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**APPENDIX II**

# **Walsall Metropolitan Borough Council Housing Allocation Scheme Nomination Agreement**

2019

<b>Author</b>	<b>Version</b>	<b>Date</b>
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## 1.0 The Legal Basis for Nominations

- 1.1 The Housing Act 1996, Part 6, section 170 requires private registered providers of social housing to reasonably co-operate by offering accommodation to people with priority under a local housing authority's housing allocation scheme. Furthermore, the Housing Act 1996, Part 7, section 213(1)(a) requires private registered providers of social housing to reasonably co-operate, by assisting local housing authorities to discharge their homelessness duties.
- 1.2 This Nomination Agreement sets-out Walsall Metropolitan Borough Council's request to private registered providers of social housing, to offer nomination arrangements to applicants who are eligible and qualify to join the Local Authority's Housing Allocation Scheme. Beyond this, Walsall Metropolitan Borough Council may also make specific requests for a particular type of dwelling, for a person whom the local authority has a duty to accommodate. An example of such request, might be a person to whom the local authority has a duty to provide accommodation under homelessness or children or adult care legislation. Such requests do not fall within the scope of this Nomination Agreement.
- 1.3 This Nomination Agreement accepts that co-operation by private registered providers of social housing, will be via nominations of applicants from Walsall Metropolitan Borough Council's Housing Allocation Scheme
- 1.4 Walsall Metropolitan Borough Council and the private registered providers of social housing (see section 1.1.6 and 1.1.7), accept that the terms of this Nomination Agreement are binding. Walsall Metropolitan Borough Council also acknowledges that private registered providers of social housing are independent bodies.
- 1.5 This Nomination Agreement will allow Walsall Metropolitan Borough Council to fulfil its statutory obligation to operate a housing allocation scheme, by ensuring the Local Authority has adequate nomination rights. The scope of this Nomination Agreement will accord to advisory guidance contained in the Housing Transfer Manual (Period to 31 March 2016), published jointly by Department for Communities and Local Government (now the Ministry of Housing, Communities & Local Government), Homes & Communities Agency (now the Regulator for Social Housing) and the Greater London Authority.
- 1.6 There is a contractual commitment to take nominations made by Walsall Metropolitan Borough Council, as a result of previous stock transfer arrangements, with the following private registered providers of social housing:
  1. Walsall Association of Tenant Management Organisations (WATMOS)
  2. Walsall Housing Group
- 1.7 The following private registered providers of social housing have also agreed to have nomination arrangements with Walsall Metropolitan Borough Council:
  1. Accord Housing Association Ltd
  2. Anchor Hanover Housing Association Ltd

3. Black County Housing Group Ltd
4. Brighter Futures Housing Association Ltd
5. Bromford Housing Group Ltd
6. Clarion Housing Group Ltd
7. Longhurst Group
8. Midland Heart Ltd
9. Nehemiah United Churches Housing Association Ltd
10. Sanctuary Housing Association
11. Stonewater Housing Association
12. WM Housing Group Ltd

- 1.8 This Nomination Agreement will be reviewed annually and amended as needed, in order to respond to the changing needs of both Walsall Metropolitan Borough Council and private registered providers of social housing.
- 1.9 Private registered providers of social housing shall make available their lettings criteria to Walsall Metropolitan Borough Council.

## **2.0 Co-operating with Nominations**

- 2.1 The proportion of true voids available to let that private registered providers of social housing will make available to Walsall Metropolitan Borough Council, will be 50% of all available and up to 75% of new build properties, subject to negotiated based on the demand for property at the time of completion. Discussions will take place to identify how this percentage is allocated, dependent on need. It is understood that all parties will demonstrate a degree of flexibility to meet the Local Authority's needs and duties. Affordable rent and social rent general need lettings are included within the scope of this Nomination Agreement. For the purpose of this agreement true voids are defined as:
  1. New build properties
  2. Properties which have been converted
  3. Re-lets
  4. Properties built or adapted for people with specific needs
  5. Accommodation designated for older people
- 2.2 Walsall Metropolitan Borough Council acknowledges the balance that has to be struck between the needs of existing social rented housing tenants (e.g. tenants awaiting management move, for example because of harassment or transfers in cases of serious overcrowding), as well applicants on Walsall Metropolitan Borough Council's housing register. If a private registered provider of social housing fails to offer its required proportion of lettings to nominations in any given quarter the organisation agrees to 'catch up' in the following quarter. A meeting will be held with the organisation and the Local Authority to agree the way forward and to analyse the supply and demand to ensure they complement each other taking account of each organisation and its stock.

- 2.3 Private registered providers of social housing agree to offer accommodation which reflects the full range of their dwellings, in terms of size, type, new build, refurbishment, and relets and fair proportion of their void stock across the Walsall Metropolitan Borough Council local authority area
- 2.3 Walsall Metropolitan Borough Council acknowledges any restrictions imposed by private registered providers of social housing governing instruments, such as age or previous occupation, for example in relation to young people or ex-armed forces personnel.
- 2.4 When formulating this Nomination Agreement, Walsall Metropolitan Borough Council had regard to:
1. Walsall Metropolitan Borough Council's Housing Allocation Scheme Policy, published 2019, which sets-out the rules for who is eligible and qualifies to join the Local Authority's Housing Allocation Scheme, and how applicants will be prioritised for a nomination of social rented housing
  2. Walsall Metropolitan Borough Council's Tenancy Strategy (known as the Black Country Tenancy Strategy), published in 2012, which sets-out the type of tenancies occupiers of social rented housing should be granted
  3. Walsall Metropolitan Borough Council's Homelessness Strategy 2018 - 2022, which provided a clear understanding of the overall housing need in the area, and how the social rented housing stock in the area can best respond to that housing need and the aims of the local Homelessness Strategy
- 2.5 It is the intention of Walsall Metropolitan Borough Council to ensure this Nomination Agreement is responsive to local housing market conditions. This Nomination Agreement should not result in any private registered provider of social housing taking a disproportionate burden of homeless applicants. This Nomination Agreement will be updated regularly, jointly by Walsall Metropolitan Borough Council and private registered providers of social housing.

## **3.0 Co-ordination of nominations**

- 3.1 The criteria for accepting and rejecting nominations is as follows:
1. Walsall Metropolitan Borough Council will select and prioritise applicants for a nomination of social rented housing available to let, in accordance with the rules set-out in its Housing Allocation Scheme Policy.
  2. Walsall Metropolitan Borough Council and private registered providers of social housing shall each provide a named officer who will be the main point of contact regarding any matters connected with nominations.
  3. Walsall Metropolitan Borough Council will prior to any nomination being sent
    1. Ensure the nominee is applicable for that type of property, location etc, in order to avoid abortive offers,
    2. Contact, where possible, the nominee to discuss the nomination
    3. Ensure all relevant information is provided to private registered providers of social housing.

4. Nominations will be made and accepted by email via the [nominations@walsall.gov.uk](mailto:nominations@walsall.gov.uk) email address in all cases. Nominations by phone will be followed up with an email confirmation as soon as possible.
5. Nominations will be applicant-led, with Walsall Metropolitan Borough Council nominating an applicant to private registered providers of social housing.
6. Walsall Metropolitan Borough Council will provide the following information about nominees to private registered providers of social housing:
  1. The applicant's banding status and the factor that afforded them a reasonable preference for a nomination of social rented housing
  2. Name and current address
  3. Contact details including phone number, email address
  4. Household type and composition
  5. Age and gender
  6. Ethnic origin
  7. Details of any long-term illness, health problems, or disability that requires specific or specialist housing, care or support
  8. Details of other care and support needs, for example because of vulnerability due to learning disability
  9. Details of existing and previous packages of care provision provided by statutory or other bodies where known
  10. Relevant and reasonable information with regard to previous history of anti-social behaviour that might impact on the safety of the community
  11. Type of accommodation moving from and any additional available accommodation history
  12. Immigration status
  13. Nationality
  14. Relevant needs and risk assessments from other partners such as adult and children social care, plus support providers to ensure holistic coverage of all support needs
7. The agreed timescales for each stage of the process are:
  1. Within 3 working days Walsall Metropolitan Borough Council will either make an initial nomination or inform a private registered provider of social housing that it has no nominations to make via email. When sending across the initial nomination another 2 customer nominations, if available, will also be sent across as a back-up should the initial nomination fail.
  2. Within 7 days, private registered providers of social housing will confirm to Walsall Metropolitan Borough Council whether a nomination has been accepted, rejected or been unsuccessful. If a nomination has been rejected, the reason for the rejection will be explained. Private registered providers of social housing will write to the nominee, copying the Local Authority in, advising of the reasons why, plus their rights of appeal. If the nomination has been unsuccessful the Local Authority will be able to make a second nomination to the same property before it is returned to a private registered provider of social housing.
  3. Within 1 working day private registered providers of social housing will confirm to Walsall Metropolitan Borough Council an offer has

been refused by the nominee. Within 1 working day the Local Authority will speak to the nominee, this will be carried out within one working day of notification. Private registered providers of social housing will inform the Local authority of the name of the nominee, the property offered and the reasons for refusal. If a refusal can be signed by the nominee then a copy will be required. The Local Authority will then determine whether or not the nominee should be offered another property, and/or be informed their right to request a review. This decision will be made and shared with the RPs within 3 working days.

4. Private registered providers of social housing will inform the Walsall Metropolitan Borough Council no more than 28 days before a property is ready to let. For new build properties this will be no more than 12 weeks prior to the property being ready to let, to agree a lettings plan. If a void is likely to be longer due to unforeseen repairs & maintenance or the notice period has been extended, the organisation will contact Walsall Metropolitan Borough Council immediately to agree whether or not the nomination should be withdrawn and an alternative property given in its place or whether the nomination should stand, in agreement with the person being offered the property

3.2 Nominations will be made by Walsall Metropolitan Borough Council under their Housing Allocation Scheme Policy. Walsall Metropolitan Borough Council has responsibility for any changes made to their policy, however private registered providers of social housing will be consulted before any revisions are adopted.

3.3 There are four reasons why Walsall Metropolitan Borough Council may fail to nominate:

1. There is no applicant available nominee
2. Nominees do not comply with a lettings policy of a private registered providers of social housing; for example age restricted accommodation
3. property refused by, or no response received from the nominee (this will only be accepted if a private registered provider of social housing has given the Local Authority the opportunity to contact the nominee during the contact period of one working day)
4. A failure to make a nomination within the target of 3 working days as prescribed by this Nominations Agreement.

3.4 An agreed method for identifying and counting referrals to private registered providers of social housing, as a nomination, and for counting lettings to nominations is shown below. Monitoring of this Nomination Agreement will ensure that all partners are content that the agreement delivers the outcomes that it requires. The monitoring will aid consideration as to whether failed nominations may be having a disproportionate effect on any specific group, such as homeless households. Nominations should be defined as in the CORE manual. The monitoring system will collect this information quarterly and report annually on:

1. Proportion of nominations received by each private registered provider of social housing
2. Proportion of nominations accepted by each private registered provider of social housing
3. Proportion of nomination refusals, by each private registered provider of social housing due to:
4. Proportion of failed nominations unsuccessfully made by Walsall Metropolitan Borough Council
  - a. Breach of a private registered providers of social housing's lettings criteria
  - b. Rejections involving 'unsupported vulnerable' applicants
  - c. Rent arrears
  - d. Affordability
  - e. Local lettings schemes
  - f. Other reasons

3.4 Any disputes about nominations will be openly discussed between Walsall Metropolitan Borough Council and private registered providers of social housing. Blanket bans (for example, relating to age) will not be used. Efforts will be made to resolve any ineligibility. All nominees will be judged on their own merits, with all relevant matters and circumstances particular to an applicant being considered. Private registered providers of social housing will consider whether their exclusion criteria might have a disproportion effect on any specific group, such as homeless applicants. A range of options to enable a resolution are illustrated below:

1. Nominees which are possibly in breach of a private registered providers of social housing's lettings criteria, will have their cases referred for dispute resolution. If the Parties reach agreement on the resolution of the dispute, the agreement shall be recorded in writing and shall be binding on the Parties once it is signed by their duly authorised representatives. Failing agreement, either of the Parties may invite the Mediator to provide a non-binding but informative written opinion. Such an opinion shall be provided on a without prejudice basis and shall not be used in evidence in any proceedings relating to the Contract without the prior written consent of both Parties. If the Parties fail to reach agreement in the structured negotiations within an agreed number of working days of the Mediator being appointed, or such longer period as may be agreed by the Parties, then any dispute or difference between them may be referred to the Courts, where relevant.
2. Nominee rejections involving 'unsupported vulnerable' applicants, will be countered by ensuring private registered providers of social housing have access to common information on applicants' vulnerability and medical and/or offending history. An information sharing protocol for Walsall Council's Housing Allocation Scheme Policy has been agreed by the local authority's housing services as well as adult and children social care services, public health, and others. The intention of the information sharing protocol is to bring active involvement, from all relevant public authorities and voluntary organisations, for arranging for the provision of support.
3. Nominees with rent arrears who are homeless or threatened with homelessness, who are unable to secure a letting of social rented housing

due to former tenancy arrears, will be provided a constructive opportunity to facilitate their successful re-housing.

- a. Nominees will obtain a loan to the value of one-third of the rent arrears from a credit union, payable to a private registered provider of social housing to whom the arrears are owed. Those that are unable to borrow from a credit union will be assisted by a loan made by Walsall Metropolitan Borough Council
  - b. Walsall Metropolitan Borough Council will underwrite the loan from a credit union, and match the loan payment with a grant equal to a further third of the debt to the private registered provider of social housing
  - c. The private registered provider of social housing will write off the final third, allowing the nominee to be considered for their accommodation
  - d. The nominee must agree to receive money management and budgeting advice from Citizens Advice, plus other tenancy related support from the private registered provider of social housing, to prevent a repeat occurrence of homelessness
4. Nominees which do not satisfy an affordability assessment, will only be rejected on the grounds that after housing costs are deduced the applicant has less than something equal to the prevailing rate of jobseeker allowance and/or income support. An affordability assessment should determine whether hypothetically a nominee can satisfy affordability requirements, based on actual and potential entitlement to welfare benefits
  5. Nominees who will not receive enough priority due to a local letting scheme, will each be considered individually, and such schemes will not be used as blanket refusals. Private registered providers of social housing will undertake to assist Walsall Metropolitan Borough Council by providing alternative housing options for those who would otherwise be disadvantaged by local lettings policies.

- 3.5 Walsall Metropolitan Borough Council, nominating an applicant to be a tenant of social rented housing, held by a private registered provider of social housing, will constitute an allocation of social rented, and is therefore governed by the Local Authority's Housing Allocation Scheme Policy.
- 3.6 Any information shared about applicants being nominated by Walsall Metropolitan Borough Council to private registered providers of social housing, will be subject to the provisions of the Data Protection Act 2018. Walsall Metropolitan Borough Council will secure written consent of each and every applicant before sharing their information with a private registered provider of social housing. Information sharing between Walsall Metropolitan Borough Council and private registered providers of social housing is governed by the *Access to Housing Information Sharing Protocol*.
- 3.7 Aggrieved nominated applicants will be informed of their right seek redress against a private registered provider of social housing.
- 3.8 If a private registered provider of social housing does not fulfil its statutory duty to co-operate in the face of a request from Walsall Metropolitan Borough Council, the local

authority will pursue the matter with the Regulator for Social Housing or through the courts.

### **3.0 Transfers**

- 3.1.1 Transfer applicants will be subject to standard nomination arrangements.

### **4.0 Other matters**

- 4.1.1 Employees from both Walsall Metropolitan Borough and private registered provider of social housing will receive training on the content of this Nominations Agreement within 6 months of commencing responsibility for administering nominations, plus receive an annual update on the law and practice of administering nominations for an allocation of social rented housing.
- 4.1.2 Walsall Metropolitan Borough and private registered providers of social housing, will at all times have complete regard to the terms of this Nomination Agreement.
- 4.1.3 Elected Councillors of Walsall Metropolitan Borough Council, plus board members of private registered provider of social housing, will not have any involvement determining whether to make, withdraw, accept or reject a nomination for an allocation of social rented housing.