



Royal Borough of Kingston upon Thames Housing Allocations Scheme 2017

ROYAL BOROUGH OF KINGSTON UPON THAMES
HOUSING ALLOCATIONS SCHEME 2017

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Royal Borough of Kingston upon Thames Housing Allocation Scheme 2017

1.0 Introduction

This document sets out the Royal Borough of Kingston upon Thames Housing Allocations Scheme. The Local Authority is required by the Housing Act 1996 (as amended) to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation.

- 1.1 This scheme enables the Council to consider the individual needs of those applying for housing while making best use of the very limited housing resources available to the Royal Borough of Kingston upon Thames. This scheme sets out:
 - How to apply for housing
 - Who is eligible to be accepted onto the housing register
 - Who qualifies to be accepted onto the housing register and who may be disqualified
 - How priority for housing applications is determined
 - Eligibility for different property types
 - How offers and allocations will be made
 - How to request a review of decisions related to this scheme
- 1.2 In framing the Housing Allocations Scheme, as well as complying with legislation and case law, the Council has had regard to the *Code of Guidance on the Allocation of Accommodation* issued by The Department for Communities and Local Government 2012 and has had regard to the legal framework detailed in Appendix 2.

2.0 How the Housing Allocations Scheme was developed

- 2.1 The review included extensive consultation with the Council's tenants and leaseholders, existing people on the Housing Register, Registered Providers (housing associations) operating in the Borough, and with other stakeholders.
- 2.2 An Equality Impact Assessment (EIA) has been carried out which looked at the overall impact of the scheme and also considered how the scheme changes might affect protected characteristic groups covered by the Equality Act 2010.
- 2.3 The Housing Allocation Scheme was approved by the Housing Sub Committee 13 September 2016 and will be implemented from June 2017 following the necessary work to collect information on applicant's needs, and to re-programme the Council's computerised allocations system. The final allocations scheme was ratified by Housing Sub Committee on 8 March 2017

3.0 Aims and Objectives

- 3.1 The Council's Housing Strategy shows how we will support independent living, make the best use of available social housing and encourage balanced mixed communities.
- 3.2 To meet the Council's statutory duties in allocating Council housing and making nominations to housing associations and other Councils, the Housing Allocations Scheme will:
- **Meet local housing need** through providing access to affordable housing based on a full assessment of individual circumstances and a fair and transparent system for deciding who gets priority
 - **Provide a simple system** that is easy to understand and which customers recognise as fair.
 - **Meet our legal duties** in carrying out allocations and fulfilling our statutory duties.
 - **Prevent homelessness** where possible, encouraging planned pathways into housing and minimising the use of bed and breakfast accommodation for homeless households.
 - **Promote Housing Options** to meet the variety of housing need
 - **Ensure the efficient processing of applicants to suitable and sustainable homes** and to make sure that housing within the Borough is being effectively used for those in need and maximising the best use of the housing stock within the Borough

4.0 Definitions

- 4.1 This document shall refer to the Royal Borough of Kingston upon Thames as 'The Council'. Members of the public who are reading this scheme shall be addressed in the first person as 'you'.
- 4.2 'The applicant' shall refer to those actively seeking (applying for) a property through the Council
- 4.3 'The Household' shall refer to all those seeking to live with the applicant

5.0 Legal Framework

- 5.1 Kingston Council has a legal duty to maintain an allocation scheme for determining priorities; and to define a procedure to be followed when allocating housing accommodation. The law states that certain groups are entitled to a degree of priority and are known as reasonable preference groups.
- 5.2 The Council's Housing Allocations Scheme operates within a legal framework. The full duties are specified under the Housing Act 1996 (as amended including the Localism Act 2011). However full details of the Legal Framework are shown in Appendix 1.

6.0 Equality

- 6.1 The Council is committed to ensuring equal access and treatment for all applicants including those with protected characteristics as defined by the Equalities Act 2010. An Equality Impact Assessment has been carried out on this scheme to assess and mitigate any undue disadvantage to any group. The scheme also promotes the Public Sector Equality Duty and pays due regard to article 14 of the Human Rights Act. The scheme promotes the welfare of children through section 11 of the Children Act 2004. The Council has had regard to the Housing Strategy (2015-2020) and the assessment of the needs of gypsies and travellers undertaken pursuant to s225 Housing Act 2004.
- 6.2 It is important that this Housing Allocations Scheme is understood by everyone. The Council can arrange a translation service for people who visit the Council offices. If you need a copy in larger print, translation or another format, please contact the Council, either in person or by telephoning the **Contact Centre on 020 8547 5003**.

7.0 Scope of this Housing Allocations Scheme

7.1 Lettings covered by the Housing Allocations Scheme

- 7.2 This scheme sets out arrangements for allocating accommodation within the meaning of Part 6 of the Housing Act 1996 (as amended). The Council allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation (including flexible tenancies) held by the Council. As a flexible tenant, you have tenancy for a fixed period. This is usually for at least 5 years, though in some cases it may be between 2 and 5 years
- Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
- Nominates a person to be an assured tenant of accommodation held by a Registered Provider.

The term 'assured tenant' includes a person with a periodic tenancy, including an Affordable Rent property. 'Secure tenant' includes a person with a flexible tenancy granted under s.107A of the Housing Act 1985 (as amended). This applies to:

- All housing stock directly let or administered through the Council
- All Partner organisations with whom The Council's nominations are administered and operate.

Partner organisations are subject to their own administration and applicants will need to check timescales, document proofs and acceptance criteria which is beyond the control of the Council.

8.0 Lettings not covered by the Housing Allocations Scheme

8.1 The following fall outside of the scope of this scheme and are not covered by Part 6 of the Housing Act 1996 (as amended):

- Succession or assignment to someone entitled to succeed
- Mutual exchange
- Transfer of tenancy by court order in children and family proceedings (e.g. divorce proceedings)
- Grant of a secure tenancy to an existing introductory tenant
- Renewals of fixed-term flexible tenancies to existing tenants

8.2 Succession

- 8.2.1 There is only one right to succession in law for secure tenants. Where this has already been exercised, the Council may grant a new tenancy of the property (or of another suitable property if the existing home is too large or specialist accommodation is no longer required by the surviving occupier) where another person has lived as part of the household continuously throughout the 12 month period ending with the death of the tenant and either:
- a) That household seeking non-statutory succession was married or civil partner or related to the deceased ; and
 - b) The household seeking non-statutory succession would otherwise be provided accommodation as a consequence of a homelessness application (Housing Act 1996 (Part 7)) and that application would be successful resulting in the Council having duty to provide accommodation under the relevant section.
- 8.2.2 The accommodation offered will be in accordance with the size of accommodation required by the household under the Council's Allocations Scheme.
- 8.2.3 This scheme enables the Council to allocate the home released to a household with a priority re-housing need and avoids the need to seek possession of the property and for the remaining occupier to have to make an application under homelessness legislation.
- 8.2.4 Non-statutory successors required to move will be placed in Band 1 and may bid for any suitable properties becoming available to let. They will also be placed within auto-bid and direct offers of accommodation made available. Where they refuse one reasonable offer of accommodation the Council may consider possession of the property they occupy on the grounds that suitable alternative accommodation is available to them which it would be reasonable for them to occupy (Housing Act 1985 s84 Schedule 2, grounds 13 to 16)

8.3 Gypsies and Travelers seeking a pitch within a dedicated Gypsy and Traveller site

8.3.1 Allocation of Pitches on a Gypsy and Traveller site;

The allocation of pitches on a Gypsy and Traveller site is in accordance with the priority given to all applications to the Housing Register. However, additional priority for pitches will be given to close family members of existing licensees, who already live on site, to relieve overcrowding and to maintain family connections on the site.

8.3.2 Applicants for pitches can complete an online Housing Register application and provide the required evidence of identity. Where there are medical grounds for re-housing, medical evidence must be provided. Alternative methods of application are also available.

8.3.3 All applications for pitches will be assessed and registered with the appropriate priority. Applicants must then check on the Council's website for information about available pitches and place bids for any pitches they would like to be allocated. The pitch will be allocated to the eligible applicant in the highest priority band and with the earliest priority date in that band.

9.0 Applying for housing

9.1 Your options

There is a limited supply of social housing available for letting each year in Kingston. You are strongly advised to consider all your options for your future housing. The Council can help you select your options by providing information and advice on the range of alternatives available to you. Some possible alternatives include:

- Private rented housing. Around one third of households in Kingston live in private rented housing and you may be able to find good quality accommodation that is available to move into straightaway. You can contact local lettings agencies, respond to adverts in local or London papers and look online to find a home for rent.
- Low cost home ownership. An option available in Kingston is shared ownership, which means that you buy a share in the property and pay rent on the remaining share. For more details go to the First Steps website at **shareto-buy.com** for more details about shared ownership homes available across London. To qualify for this scheme you must:
 - Have a gross household income of no more than £90,000 per annum
 - Unable to purchase a suitable home to meet your housing needs on the open market
 - Not already a home owner

- Moving out of the area. There are a range of options available if you would like to move out of the Kingston area. In some parts of the country, there may be a wider range of housing options open to you.
- If you are an existing Council or housing association tenant looking to move to another part of London, you can find more information on housingmoves.org Kingston is part of the London scheme, Housing Moves, and, along with other London boroughs, makes up to five per cent of its properties for letting available to tenants transferring from other boroughs. This percentage is kept under review by the Greater London Authority
- If you are aged 60 and over and you are interested in moving out of London, you can find more information about the Seaside and Country Homes scheme on homeconnections.org.uk
- Mutual exchanges. If you are a social housing tenant (local authority or housing association) you can exchange your home with another secure or assured tenant if your landlord agrees. More information about homes available for exchange can be found at homeswapper.co.uk
- If you are a private sector tenant with a disrepair or home improvement issue, you can contact the Council's private sector housing team on 020 8457 5003

Please call the [Contact Centre on 020 8547 5003](tel:02085475003) and ask for the Housing Options Service, if you would like to discuss your current housing options with someone. There is also more information available online – www.kingston.gov.uk

10.0 The Housing Register

There is not enough social rented housing available to meet the needs of all those that approach the Council for assistance. Therefore, access to the housing register is strictly limited as set out in this section, and you must be eligible and a qualifying person in accordance with the criteria below. To ensure fairness, prioritisation is according to 'Identified Housing Need' or having circumstances that give 'reasonable preference' to your application or that your circumstances qualify you for inclusion under the 'Right to Move' Regulations 2015

10.1 Why we have a Housing Register

The Council operates a Common Housing Register, which means the Council works with Housing Associations (Registered Providers) in the borough to produce a common housing register. The total housing list comprises both those seeking council and housing association housing and existing Council tenants seeking a transfer.

10.2 Who can apply to join the Housing Register?

Anyone who is 18 or over who is both **eligible and qualifies** can join the Housing Register.

However, non-dependant applicants aged 16 and 17 may join the housing register if they require independent or semi-independent accommodation not provided by social services. Examples include lone teenage parents and young people leaving care.

If you are aged 16 and over and you need help with housing, please go to the Housing Options home page on Kingston's website at Kingston.gov.uk for details on how to apply for housing or you can call the **Contact Centre on 020 8547 5003**.

10.3 Eligibility

Only applicants that are eligible in accordance with S160ZA of the Housing Act 1996 (as amended) and Eligibility Regulations can be included on the register.

Eligibility is explained in detail within statutory guidance – “Allocation of accommodation: guidance for local housing authorities in England”

You will **not** be eligible to qualify for the register if you:

- Are subject to immigration control
- Only have a right to reside in the UK because you (or a member of your household) are a jobseeker
- Are not habitually resident in the UK
- Have a right to reside in the UK of less than three months
- Are not allowed to claim housing benefit under s115 of the Asylum and Immigration Act 1999

Applicants should note that their eligibility could change over time. If you are not eligible we cannot allow you onto the housing register

10.4 Qualifying for the Housing Register

If you have met the legal criteria for eligibility as set out above, the Council has to prioritise those households that meet the 'reasonable preference' criteria. (Household's interested in low cost home ownership can also join the Housing Register).

We will apply the national categories of reasonable preference set out in the legislation. Those categories are:

(a) People who are homeless (within the meaning of Part 7 Housing Act 1996 (as amended))

(b) People who are owed a duty by any local housing authority under Housing Act 1996 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)

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)

If a person who has been admitted to the register ceases to qualify, applying the above criteria, he or she will be removed from the register.

10.5 Other Qualifying Criteria

If an applicant has satisfied the statutory eligibility criteria and are a qualifying person they must then satisfy the following to be allowed on the Housing Register.

To qualify for the Housing Register using local criteria, an applicant must:

- (a) Have resided in the Royal Borough of Kingston upon Thames for five continuous years immediately preceding the date of the application and;
- (b) Have an identified and recognised housing need as well as meeting one or more of the reasonable preference group's criteria. The list below illustrates some examples and Section 12 contains more examples:
 - i. Overcrowding
 - ii. Unsuitable property condition
 - iii. Insanitary property condition

10.6 Additional preference will also be given to certain armed forces personnel and their surviving spouse/civil partner who fall within the reasonable preference categories and are in urgent housing need

Exceptions

This requirement does not apply if:

- You are applying under the Right to Move Scheme, the Pan London Housing Reciprocal Agreement or the Homes Mobility Scheme
- You are a household falling in the Housing Transfer target group.
- You are an existing secure, introductory or assured tenant(s) of council or registered provider partner(s)
- You are a young person looked after by the Council and have been placed in care outside the borough
- You are fleeing violence and harassment which makes it unsafe for you to remain in the area where you lived
- You are in receipt of adult social care services provided by the Council and have been placed out of the borough in a hospital or residential care or other accommodation under ongoing social care duties with Kingston
- You are currently serving, or have recently served with the armed forces
- You have a serious injury, illness or disability resulting (wholly or part) from your service in the forces
- Your partner died in conflict and you are about to lose your home provided by the Ministry of Defence
- Kingston Council has accepted a full housing duty which is continuing under Part 7 of the Housing Act 1996 (as amended) to your household
- You would normally be owed the main homelessness duty by Kingston Council and have been placed in a private rented accommodation through the Council's homelessness prevention scheme
- You are a member of the Gypsy and Traveller community

10.6 Who is disqualified?

This section sets out the circumstances in which the applicants meet the qualification criteria but may be disqualified, if you fall into one or more of the groups below:

The criteria below will apply to all applicants but may, in exceptional circumstances be waived at the discretion of the Lead Officer under the Councils Scheme of Delegation (see Appendix 6)

I. You or a member of your household has been involved in unacceptable behaviour serious enough to make you an unsuitable tenant of the Council or other housing provider including:

- Giving false information to obtain or try to obtain a tenancy
- Making a payment to obtain or try to obtain a social housing tenancy
- Deliberately damaging or allowing someone else to deliberately damage your home (including unauthorised modifications if you are a council tenant)
- Violence, crime or anti-social behaviour
- Subletting any Council or housing association tenancy
- Being provided with a home in connection with your work for Kingston Council and losing this due to your behaviour or actions

Exceptions

This does not apply in some particular cases, for example:

- if you are experiencing harassment or violence or your home requires essential repairs
- if you cannot reasonably afford your current rent and you are planning to move to a property with a lower rent

II. You or anyone included in your application own a property or have an interest in a property in the UK or elsewhere.

Applicants who are property owners will not normally be permitted to join the Housing Register.

Exceptions

In exceptional circumstances owner occupiers may be permitted to join the housing register where personal circumstances confirm qualification for sheltered accommodation or where personal circumstances would suggest the applicant qualifies for placement in an appropriate Band. Acceptance of any such application is subject to the family permitting (and any lender) their home to be re-let by the Council or Housing Associations.

If you do not qualify for the register, you can ask for us to review your case under section 27 of this scheme, or you can contact us if your situation changes.

If you qualify for the register, in some cases your application will not be made active and you will not be able to bid for a home. Some examples:

- We are in the process of verifying your details
- We require further information to assess your application, for example medical records
- Your case is under investigation
- You have support needs and are unable to sustain a tenancy.

Offers made to young people under 18 will normally be by way of trust, rather than direct tenancies.

10.7 Pets

When assessing the re-housing needs of a household, the Council cannot take into account the needs of pets and reserves the right to refuse the keeping of any animal in any property (with the exception of assistance dogs). The Council will not consider any offer as unsuitable in connection with the keeping of pets.

10.8 Rent Arrears

- 10.8.1 Households in rent arrears or mortgage arrears will not normally be considered for an allocation except in exceptional circumstances, for example, a severe and urgent medical reason. All cases of an exceptional nature will be assessed by the Housing Panel.
- 10.8.2 Applicants owed the homelessness re-housing duty, living in temporary accommodation, will be offered permanent accommodation where they have made an agreement to clear any rent arrears. The applicant will only be offered an introductory tenancy, if they have an agreement to clear their arrears in place and have been making regular payments to reduce the outstanding amount for a minimum of six months (this period may only be varied in exceptional cases). All such cases will be assessed by the Housing Panel.
- 10.8.3 Tenants downsizing because of the spare bedroom subsidy in their Housing Benefit or the housing element of their Universal Credit, whose arrears have worsened, or who have started to accrue rent arrears as a result of the reduction, will be considered for an offer of smaller accommodation on condition that they sign an agreement to repay their arrears. All such cases will be assessed by the Housing Panel.

11.0 How priority is determined

11.1 How the Council assesses an applicant's needs and priority

- Applicants are placed in one of the five Bands as appropriate
- By assessing the size of the home they require
- Considering applicants with high priority for authorisation for an offer under the Panel System (see Appendix 4).

Applicants eligible for the housing register are placed in one of five Allocation Bands:

- Band 1 – Urgent Priority
- Band 2 – High Priority
- Band 3 – Statutory Homeless Households
- Band 4 – Applicants with an Identified Housing Need
- Band 5 – Other Applicants

12.0 Allocation Bands

The Council will convene an Emergency Panel to deal with exceptional cases that may require a change in banding if there is a genuine and unique reason to. For example, where the Council believes it has an obligation to avert an immediate risk of injury or threat to life. There is also a Panel system to deal with all other cases. Please see Appendix 4 for full details.

All target groups can be found in Appendix 5

Band 1 - urgent priority		
Reasonable preference category	Target Group	Description
All or any reasonable preference category	All Target Groups	At the council's discretion, cases assessed as being exceptionally urgent.
All or any reasonable preference category	Panel Moves	Council tenants and partner Housing Association tenants via a Panel move, requiring a move due to domestic abuse.
All or any reasonable preference category	Panel Moves	Council tenants and partner Housing Association tenants needing to move to escape racial, faith, homophobic or disability harassment, via a Panel move.
Medical or welfare grounds	Transfers	Council tenants in hospital who cannot return to their property because it is no longer suitable to their needs.
Medical or welfare grounds	Any relevant target group	Urgent need to move, where current housing conditions are assessed by the council's medical adviser as having a major adverse effect on the health of the applicant or a member of their household.
Medical or welfare grounds	All target groups	Applicants with an assessed need for a property adapted for physically disabled persons
Insanitary or overcrowded housing	Transfer and Spare room downsizer	Council tenants and partner Housing Association tenants living in properties with adaptations they do not need.
Insanitary or overcrowded housing	Under occupying/ Spare room downsizer	Statutory and non-statutory successors requiring a move to smaller accommodation. Non statutory successor's maybe subject to direct offers of accommodation and placed on autobid.

Insanitary or overcrowded housing	Under occupying/ Spare room downsizer Sheltered	Under-occupiers in Council or partner Housing Association accommodation that are under occupying by one bedroom, including those affected by the removal of the spare room subsidy. This includes Council and partner Housing Association tenants of one bedroom general purpose accommodation moving to sheltered accommodation. Also includes tenants qualifying for an incentive to move scheme.
Homeless	Council staff re-housing Scheme	Where the council has a contractual obligation to re-house at commencement and on termination of their employment
Not applicable	Breathing Space	'Breathing space' households where the lease is to be ended by the landlord within three months. Breathing space households may also be made a direct offer and placed on auto-bid.
Statutory Homeless	Statutory Homeless households in temporary accommodation	Homeless households, in which the council has accepted a full housing duty under the Housing Act 1996 Part 7 (as amended). The household is in priority need and living in temporary accommodation which is leased to the council where the lease has ended and the landlord wants the property back within three months, or let by the Council and vacant possession required within six months for the purposes of regeneration. (Where the tenant has occupied temporary accommodation for less than 12 months, they can be offered alternative temporary accommodation).
Uired	Rehousing guarantee	Council tenants who have relinquished property and where the council has agreed to rehouse.
Insanitary or overcrowded housing	Permanent and temporary decants	Council and partner Housing Association tenants needing to move due to regeneration, redevelopment or other required works.

Band 2 - High priority		
Reasonable preference category	Target Group	Description
Not applicable	Social Services Quota (adults and children).	Council or partner Housing Association tenants moving from supported accommodation agreed through the Housing Panel. May receive direct offer and be placed on autobid

Medical or welfare grounds	Any relevant target group	High medical need to move, where current housing conditions are assessed by the Council's Medical Adviser as having a significant effect on the health of the applicant, or a member of their household.
Not applicable	Social Services Quota (adults and children).	Households nominated by social services and agreed by the Housing Panel, (ability to have a direct offer and placed on auto-bid)
Insanitary or overcrowded housing	Any relevant target group	Households living in insanitary housing as assessed and determined by the council and where remedial works cannot be completed within a reasonable period of time. Those is private sector housing with multiple category 1 hazards as defined by HHSRS (Housing Health and Safety Rating System – Housing Act 2004).
Insanitary or overcrowded housing	Any relevant target group	Applicants whose household lacks two or more bedrooms and have two additional identified housing needs.
At least 2 reasonable preference groups	Any relevant target group	Applicants with three or more identified types of housing need (placing them within at least two of the reasonable preference groups identified within the Housing Act 1996, (as amended).
Homeless	@ home scheme	@home scheme households in priority need or threatened with homelessness by relatives or friends, who remain in their home instead of making an application under homelessness legislation.
Not applicable	Tenant Finder Service Prevention	Applicants who have had their homelessness prevented through the Council's Tenant Finder Service.

Band 3 - statutory homeless households		
Reasonable preference category	Target Group	Description
Homeless	Statutory Homeless	Households who are homeless and have been accepted as statutorily homeless and owed a full housing duty by the Council under Part 7 of the Housing Act 1996 as amended. Households in this category will be placed in auto-bid, with the priority date being the date of homelessness acceptance.
Any reasonable preference group	Any relevant target groups	Applicants lacking two or more bedrooms who have one identified housing need.

Band 4 - identified housing need		
Reasonable preference category	Target Group	Description
Not applicable	Sheltered	An owner occupier, whose application does not fall within an appropriate Band, who qualifies for sheltered accommodation and will permit their home to be re-let by the Council or partner Housing Association.
Insanitary or overcrowded housing	Any relevant target group	Any household who are lacking a bedroom
Insanitary or overcrowded housing	Any relevant target group	Any household who lack or share facilities (kitchen/living room/bathroom) with another household.
Medical or welfare grounds	Any relevant target group	Low medical need (recommended by the Council's Medical Adviser).
Any relevant reasonable preference category	Armed forces personnel	Armed forces personnel, reserves and those discharged (or widowed spouse / civil partner) and their families who are in housing need following their discharge from the armed forces and who do not meet the residency criteria.
Not applicable	Mobility scheme (right to move)	Applicants eligible for the Government 'Right to Move' scheme.
Not applicable	Mobility scheme (Pan London)	Other London borough tenants seeking a transfer.
Not applicable	Reciprocal	Households approved for a move under the Housing Reciprocal Agreement.
Not applicable	Armed forces veteran	Households approved for a move under the Armed Forces veterans target group. We reserve the right to use the nominations with any veterans association, including direct nominations.
Not applicable	KCAH	Households approved for a move under the Kingston Churches Action on Homelessness (KCAH) target group.

Band 5 - other applicants		
Reasonable preference category	Target Group	Description
Any reasonable preference category	Sheltered	Applicants for Sheltered Housing 60 years or over, unless meeting the criteria for a higher band.
Not applicable	Any relevant target group	<p>This category enables service provision where housing is only accessible through the Council, or the Council's resources are essential in securing a home. Examples of access to housing via the Council's resources are:</p> <ul style="list-style-type: none"> • Key workers (defined by Government criteria) seeking rented options via social landlords. • Shared ownership, which means that you buy a share in the property and pay rent on the remaining share.
Any reasonable preference category	Gypsy and Travellers	Seeking a pitch on a dedicated Gypsy and Traveller site.

13.0 How to join the Housing Register

13.1 The above sections have explained that access to Social Housing is strictly via the Housing Register.

13.2 Checks and Data Protection

The Council is under an obligation to protect against fraud and may check the details of each application carefully. This may include a visit to the household at the most recent address given on the application form. The Council will ask for and check documents that evidence your housing need and you must respond within the time specified by the request. When making your application, you agree to allow the Council to make contact with any agency or person when carrying out its checks and to share information with statutory and non-statutory organisations for example, the Council's agents, partners and contractors. Please note that this list is not exhaustive. Failure to comply with the checks can result in your application being suspended or rejected. The Council may prosecute where dishonesty is believed present within an application. The Council will at all times observe the requirements as prescribed in the Data Protection Act 1998.

13.3 Registering an application for housing

Acceptance to the Housing Register is only through a completed and accepted Housing Register application. All applications for housing can be made using the on-line registration process available on the Council's website. If you need help in completing your application please contact the Council, either in person or by telephoning the **Contact Centre on 020 8547 5003**.

Applications will normally be acknowledged within 20 working days, and the applicant advised of their banding and priority date. The applicant will be advised which size(s) of home they can bid for. The table (1) below outlines the guidance used to assess your requirements.

Table 1

Household Size	Number of Bedrooms
Single person (including where expecting first child)	Studio /1 bedroom
Couple	1 bedroom or Studio
Parent (s) plus 1 child (aged over 12months)	2 bedrooms
Parent (s) plus 2 children, of the same sex where the children are under 16 or one or more child is over 16 but the age gap is less than 7 years	2 bedrooms
Parent (s) plus 2 children of opposite sex where both are under 10 years of age	2 bedrooms
Parent (s) plus 2 children of opposite sex where one child is over 10 years of age	3 bedrooms
Parent (s) plus 2 children of the same sex where there is an age gap of 7 years or more and one child is 16 or over	3 bedrooms
Parent (s) plus 3 children	3 or 4 bedrooms depending on ages and sex
Parent (s) plus 4 children or more	3 or more bedrooms depending on ages and sex

13.4 Who can you include on your application?

You can only include people who normally live with you as a member of your household on your application. You and any member of your household can only be on one housing application.

You can include the following people on your application if they normally live with you or could reasonably be expected to do so:

- Your Partner, Spouse or Civil Partner
- Children dependent on you and/or your partner who live with you as their main residence. This will need to be evidenced by a copy of a valid residence order or proof of receipt of child benefit. Dependent children for the purpose of the Allocation Scheme are those aged 18 and under.
- Siblings
- Adult sons and daughters
- Other adults who are dependent on you

13.5 Other adults who give or receive long-term care from you or other members of your household in Kingston, can also be included, where the person cared for has care needs confirmed by assessment of social care services, which cannot be provided by visiting carers. The care needs must be substantial, that is a need for personal care with basic daily activities (such as dressing, feeding, bathing, toileting etc.), or an inability to live independently certified by a medical professional. A live-in carer, where the applicant already has a live in carer at the point of application, or is expected to join the household once suitable accommodation has been found can also be considered, once evidence of care needs have been established.

13.6 Where we have an ongoing duty to accommodate you as a homeless household under section 193 of Part 7 of the Housing Act 1996 (as amended), you can include anyone who we have accepted as part of your homeless application.

13.7 Exceptions to the Property Size Rules

The following exceptions are made to the above:

- Where tenants are being decanted, the Council can offer one extra room above your bedroom need entitlement where you are currently under occupying.
- Under occupying Council and Housing Association tenants moving somewhere smaller are allowed to bid for or be offered a property with one bedroom more than their allowed size. (See Appendix 6)
- Council tenants placed in Band 1 due to risk of violence or harassment are allowed to bid for, or be offered, a property with the same number of bedrooms as their current home, or the allowed property size if this is smaller

- Applicants whose bedroom need is four or more bedrooms may bid for or be directly offered properties with one bedroom less than their allowed property size, because of the shortage of larger properties
- Where the Medical Advisor recommends increasing the allowed property size on medical grounds, which may specifically relate to the needs of a child in the household, or to allow a carer to live with the applicant, only one extra room will be granted. Provision will not be made for any members of a carer's household
- Where two of the above exceptions to the rules conflict the most generous will apply
- Where housing has been provided as part of their contract of employment certain staff employed by the Council may be entitled to re-housing by the Council on retirement. These can include School Caretakers of Community Schools provided accommodation by a Local Authority but will exclude those caretakers of Academies and Free Schools.
- Service tenants entitled to re-housing on retirement will be placed in Band 1 and will be made one suitable offer of accommodation by direct offer.
- Service tenants with seven years' service or more are entitled to re-housing to accommodation one bedroom size larger than their assessed housing need.
- Service tenants with less than seven years' service or more, are entitled to re-housing to accommodation of that size determined by their assessed housing need.
- In the event of the death of a service tenant, their surviving partner will be entitled to re-housing according to their assessed housing needs, except where the deceased service tenant has completed 10 years' service on death where they will be entitled to accommodation one bedroom size larger than their assessed housing need. .
- Partners who qualify for re-housing under this scheme must have been resident with the Service tenant for at least 12 months prior to his/her death.
- Service tenants are not entitled to rehousing under this scheme where their loss of employment is a consequence of dismissal on disciplinary grounds or where they own a home suitable for their occupation.

13.8 Exceptional Circumstances

In exceptional circumstances the Housing Panel may, at their discretion, allocate to an applicant a property that is either smaller or larger than their allowed property size. This may include where smaller or larger housing is required in order to make a final offer of accommodation under section 193(7) of Part 7 of the Housing Act 1996 (as amended).

13.9 Affordability and Allowed Property Size

The Council allocates Council and Housing Association properties available at different rent levels. Rent levels and any additional service charges are included in property advertisements and applicants are responsible for satisfying themselves that they can afford to pay the rent.

Applicants of working age who are in receipt of welfare benefits should note that their benefit may be reduced if they occupy a home larger than they are assessed as requiring under the benefit rules. This assessment under the benefit rules may be different to the allowed property size under this Housing Allocation scheme. An offer of housing under this Housing Allocation Scheme does not imply that your rent will be covered in full by welfare benefits, nor that any shortfall will be covered by the Council.

The Council reserves the right to allocate smaller accommodation if it considers that the applicant will be unable to afford the rent of larger accommodation due to these benefit restrictions.

13.10 Employees and Members of the Council and their Relatives

All housing applicants are asked whether they or any of their relatives work for the Council or are an elected Councillor. If such circumstances apply then these applicants are subject to special authorisation procedures. This includes employment in a shared service: for example another local authority or contractor supplying services to Kingston Council.

Relatives of the employee or Councillor are:

- Anyone living with them as their partner or as a member of their household
- Natural/adoptive/step-parents
- Children
- Sisters and brothers
- Daughters or sons-in laws
- Grandparents
- Aunts and uncles
- Estranged spouses or partners, regardless of whether they live as part of the applicant's household
- Any other relations.

13.11 If your household is accepted onto the housing register you are responsible for keeping your records up to date as follows:

13.12 Renewal of housing applications

On the anniversary of the date that the housing application was registered applicants should renew their application. When applicants are notified of the arrangements for completing this renewal they should do so within the specified time period.

When completing their renewal, applicants should confirm that they still want to be considered for housing and provide details of any changes in their circumstances. Failure to complete renewal within the time period specified (or to respond to a written request for information) may result in the applicant being removed from the Housing Register. Applicants have an ongoing duty to update and renew their application.

13.13 Notification of changes in circumstances

Applicants must tell the Council if their personal circumstances change and register these changes on their online application through Kingston Council Home Connections website. Examples of change(s) you should tell us about include:

- The birth of a child
- A change of address
- Someone joining or leaving the household
- The purchase or acquisition of an interest in a home
- A change in the health or welfare of the main applicant and/or a member of their household
- Or any circumstances that affect either eligibility or qualification or disqualification to the Housing Register.

It is an offence to obtain or attempt to obtain a house through the Council by withholding or providing misleading information.

If you are in any doubt as to whether you should tell the Council about a change in your circumstances consult the [Housing Options Team on 020 8547 5003](#).

13.14 Cancellation of housing applications

A housing application will be cancelled and removed from the Housing Register in the following circumstances when an applicant:

- Requests Cancellation
- Either becomes ineligible for housing or ceases to qualify for inclusion on the Housing Register
- Is housed through the Council's Housing Allocations Scheme or the homelessness duty has been discharged into the private sector
- Fails to maintain their housing application (through the renewal process) or they move home and fail to provide the Council with a contact address.

14.0 Transparency and Choice

Once accepted onto the Housing Register the Council allocates priority according to Band, Priority Date, Reasonable Preference and Target Group. The Choice Based Lettings (CBL) system allows eligible applicants to select properties that they are interested in, rather than the Council allocating the property to the next applicant on the Housing Register. The scheme follows an open and transparent process, helping applicants make informed choices about where they want to live and the type of property they would prefer. It should be noted that a system of re-housing targets operate, where some property types are limited to a particular applicant group, this means that certain properties will only be able to be bid on by those in a specific Target Group.

Full guidance concerning the use of the Councils CBL is available at the Council Office and Website:

<https://www.homeconnections.org.uk/RBKT/CFEHome.jsp?partnerName=RBKT&websiteformat=null&colorSchemeText>

14.1 Tenancy Management outside the Scope of Choice Based Lettings

The following tenancy management areas fall outside of Part 6 of the Housing Act 1996 (as amended):

- Mutual exchanges
- Persons transferring from a starter or introductory to secure or assured tenancy in the same property
- Persons transferring from a non-secure or contractual tenancy to a starter, introductory, assured or secure tenancy in the same property
- Where a secure tenancy is assigned by way of succession to the same property
- Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment
- Temporary Housing Association decants where the tenant will be returning to their original property
- Where court orders are made under one of the following:
 - Section 24 of the Matrimonial Causes Act 1973
 - Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
 - Paragraph 1 of schedule 1 to the Children Act 1989
 - The Civil Partnership Act 2004
 - Section 33 of the Family Law Act 1996.

14.2 Deciding Priority

We will consider the Banding priority, and the applicant's registration date in the event of a tie.

14.3 The Council reserves the right to change an applicant's Banding (increase or reduce priority) through the Housing Panel. The Council shall exercise this right in the interest of fairness on a case by case basis. The Housing Panel process is described in Appendix 4. The statutory rights of applicants are unaffected and applicants have the right to a statutory review.

15.0 How to bid for properties

- 15.1 Kingston's housing stock will be let through Home Connections, a choice based lettings scheme. Properties available for letting will be advertised weekly and you will have to bid for properties that you wish to view. Some properties will be let outside the Choice Based Lettings system (CBL).
- 15.2 You will not usually be able to bid for properties larger than you need (see section 13.7 for details of the exceptions to this).
- 15.3 For larger households who are waiting for properties with four or more bedrooms, you may be able to bid on properties with one bedroom less than your assessed need. This will only be possible where a suitable property is available and you will not be making your current housing conditions worse by living in a property smaller than your assessed bedroom need.
- 15.4 The Council will shortlist the applicants with the highest priority who have bid on a property. If you are successful in your bid, you will be invited to view the property. After the viewings are complete, the property will be offered to you if you are the highest priority applicant who wants to accept it. If the applicant with the highest priority refuses the property it will be offered to the second highest bidder. If you refuse the property and the Council feels it is a reasonable offer, then the Council will no longer have to provide you with a further offer of housing and your application will be suspended for 12 months. You have a statutory right of review if you do not agree.
- 15.5 If a property is refused by all applicants on two shortlists, the Council will allocate the property through a direct offer...
- 15.6 Where a property has been advertised with a restriction only applicants who meet the criteria will be short listed for the property. For example, if you have young children, you will not be considered for properties advertised as suitable for people aged over 60 or where a letting is considered for a specific Target Group(s).
- 15.7 Ground floor properties identified as suitable for applicants with a ground floor medical recommendation (awarded by the Council's independent Medical Advisor) will be allocated to applicants within this category. In the case of all remaining ground floor properties, priority will be given to under-occupiers
- 15.8 If you do not actively bid on properties for a year, your application may be reviewed and you may be contacted to discuss your housing options further. We may close your application where we have made reasonable attempts to contact you but you have not responded. You will still be able to reapply to the housing register at a later date.

16.0 Autobid

Autobid is where bids are automatically made against suitable properties and is available to:

- Applicants who have difficulty in using the bidding system by consent of the Council
- People to whom the Council has accepted a full homelessness duty are automatically registered for autobid.

17.0 Direct Offers

The Council reserves the right to directly allocate a property that is believed suitable to an applicant. Households are placed on the Housing Register according to their relative banding and priority date of application within the Target Group their application falls within. More detail of Target Groups can be found within the Annual Lettings Plan .

Examples of Direct Offers to specific Target Groups may include Applicants:

- Approved for a move under Decant Policy
- Social Services Quota Nominees
- Those unable to Bid under CBL
- Qualifying for Sheltered accommodation
- Who are Homeless as determined by Housing Act 1996 part 7 owed a duty under S.193 and all amendments

18.0 Local Lettings

- 18.1 The Council may decide to apply a local lettings plan to a particular area of a development. Section 166A(6)(b) of the Housing Act 1996 enables local housing authorities to allocate a relevant accommodation to people whether or not they fall into the reasonable preference category. This section enables the Council to set aside homes on a particular estate, or certain types of properties across the housing stock, for applicants who meet specific criteria as set out in a Local Lettings Plan applicable to those properties.
- 18.2 Local lettings plans will be reviewed regularly to make sure that we continue to give priority in our allocations to the groups the law says we must give priority to.
- 18.3 Where such lettings plans are in operation, the criteria will be stated in the property details when they are advertised. Applicants who meet the criteria will be able to bid and offers will be made to those with the highest re-housing priority.

19.0 Annual Lettings Plan – including Quota Target Groups

- 19.1 The Council's Annual Lettings Plan forms an integral part of the Council's Allocation Scheme. The Lettings Plan has a direct impact on the properties that will be available for allocation. The Lettings Plan also looks at the supply of social housing from within the Council's own stock as well as that which may become available through Housing Associations.

- 19.2 Examples of Target Groups include; homeless households as determined by Housing Act 1996 as amended (Part 7), overcrowded tenants occupying Council or Housing Association accommodation; households nominated by Social Services, under-occupying tenants subject to the welfare reforms (and those who are not).
- 19.3 Properties advertised through the Choice Based Lettings system (CBL) may identify specific Target Group(s) prioritised for lettings.

20.0 Re-housing in the Target Group System

- 20.1 A system of re-housing targets operates to ensure that different categories of applicant for housing have a fairer chance of being offered accommodation in the face of short supply. The targets are balanced between the needs of homeless households, existing Kingston Council and Housing Association tenants who need to transfer, along with the needs of other applicants for housing. In this way different types of applicants for social housing have a chance of being offered accommodation.
- 20.2 In accordance with the Council's commitment to the Armed Forces Community Covenant, the Council will make two flats available for single veterans nominated by any veterans association. The flats made available would be let through a direct offer, not through the choice based lettings scheme

20.3 Specific Target Groups are rehoused under nomination or other agreement with providers and schemes. These are:

- a) Kingston Churches Action on Homelessness
- b) former Kingston Council tenants in the Breathing Space scheme

Nominees are normally allocated on a direct offer basis.

21.0 Statutory Services Housing Targets

- 21.1 Each year a limited number of properties is made available to other statutory services. This is to ensure that sufficient priority is awarded to vulnerable people and to enable Social Services to discharge their duties to their clients, which include obtaining suitable settled accommodation. Client-specific targets are set in agreement with nominating services and applicants will be placed in Band 2 unless additional circumstances move an applicant up the banding. These are as follows:

- Young people leaving care
- People with disabilities
- People with a Learning disability
- People with a mental health illness
- Children with disabilities
- Children under the care of Children Act 1989 and 2004

22.0 Disability and Mobility Categories

- 22.1 Housing that has been designed for use by tenants with a disability, has been adapted or is particularly suited to a person with a disability, will be allocated to a person who has been assessed as needing that particular type of accommodation, even if there are other applicants (without a disability) in higher bands or with an earlier priority date. Each application will be awarded a mobility category, from 1 to 4 and properties advertised as suitable for applicants from those categories as follows:
- Mobility category 1 - Applicants who are full-time wheelchair users
 - Mobility category 2 - Applicants who need a property which is wheelchair accessible, but who may not use a wheelchair indoors
 - Mobility category 3 - Applicants with severe mobility problems who need ground floor or lifted accommodation with level access and no internal stairs
 - Mobility category 4 - All other applicants.

23.0 Extra-Care and Sheltered Accommodation

- 23.1 Allocations of Extra Care and sheltered housing is for applicants 60 years of age or over, where additional care and support is provided on-site. Applicants for Extra Care and sheltered accommodation are considered by the Housing Panel System (see appendix 4). The Panel considers a thorough assessment of each client's needs and whether or not this type of accommodation is suitable, taking into account the recommendation of the Council's Medical Adviser.
- 23.2 Where there is more than one applicant for any vacancy, the Housing Panel will consider each applicant's priority for housing together with their medical and other needs. Where there is no applicant known to require extra care, the property will be advertised and re-let as sheltered housing.

24.0 Decants

- 24.1 If major works are to be carried out, the Council will offer its own tenants alternative accommodation from its own permanent housing stock, to be occupied by the tenant until their home is ready for them to return to. In these circumstances, the tenant will retain the tenancy of their home and pay the same rent, unless the rent for the temporary accommodation is lower. Regeneration schemes are subject to alternative procedures
- 24.2 Where the tenant is temporarily decanted to any private sector accommodation, because there is no suitable council property available, they will pay the rent for the private sector property, for the duration of the stay.

25.0 Sensitive lettings

- 25.1 The Council will sometimes use a sensitive lettings approach to decide how to let properties. Examples of where this approach could be applied to the allocation of properties is where there:
- Is an outgoing tenant that has caused a serious nuisance
 - Has been a high level of recorded incidents of harassment/nuisance in a block or particular part of an estate
 - Is a high concentration of vulnerable households in a block, estate or area who may be susceptible to exploitation.
- 25.2 Where a vacant property has been identified as being covered by the sensitive lettings approach you may be affected if:
- You have a history of causing nuisance or anti-social behaviour
 - There is a risk that your health or social needs could have a serious impact on others
 - There is a negative impact on the local community.

26.0 Decisions and Appeals

- 26.1 If you are dissatisfied with your banding or decision to not allow or remove you from the Housing Register then you should initially ask for a reassessment of your case. To do this you must write or email housing.options@kingston.gov.uk to the **Lead Officer, Housing Options**, within 7 days of your decision. The address is given below. Often cases can be quickly dealt with and any confusion caused remedied using this process. This does not affect your statutory right of review.
- 26.2 If you have exhausted the procedure above you can ask for a formal review of your case. The Housing Act 1996 (as amended) Part 6, (s.166A (9) (b)), gives the right of applicants to appeal the decision of the Council in the following circumstances:
- a) If you have been not allowed to join the Housing Register or were on the Housing Register, but have now been excluded
 - b) If you are not happy about your banding status
 - c) You have been suspended from the Housing Register for not accepting a suitable offer
 - d) You have been suspended from the Housing Register for any other reason.

All requests for a review must be made within 21 days of the original decision on your case. The review will be conducted by a senior officer to the one that made the original decision. The Council has up to 56 days to conduct the review.

- 26.3 You may appeal against decisions made under the Housing Panel (including Emergency Panel). Typical examples, which are not exhaustive, are given below:
- i) Applicant is refused a move on emergency grounds
 - ii) A relevant Social Services Teams request being refused for either use of nomination, move to appropriate supported housing, or seeking move to permanent accommodation for their clients
 - iii) Applicants disallowed move who are in arrears, additional banding on medical grounds and a move on emergency grounds.
 - iv) Applicant is requesting a tenancy as a non-statutory successor
 - v) Decant applicants and those awarded a higher banding is reduced on the refusal of alternative accommodation where it is considered by the Council as reasonable to live in.

The list is not exhaustive. All households have a right of review.

In all matters, you will need to set out your reasons in writing why you should have your case or complaint reviewed in writing within 21 days of your receiving a decision.

Your letter should be addressed to the **Lead Officer Housing Options** at:

Guildhall 2
High Street
Kingston upon Thames
KT1 1EU

housing.options@kingston.gov.uk

26.4 **Removal or Suspension from the Housing Register including demotion of priority**

If the Council decides that an applicant has become ineligible in law or no longer qualifies to remain on the Housing Register; or shall have their priority demoted through their conduct under this Scheme, the applicant will be notified in writing and be given clear grounds for the decision and how to request a review of the decision.

26.5 **Refusals of offers of accommodation**

The Council aims to provide as much information as possible when advertising available homes for rent at the time of bidding - normally including a photograph of the property, the number of bedrooms, and where applicable access via steps. There should be few reasons for applicants to refuse offers of homes they have chosen to bid for after viewing the property. The Council operate a one offer only scheme in respect to the following households:

- households whom the Council has accepted a full statutory duty under homelessness legislation (Housing Act 1996 (as amended))
- all households within the following quota target groups: Social Services, Mobility, Veterans and Kingston Churches Action on Homelessness.

26.6 The consequences of refusing an offer of accommodation will depend on the circumstances in which the offer is made. It is important for an applicant who is owed a rehousing duty under Part 7 of the Housing Act 1996 (as amended) to understand that the refusal of a suitable offer of accommodation is highly likely to result in cessation of the duty to accommodate them under Part 7, the potential loss of any temporary accommodation, and a change to their entry under this Housing Allocation Scheme.

26.7 For all other applicants for housing the refusal of a reasonable offer will result in suspension from the register or a move to a lower band on the Housing Register. Exceptions will only be applied to this scheme in respect to transfer tenants and where it is in the Council's interest to secure a move. A suspension will last for 12 months.

26.8 Exclusion / Suspension from the Housing Register and your right to Appeal a Decision

If the Council decides that an applicant is ineligible in law or does not qualify to join the Housing Register under this Scheme, the applicant will be notified in writing and be given clear grounds for the decision. The applicant will also be informed of how to request a review of the decision.

27.0 Persons by whom decisions are made

Decisions under the Housing Allocations Scheme, and any discretion shown in the Housing Allocations Scheme will be taken by the Head of Housing or their equivalent via the Housing Panel.

Councillors will not make any decisions on individual applications under the Housing Allocations Scheme, whether or not they are prevented by statutory regulation from doing so.

28.0 Delegated authority to make changes to the Housing Allocations Scheme

To make sure the Housing Allocations Scheme operates fairly and within the law, the nominated Council Officer in consultation with the Portfolio Holder for Housing will be able to approve any minor amendments. Full details of the Councils delegated authority can be seen as Appendix 7, 'Scheme of Housing Delegation'.

29.0 Amendments to the Housing Allocations Scheme

The Director of Services is authorised to make changes to this Allocations Scheme document in the interests of remaining compliant with the Councils statutory and operational obligations. The Councils aim is to achieve fairness and equality when applying this Allocations Scheme.

APPENDIX 1

Legal framework

- Part 6 of the Housing Act 1996 as amended
- The Localism Act 2011
- The Allocation of Housing (Procedure) Regulations 1997
- The Allocation of Housing and Homelessness (Eligibility)(England) Regulations 2006
- as amended
- The Allocation of Housing and Homelessness (Miscellaneous Provisions)(England) Regulations 2006
- The Allocation of Housing (Reasonable and Additional Preference) Regulations 1997
- The Allocation of Housing and Homelessness (Review Procedures) Regulations 1999
- The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012
- The Homelessness (Suitability of Accommodation)(England) Order 2012
- The Allocation of Housing (Qualification Criteria for Right to Move)(England) Regulations 2015
- Part 4 of the Housing Act 1985
- The statutory guidance (required to be taken into account by section 169 of the Housing Act 1996 and all amendments)
- Allocation of accommodation: guidance for local housing authorities in England (2012),
- Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation)(England) Order 2012 (November 2012),
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (December 2013), and
- Right to Move: Statutory guidance on social housing allocations for local housing authorities in England (March 2015)
- The Council's current Homelessness Strategy and Tenancy Strategy and the London Housing Strategy (required to be taken into account by section 166A) of the Housing Act 1996 and all amendments)
- Family Law Act 1996
- Children Act 1989 and 2004
- Housing Act 2004
- Equality Act 2010
- Armed Forces Covenant

APPENDIX 2

Priority if you are living in poor conditions

The Council must give you reasonable preference for social housing if your home:

- is in serious irredeemable repair
- is unsanitary, for example it doesn't have proper drainage and sewerage
- lacks basic washing and cooking facilities

There is usually a scale of priority for poor conditions. You may get a higher band if the council decides that your home is in such bad condition that it is dangerous or potentially damaging to your health.

To decide how much priority you should get for council housing, the council visits your home to inspect it and assess how bad the conditions are, such as:

- Lacking one or more bedrooms
- Lacking or sharing facilities
- Severe Overcrowding

Priority if you have a medical condition

You may get reasonable preference if anyone in your household has physical or mental health problems that are made worse by where you live, or mobility problems that make it difficult to get around your home.

When you apply for council housing, give as much information as possible about any health problems and how they are affected by where you are living. Explain the difficulties the medical condition or disability causes. Give as much detail as you can. Include details of any doctor, health worker or social worker who can support your application.

The Council normally asks a doctor, health visitor or other expert to assess your medical problems. This may be an independent person who does not know you. The council may also contact your GP.

Priority if you need to live in a particular area

You may get reasonable preference on the Housing Register if you need to live in a particular area for social or welfare reasons.

This may be so you can access support networks in the area. For example if:

- Someone in your household attends a special school in the area
- You're leaving care and need to be close to people who can support you
- You need to be close to a relative so they can look after you
- You need to be in a particular area to look after a close relative with health problems.

Priority if you have served in the armed forces

The Council must give you additional preference on the Housing Register if you are already in one of the reasonable preference priority groups and you are a:

- former member of the regular armed forces

- member of the regular or reserve forces who is suffering from a serious injury, illness or disability related to your service
- bereaved spouse or civil partner who has to leave forces accommodation following your partner's death in service.

Priority for Urgent Housing Needs removed

APPENDIX 3

All Housing Associations that are part of the Common Housing Register – Current as at 24/7/17. Please note that these are liable to change

The Council, together with all Registered Providers that are part of the common housing register, operate to ensure that everyone who applies to join the housing register can be considered for properties within these organisations.

Email and contact details removed

Organisation Name	Address
Affinity Sutton	Holme House Manor Lane Holmes Chapel Cheshire CW4 8AF
Home Group	Home Group P. O. Box 1173 Harrow HA1 9NJ
Kingston Churches Housing Association	Meadway House 17/21 Brighton Road Surbiton Surrey KT6 5LR
PA Housing	3 Bede Island Road Leicester LE2 7EA
Richmond Housing Partnership	8 Waldegrave Road Teddington Middlesex TW11 8GT
Thames Valley Housing	Premier House 52 London Road Twickenham Middlesex TW1 3RP
Royal Borough of Kingston upon Thames	Guildhall 2 Kingston upon Thames Surrey KT1 1EU
Wandle Housing Association	2 nd floor Minerva House Montague Close London SE1 9BB

APPENDIX 4

The Housing Panel

The Housing Panel operates within the Housing Allocations Scheme under the delegated authority of the nominated Council Officer. The panel system affords maximum flexibility where key decisions can be made quickly and appropriately.

Emergency Panel

There is capacity within the Panel System to specifically respond to emergencies. The Emergency Panel is set aside as distinct from all other Panels. The Emergency Panel is triggered whenever there is an urgent need for the Council to act to avert injurious or life threatening situations and any other situation where the Council has a statutory or contractual obligation to urgently assist or intervene.

The Emergency Panel may comprise either of pre-arranged meeting(s) or virtual meetings at short notice (via telephone or electronic communication). Panel Membership and grade will vary according the emergency and the outcome, which may be immediate and/or bespoke according the situation.

Remit of the Housing Panel

The purpose of the Housing Panel is to:

- Exercise and carry out a discretionary decision function as identified within the Allocations Scheme. For example, the adjustments to an applicant's Banding
- Consider and authorise actions concerning extraordinary circumstances, for example making exceptions to rules for tenants who may otherwise be restricted due to rent arrears, or make exceptions to extend non statutory succession
- Collaborate with partners including Social Services concerning nominations, that can include referrals to sheltered and extra care accommodation.

Housing Panel Membership

Panel meetings are chaired by a Lead Officer (or a designate) and where possible will include at least one other appropriate Team Leader/Tier 2 Officer from Housing Services. When considering cases that concern a partner organisation or service, that organisation shall nominate an attendee with sufficient authority to make appropriate decisions and undertakings.

Conditions of referral to Housing Panel

Households referred to the Housing Panel must be existing applicants on the Kingston Housing Register.

Referrals of households who are deferred/suspended or closed on the Housing Register will not be considered. All referrals must state the applicants housing reference number.

All referrals to the panel must be within the document submission guidelines. Any referrals presented outside this framework will not be considered.

Housing Panel Decisions

The Housing Panel system will base its decisions on written submissions, and referring professionals are required to attend at the Housing Panel meetings to provide supplementary verbal information.

The Housing Panels will consider referrals and reach a considered decision e.g. to award additional priority, agree moves in arrears or award relevant housing quota target group to an application as necessary. Where a negative decision is made, the Panels may refer applicants and professionals seeking referral to alternative and/or more appropriate forms of support for the applicant. Individual household circumstances will be unique, but the Housing Panels shall use a broad criteria within the Allocations Scheme when considering additional priority.

The household retains their general right of review as outlined in the Housing Allocations Scheme and without prejudice to the households statutory rights.

Households cannot self-refer and referrals will not be accepted from legal representatives under any circumstances.

The Housing Panel will notify a referring professional and/or the household of its decisions in writing within a reasonable time following the panel meeting.

Where decisions are made to award or decline deferred transfers, emergency moves or the award of tenancy to non-statutory successors the decision shall be communicated in writing to the household and shall normally be the responsibility of the Lead Officer Housing Operations.

Referring Officers and professionals are expected to encourage the household to be realistic about the type of accommodation that may be available either via choice based lettings or a direct offer.

It is understood that all Housing Panel members and referring Officers and professionals are aware of their obligations to handle confidential information with sensitivity and to store it securely.

The Housing Panel reserve the right to review all Housing Panel decisions on a 6 monthly basis.

You may seek a review of decisions made under the Housing Panel (including Emergency Panel).

In all matters, you will need to set out your reasons in writing why you should have your case or complaint reviewed in writing within 21 days of your receiving a decision. Your letter should be addressed to the Group Manager Non Landlord Services

Address for Reviews:

Guildhall 2
High Street
Kingston upon Thames
KT1 1EU
allocations@kingston.gov.uk

APPENDIX 5

Housing Quota Targets

The housing quota target categories are listed below. The actual quotas are subject to variation and are not shown:

Statutory Homeless
First time applicants
Transfer
Panel Moves
Under occupier
Spare Room downsizer
@home scheme
Staff rehousing
Reciprocal
Rehousing guarantee
Permanent Decants
Temporary Decants
Mobility schemes (Right to Move)
Mobility Schemes (Pan London)
Social Services Quota (adult)
Social Services Quota (Children)
Breathing Space
Armed Forces Veterans
Armed Forces Personnel
Kingston Churches Action on Homelessness (KCAH)
Tenant Finder Service (TFS) Prevention
Shared Ownership Opportunities
Gypsy & Travellers.
Sheltered

APPENDIX 6

RBK Scheme of Housing Delegation Guidelines on exercising discretion under the Housing Allocation Scheme 2016

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1. The Wednesbury rules

Any Officer who makes decisions of any sort on behalf of the Council needs to be aware of the “rules” that came out of the Court of Appeal in the case of *Associated Picture Houses v Wednesbury Corporation* (1948).

To ensure the decisions you are making are “Wednesbury reasonable”, and not open to judicial review, you need to have regard to the following.

- A. You must direct yourself properly in law.** In other words, you must know what the law says about the issue on which you are making a decision, and follow the law.
- B. You must have regard to all relevant matters in coming to a decision.** The wording of the law, or of Council policy, may sometimes help you decide what matters are “relevant”. These guidelines may also help. Generally, you should be in possession of all the facts you think you need to come to a decision. If you feel you don’t have a piece of relevant information, you should attempt to get hold of it before making the decision. Only if you have tried and failed to get that information are you justified in making a decision without it.
- C. You must not take irrelevant matters into consideration.** Sometimes the law, or Council policy, will say that you should not take certain things into consideration, but more often it will be a matter for your common sense. If in doubt, ask yourself *why* something is relevant. If there isn’t a clear answer, it is probably irrelevant.
- D. Your decision must not be so unreasonable that no reasonable council could have come to that decision.** Although there is often scope for coming to different decisions about a case - after all, this is what exercising discretion is all about - there are some situations where a particular decision will be “perverse” because it flies in the face of the facts, or of the law.
- E. You must not ‘fetter your discretion’.** Whatever Council policy may say, it must not be followed slavishly or unthinkingly – there has to be room for occasional exceptions.
- F. The reasons for your decision should be evident to anyone who looks at your decision subsequently.** This means you need to record, briefly, the reasons for your decision, bearing in mind the above rules. For example, looking at B and C above, if you feel there is a good reason for taking a particular factor into account, but the reason for doing so isn’t immediately obvious, then it is very important that you record what your thinking was. Otherwise a good decision may be undermined simply because the rationale for it isn’t clear when it comes to be looked at later. Remember also that applicants are entitled to know the reasons for your decisions.

2. The Scheme of Delegations

In the Housing Allocations Scheme 2017, a number of matters are stated as being at the discretion of the Head of Housing and or nominated Officer. In practice, the Head of Housing and or a nominated Officer won’t make these decisions but will delegate the decision to another Council Officer or, in some cases, a Panel System.

This Scheme of Housing Delegations forms part of the Council’s governance. It sets out the Officers who can take decisions on the Head of Housing’s behalf. People who are formally *acting up* into the positions mentioned may also take these decisions.

Changes to the Scheme Housing of Delegations can be made only by the **Head of Housing and or a nominated Officer** or in absence, by the **Group Manager**.

Key to exercising discretion is the need to demonstrate fairness and transparency. Therefore, the decision taken must be evidence based. The applicable procedure(s) must be followed and an audit trail left to clearly demonstrate the reasons behind making that decision.

At all times, extreme care must be taken when granting exceptions or expressing opinion to ensure that permanent rights are not inappropriately or inadvertently implied. For example, the unintended creation of a secure tenancy. Further, this extreme care extends to non-infringement of rights and/or equality.

3. Reciprocal arrangements

Authority to make decisions on this matter is delegated to the **Lead Officer Accommodation Services**, and delegated to the relevant **Team: Leader/Tier 2 Officer** in their absence.

Reciprocals initiated by the Council (i.e. outgoing) - factors to take into account

- a) Is the case an emergency case or otherwise particularly urgent?
- b) Is rehousing likely to be achievable using established channels, (e.g. HOMES Mobility Scheme. If so, these channels should be tried first.)
- c) Does another authority or Housing Association “owe” the Council a reciprocal nomination? If so, is this a good opportunity to get them to discharge that reciprocal nomination

Reciprocals initiated by other councils or Housing Associations (i.e. incoming) - factors to take into account:

- a) Is the case an emergency case, or particularly urgent or important? (Reciprocals are only normally considered in very urgent or important cases).
- b) Can rehousing be achieved by the other Council or Housing Association using their own stock? This should be their first resort.
- c) Does the Council “owe” the other authority or Housing Association a reciprocal nomination? If so, this is an opportunity to discharge the Council’s debt to them. However, the property offered in redemption of such a “debt” should be no more valuable to the Council than the original property that created the “debt”, e.g. the Council would not normally expect to offer a 4-bedroom property in return for a one-bedroom flat.
- d) Is the Council likely to be in a position to assist within the required timeframe, i.e. how likely is it that a property of the required size, type, location will become available? Preference may be given to reciprocal nominations where the nominee is relatively “unfussy” as to location, type, etc.

In either cases the property offered should meet the recipient authority’s (or Housing Associations) normal rules as to *property size* (although see section 16 below).

4. Right to return to a different dwelling

In straightforward cases, Band 1 cases involve Council tenants temporarily decanted from their homes to allow major works to take place. As set out in the Allocation Scheme, such tenants may be given the right to return to their former home when the works are complete.

Sometimes, for example as part of a regeneration scheme, tenants are decanted from their homes to allow demolition to take place, with new properties, possibly owned by an Housing Association, being built on the cleared site (or nearby) in a later phase of the regeneration scheme.

In such circumstances it may be reasonable to give tenants being decanted the right to return to a newly-built property at a later date.

The authority to make decisions on this matter is delegated to the **Lead Officer Accommodation Services** and delegated to the relevant **Team Leader/Tier 2 Officer**, and to in their absence.

Issues to take into account:

- a) Any relevant decant policy
- b) What is the timescale for the new build? If the new properties are not expected to be built for several years, or if their building is in any way uncertain, it is probably undesirable to grant a “right to return”.
- c) What alternative rehousing options are there for the households being decanted? If there are other properties in the same area which will become available for letting, and provide good quality housing, then it may be preferable to offer these to decanted tenants on a permanent basis.
- d) Will granting the right to return to such homes for a number of decanted tenants have negative equal opportunities implications? New-build social housing is likely to be among the best housing available for allocation. An Equalities Impact Assessment (EIA) should therefore be carried out if this is identified as a possible factor.

Where the right to return to a new-build dwelling is granted, the new property will need to be identified so that when it becomes available for letting it is offered to the appropriate Band 1 tenant.

5. Decants – including persons other than tenants and authorised occupants

In exceptional cases, people other than tenants and authorised occupants living in Council property awaiting action of the above sort may be included in this category. This is always in accordance with prevailing legislation and in conjunction with the current Decant Policy, any Regeneration Policy variation and at the Lead Officer’s discretion. Care must be taken when considering the granting of other tenancies to ensure that permanent rights are not inappropriately or inadvertently implied.

The authority to make this decision is delegated to the relevant **Lead Officers in Landlord Services and Accommodation Services** and to the **Team Leader/Tier 2 Officer** in their absence.

There is a strong presumption against decanting unauthorised occupants: housing managers should instead take the appropriate legal action to remove them. In *exceptional circumstances only*, e.g. when other action seems likely (for whatever reason) to be ineffective, or will result in a significant delay to the regeneration programme, individual cases can be referred to the Lead Officer for consideration.

Households being decanted are initially placed in Band 1. If they have not been rehoused six months before the target completion date for decanting of their block, they should be referred to the panel system for placement where various solutions, including direct offers may be considered.

If the household is still in Band 1 three months before the target completion date for the decanting of their property *or* if they refuse two offers, they should be referred to the Housing Panel for consideration for Band 1 status.

6. **Service occupiers leaving employment with the Council when living in tied Council owned accommodation**

The usual circumstances in which Council staff living in tied accommodation are placed in Band 1 for rehousing.

Households also qualify for accommodation one bedroom size larger than their defined need.

The authority to make this decision is delegated to the **Housing Options Lead Officer**, and to the **Team Leader/Tier 2 Officer** in their absence.

Service occupiers leaving in other circumstances may exceptionally be included in Band 1. Such action should only be taken for reasons related to employment law, after having received advice from the Council's Human Resources Section.

7. **Awarding a Higher Band**

Key to exercising this discretion is the need to demonstrate fairness and transparency. Therefore whether awarding a higher band or a reduction (see item 10 below) the decision must be evidence based. The applicable procedure(s) must be followed and an audit trail left to clearly demonstrate the reasons behind making that decision (see item 1 above; The Wednesbury rules).

The authority to award a cases to a higher Band is delegated to the **Lead Officer Housing Options**, and delegated to the relevant **Team Leader/Tier 2 Officer** in their absence.

8. **Awarding a Lower Band**

Changes in circumstance identifying a lesser degree of need as determined in the Housing Allocation Scheme will be awarded a lower banding as determined in the Housing Allocations Scheme by a **Tier 1 Officer**.

Households in Band 1 who decline a reasonable offer of accommodation will be awarded a lower banding through the Housing Panel System. The authority to make this decision is delegated to the **Lead Officer Accommodation Services**, and delegated to the relevant **Team Leader/Tier 2 Officer** in their absence.

9. **Acceptance/rejection/review of incoming HOMES nominees**

The Council will consider all incoming nominations from other social landlords under the HOMES Mobility Scheme, for example, other London Borough tenants seeking a transfer. Nominees will be accepted or rejected according to whether:

- *they are eligible for the Scheme*
- *they have an urgent need to live in Kingston*
- *it is likely that they can be made an offer within the next six months.*

Accepted nominees will be placed in Band 4. Rejected nominations will be returned to the nominating landlord.

HOMES nominees in Band 4 will be reviewed if they have not received an offer within 6 months. If there appears little likelihood of an offer being made in the following 6 months, the application will be returned to the nominating landlord.

The authority to make these decisions is delegated to the **Lead Officer Accommodation Services**, or delegated to the relevant **Team Leader/Tier 2 Officer** in their absence.

The criteria for accepting, rejecting or reviewing nominations are set out above: normally all three criteria must be met.

10 Urgent need for housing to avoid violence/harassment

The authority to refer applicants to the Housing Panel is the responsibility **Tier 1 Officer** responsibility of Landlord Services, or in their absence, to their **Team Leader/Tier 2 Officer**.

Any risk assessment should be based on two factors:

- a) the likelihood of harassment recurring, or of a threat of harassment being carried out; and
- b) the seriousness of the likely consequences for the tenant (or members of their household) if this happens.

11. Awarding an additional Bedroom(s)

The authority to make this decision is delegated to the **Tier 1 Officer in Housing Options**. Care must be taken to check an applicant's ability to afford any rent or increased cost.

The Housing Allocations Scheme 2017 sets out the rules for determining the property sizes that will normally be offered to different households, including exceptions to those rules. These attempt to be comprehensive, and it is not envisaged that further exceptions will often need to be made.

Circumstances may occasionally arise where it appears fair and equitable, for some special reason, to allocate a larger property than the maximum size allowed to the applicant under the Allocations Scheme. However, it is considered unlikely that there will be any case where more than one bedroom over the maximum size will be appropriate.

12. Authorising an allocation which would not normally be authorised

The authority to make this decision is delegated to the **Lead Officer Accommodation Services**, and delegated to the relevant **Team Leader/Tier 2 Officer** in their absence.

The Housing Allocations Scheme itself sets out one example of how this discretion will be used: i.e. for cases of Council tenants in rent arrears who have:

- a) made an agreement to repay their arrears
- b) have kept to the agreement for 6 months
- c) were given to understand (under previous Council policy) that by doing this they would be authorised for a transfer.

In other cases there will need to be specific reasons why it would be fair and equitable to authorise an applicant, if the rules in the Housing Allocations Scheme state that they will *not* normally be authorised for housing. For example employees and Members of the Council including relatives

13. Authority to refer applicants to the Housing Panel

Typical examples (not exhaustive) of where applicants may be referred to the Housing Panel are:

- Existing Council tenants who are seeking a move as a consequence of crime prevention or reduction, **Team Leader/Tier 2 Officer in Landlord Services**
- Existing tenants of partner Housing Associations who have been referred to the Housing Panel
- Existing service users of Social Service departments who are seeking a move to permanent social housing through use of Social Service nomination will be referred by the relevant senior staff of that service. (Comparable to a **Team Leader/Tier 2 Officer** in the Councils' Housing Services).

14. **Agreeing Nominations**

Nominations are agreed through the Housing Panel for permanent social housing and interim temporary accommodation be that supported or non-supported accommodation.

The authority to make this decision is delegated to the **Lead Officer Accommodation Services**, and to the **Team Leader/Tier 2 Officer** in their absence, who are members of the panel.

Cases where a nomination may include:

- a) request for Extra Care sheltered accommodation for the elderly
- b) discharge from a hospital admission at short notice.

Agreed nominations would be awarded Band 2 and be entitled to one offer of accommodation.

15. **Moving tenants in arrears**

A tenant would not be entitled to a move while in arrears unless they had maintained a repayment plan for at least 6 months. However the Housing Panel would consider individual cases on their merit and where the outcome would be beneficial to the Council. For example homeless prevention or void management, or the alleviation of a serious medical condition or where the arrears were caused as a direct result of the Removal of the Spare Room Subsidy.

The authority to make this decision is delegated to the relevant **Group Manager**, and to the relevant **Lead Officer** in their absence.

16. **Allocating a specialised property to an applicant who would not normally qualify for it.**

In exceptional cases the **Lead Officer Accommodation Services** may use discretion (via the panel) to allocate properties of the above types to applicants who would not normally qualify for them.

The specialised property types" referred to are:

- Sheltered housing
- Extra Care housing
- Adapted housing
- Other specialist housing

The authority to make this decision is delegated to the **Team Leader/Tier 2 Officer**.

Generally these types of housing are in short supply, and will not be offered to an applicant who does not qualify for it by virtue of their age, disability, etc.

There is an additional problem with allocating specialised properties to people for whom they were not designed. Schedule 5 of the Housing Act 1985 sets out the exclusions to the Right to Buy: these include certain properties for the disabled, and certain properties for persons of pensionable age.

Before allocating a specialised property to an applicant who would not normally qualify for it, the officer making the decision should check with the Legal Section that making the allocation will not compromise the Council's future position on a Right to Buy application.

17. Armed Forces Community Covenant

This Armed Forces Community Covenant is made between:

The serving and former members of the Armed Forces and their families working and residing in Kingston upon Thames

And

Kingston upon Thames Borough Council

And

The Charitable and Voluntary Sector

And

Other members of the civilian community

Principles of the Armed Forces Community Covenant

The Armed Forces Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community. It is intended to complement the Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces, at the local level.

The purpose of this Community Covenant is to encourage support for the Armed Forces Community working and residing in London and to recognise and remember the sacrifices made by members of this Armed Forces Community, particularly those who have given the most. This includes Pre-Service, Serving and ex-Service personnel their families and widow(er) s in London.

For Kingston upon Thames Borough Council and partner organisations, the Community Covenant presents an opportunity to bring their knowledge, experience and expertise to bear on the provision of help and advice to members of the Armed Forces Community. It also presents an opportunity to build upon existing good work on other initiatives such as the Welfare Pathway.

For the Armed Forces community, the Community Covenant encourages the integration of Service life into civilian life and encourages members of the Armed Forces community to help their local community.

Objectives and General Intentions

Aims of the Community Covenant

The Armed Forces Community Covenant complements the principles of the Armed Forces Covenant which defines the enduring, general principles that should govern the relationship between the Nation, the Government and the Armed Forces community.

It aims to encourage all parties within a community to offer support to the local Armed Forces community and make it easier for Service personnel, families and veterans to access the help and support available from the MOD, from statutory providers and from the Charitable and Voluntary Sector. These organisations already work together in partnership at local level.

The scheme is intended to be a two-way arrangement and the Armed Forces community are encouraged to do as much as they can to support their community and promote activity which integrates the Service community into civilian life.

Measures

The London Armed Forces Community Covenant seeks civic support in the following broad areas: adult support to cadet forces; enabling recruitment; allowing work and training; housing; school transition for service children; medical and welfare pathways; veterans; local security; post operational home-coming parades and support to reservists.

The London Armed Forces Community Covenant suggests military support in the following areas: aid in civil emergencies as permitted by legislation; periodic access to our estate and its facilities; representation at celebrations, commemorations and parades; single Service Presentation teams; and sharing with partner organisations such as uniformed youth, veterans and the third sector.

It is acknowledged that support in all directions will have periodic resource constraints.

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THE ARMED FORCES COVENANT

An Enduring Covenant Between:

1. The People of the United Kingdom;
2. Her Majesty's Government;
3. All those who serve or have served in the Armed Forces of the Crown;
4. Their Families.

The first duty of Government is the defence of the realm. Our Armed Forces fulfil that responsibility on behalf of the Government, sacrificing some civilian freedoms, facing danger and, sometimes, suffering serious injury or death as a result of their duty.

Families also play a vital role in supporting the operational effectiveness of our Armed Forces. In return, the whole nation has a moral obligation to the members of the Naval Service, the Army and the Royal Air Force, together with their families. They deserve our respect and support, and fair treatment.

Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

This obligation involves the whole of society: it includes voluntary and charitable bodies, private organisations, and the actions of individuals in supporting the Armed Forces. Recognising those who have performed military duty unites the country and demonstrates the value of their contribution. This has no greater expression than in upholding this Covenant.

