croucher

Ext: 1544

Directorate: Finance & Corporate
Resources

Department/Division: Benefits & Homeless
Prevention

Director: Rob Miller

Date: 05/04/2024

Comment:

STEP 1: DEFINING THE ISSUE

1.0 Summarise why you are having to make a new decision

- 1.1. Every Local Authority is legally required under Part VI of the Housing Act 1996 to have a published Housing Allocations Scheme. In framing their allocation scheme Local Authorities are required to give priority, known as reasonable preference, to certain categories of applicants and allow applicants to exercise choice in the allocation of social housing. The Allocations Policy must also give consideration to the Equalities Act 2010 in terms of eliminating discrimination alongside the Council's duty to advance equality of opportunity.
- 1.2. In 2022 The Living in Hackney & Children and Young People Scrutiny Commission conducted a joint review of the housing needs of Hackney care leavers. Members of the Commission conducted a number of focus groups and site visits ahead of a joint session to gather evidence on this subject. This comprehensive review culminated in a detailed report and 10 recommendations.
- 1.3. One of those recommendations was that the council review the way in which social housing was allocated to Hackney Care Leavers.
- 1.4. As a result of those recommendations and work by Children's Services and the Benefits and Homeless Prevention Service amendments to the Allocations Policy were recommended to allow Hackney Care Leavers to join the register from age 18 with priority band B.
- 1.5. Hackney Council has a responsibility to Hackney Care Leavers as a corporate parent and those obligations include acting in the best interest of the child or young adult and to prepare them for independent living.
- 1.6. Being a corporate parent means doing everything we can for every child in the council's care – and every care leaver – to give them the opportunities that other children get. This covers everything from keeping an eye on their progress at school, to looking after their health and wellbeing, to preparing them for life as independent adults – and supporting them when they get there.

2.0 Who are the main people that will be affected? Consider staff, residents, and others

Hackney Care Leavers between the age of 18 and 25.

Other applicants to the Housing Register.

STEP 2: ANALYSING THE ISSUES

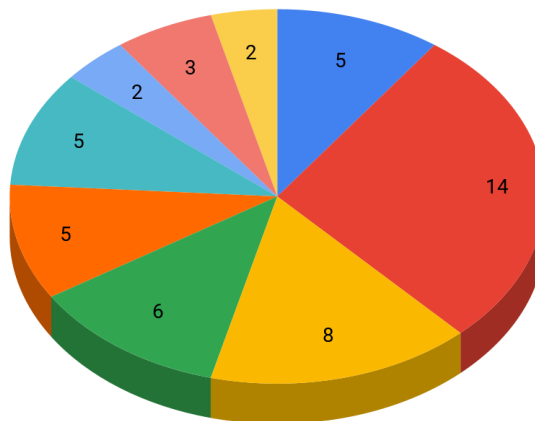
2.1 What information and consultation have you used to inform your decision-making?

The Children and Young People and Living in Hackney Scrutiny Commissions conducted a review of housing support for Hackney care leavers in 2022 - the details of their enquiry and report can be found [here](#).

At August 2022 Hackney had 119 young people aged 16-17 who are Looked After and a further 269 care leavers aged over 18 and approaching 21 (90 are aged 18-19, 95 are aged 19-20 and 84 are 20-21). At April 2024 there are 95 looked after young adults 66 are aged 18-19, 83 are aged 19-20 and 81 are 20-21

In the 12 months up to August 2022, 50 of this cohort turned 21. The housing outcomes for these young adults were as follows:

- Supported into PRS through the Greenhouse
- Presented as Homeless to the Greenhouse
- Living with friends/family
- Currently in Prison
- Sourced their own PRS
- Placed in Social Housing via the Quota
- Accessed social housing in another borough
- Still within CFS settings
- Not Known



2.2 Revision of wording to revise the definition of home

Equality Impacts

4. Identifying the impacts

4.1 What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

By allowing Hackney Care Leavers to join the Housing Register with Band B priority from age 18, Young Adult Care Leavers will be reassured that there are additional options for them in a difficult housing market.

Rather than facing a cliff edge at age 21 Hackney care leavers will have accrued sufficient priority through waiting time that they are likely to be able to bid successfully for studio or one bedroom social housing.

This will also allow the Leaving Care Team to engage more effectively with Hackney care leavers in preparing them for independent living and support them in that transition.

The Council recognises that our care leavers will have their own unique set of circumstances and will have different needs and support requirements. The proposed amendment provides another option for those individuals so they may find the most appropriate housing that is suitable for their needs.

4.2 Age - Those affected by this change will fall in the 18 - 25 age range.

4.3 Ethnicity - In the 2021 Census, over one half (53.1%) of Hackney residents described themselves as White British. The remainder is made up of black and other ethnic groups, with the largest group Black, Black British, Black Welsh, Caribbean or African, 21.1% followed by Asian, Asian British or Asian Welsh, 10.4%. ([2021 Census](#))

More than seventy percent of Hackney care leavers are from Black and Global Majority communities, much higher than the general population.

We know homelessness disproportionately affects black and Global majority residents in the Borough. This may be a result of endemic discrimination as black and global majority households are more likely to experience multiple deprivation.

Black and Global Majority residents face higher levels of deprivation and inequality which is also a driver for homelessness. By supporting young adults who have already experienced difficulties, the proposed changes give an opportunity to provide stable housing and address the inequalities of opportunity faced by care leavers, particularly those from Black and Global Majority communities. This supports the Council's anti-racism strategy.

4.4 Gender - We do not envisage that there will be any impact on the grounds of gender as a consequence of the changes to the Allocations Policy

4.5 Sexual orientation – the Policy does not require that applicants disclose their sexuality and it has no impact on the priority of applicants or the allocation of housing. We do not envisage that there will be any adverse impact on the grounds of sexuality as a consequence of the changes to the Lettings policy.

4.6 Religion or belief - We do not envisage that there will be any impact on the grounds of religion or belief as a consequence of the changes to the Allocations Policy

4.7. Pregnancy and maternity - We do not envisage that there will be any impact on the grounds of pregnancy or maternity as a consequence of the changes to the Allocations Policy. Families and pregnant mothers already receive priority within the allocations policy

4.8. Gender reassignment - We do not envisage that there will be any impact on the grounds of gender reassignment as a consequence of the changes to the Allocations Policy

4.9. Marriage and civil partnership - We do not envisage that there will be any impact on the grounds of marriage and civil partnership as a consequence of the changes to the Allocations Policy

4.10. Disability - We do not envisage that there will be any impact on the grounds of disability as a consequence of the changes to the Allocations Policy. The allocations policy already makes allowance to award priority for applicants with medical needs.

4.11. What negative impact could there be overall, on different equality groups, and on cohesion and good relations?

4.12. We do not envisage that there will be any negative impact on the different equality groups as a result of the changes to the allocations policy.

4.13 The changes will initially allow an increase in the number of applicants on the housing register and the majority will be eligible for studio or one bedroom accommodation only, where there has historically been the largest supply. It is not expected that waiting times will be unduly affected for existing applicants waiting for one bedroom accommodation.

STEP 3: REACHING YOUR DECISION

5. Describe the recommended decision

5.1. It is recommended that Cabinet approve the amendments to the Allocations Policy.

In amending the policy we have taken into account the investigation and recommendations of the Living in Hackney & Children and Young People Scrutiny Commission and have sought the views and advice of Hackney Children's Services and Hackney care leavers through this mechanism.

STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

6. Equality and Cohesion Action Planning

The table below lists specific actions to be taken that are directly relevant to this Equality Impact Assessment that will enhance the positive impacts identified in section 4(a) and those which will mitigate against the negative impacts identified in section 4(b).

Because of the complex nature of the causes of homelessness, a detailed action plan will be developed to support the strategy. This action plan will be developed in line with equality principles and will be subject to scrutiny by senior managers and the Homelessness Partnership Board.

No	Objective	Actions	Outcomes highlighting how these will be monitored	Timescales / Milestones	Lead Officer
1	Understand and monitor the profile of care leavers joining the housing register	Use care leaver and housing register data to monitor applications.	Annual report to the Benefits and Housing Needs Service management. To be included in the Annual Report to Hackney Homelessness Partnership Board.	Ongoing Annual reporting	Assistant Director - Benefits and Housing Needs Laura Bleaney - Head of Corporate Parenting
2	Monitor the outcomes for care leavers on the housing Register	Use care leaver and housing register data to monitor application	Annual report to the Benefits and Housing Needs Service management. To be included in the Annual Report to Hackney Homelessness Partnership Board.	Ongoing Annual reporting	Assistant Director - Benefits and Housing Needs Laura Bleaney - Head of Corporate Parenting
3	Monitor the impact of changes on the waiting times for one bed accommodation	Use housing register data to measure estimated waiting times	Annual Lettings Plan	Ongoing Annual Reporting	Assistant Director - Benefits and Housing Needs