

## Cabinet – 16 March 2022

### Update to Walsall Council Housing Allocation Scheme

**Portfolio:** Councillor Andrew – Deputy Leader, Regeneration

**Related portfolios:** Councillor Craddock – Health and wellbeing  
Councillor Pedley – Adult Social Care  
Councillor Perry – Deputy Leader, Resilient Communities  
Councillor Wilson – Children's

**Service:** Customer Engagement

**Wards:** All

**Key decision:** Yes

**Forward plan:** Yes

#### 1. **Aim**

To ensure the Council has an up to date Housing Allocation Scheme, as required by the Housing Act 1996.

#### 2. **Summary**

- 2.1 All local authorities, regardless of whether they own housing stock, are required to have a housing allocation scheme. This cabinet approved the Walsall Council Housing Allocation Scheme ("the Scheme") in 2010. The Scheme explains which household groups are given 'reasonable preference', and how applicants are prioritised for housing within Gold (highest priority), Silver and Bronze bands.
- 2.2 This report seeks approval to make a number of minor amendments to our Scheme. The three proposed changes relating to Gold banding in the Scheme are:
- **Armed Forces** – **expand** the scope of households already covered in Gold band in line with statutory guidance
  - **Foster carers and those approved by the Council to adopt** – **add** into Gold band to help the council meet housing need for those wishing to help children through fostering and adoption, who will need a suitable property to do so
  - **Homelessness Relief duty** – **clarify** that households owed a Relief duty under the Homelessness Prevention Act 2017 are placed in Gold band
- 2.3 The proposed additions are the minimum required to ensure that the Scheme is up to date and meets current housing need. A full review and rewrite of the Scheme, including significant public consultation, will be carried out in 2023, and reported back to this cabinet for approval.

### **3. Recommendations**

- 3.1 That Cabinet approves that the Walsall Council Housing Allocation Scheme is updated to award Gold Band priority for the additional household categories in parts 4.3 to 4.5 of this report
- 3.2 That Cabinet delegates authority to make any future amendments to the Walsall Council Housing Allocation Scheme to the Executive Director of Children's and Customer Services, in consultation with the Portfolio Holder for Regeneration.

### **4. Report detail - know**

#### ***Context***

- 4.1 Walsall Council is required to have a housing allocation scheme, in accordance with Part VI Housing Act 1996. The Scheme was approved by this Cabinet in 2010, and explains the rules that guide how housing association social and affordable rented housing is allocated in Walsall. Housing associations must have regard to the Scheme when letting homes, but must also let homes in accordance with their own respective allocations policies. The Scheme must adhere to a legal framework, an element of which mandates that certain groups of applicants must be given 'reasonable preference' in determining who is allocated properties.
- 4.2 The Scheme prioritises applicants for housing in three bandings – Gold, Silver and Bronze – with Gold being the highest priority. This report is proposing that three additions/amendments are made to the Scheme, all to be within Gold band, to ensure the Scheme meets up to date legislation, statutory guidance, and housing need. The three proposed changes affect Armed Forces households, foster and adoptive parents, and households owed a homeless duty. They are currently included in the Scheme as below:
- Armed Forces - The Scheme currently awards Gold band priority to any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces. This also applies to all those in the Armed Forces with a local connection 6 months prior to discharge and 6 months post discharge. However, this is not up to date with statutory guidance.
  - Foster and adoptive parents – not currently included in the Scheme, other than potential discretionary Gold banding for foster parents only
  - Homelessness Relief – Homeless households owed a full housing duty under s193 or 195 of the Housing Act 1996 are currently placed in Gold band. In addition, Homeless Prevention households are placed in Gold band for 8 weeks, after which they are moved to Silver band. Homelessness Prevention and Relief duties were introduced in the Homelessness Prevention Act 2017, however Relief households are not explicitly mentioned in the Scheme.

The proposed amendments to the Scheme are as detailed below in 4.3 to 4.5 of this report.

- 4.3 **Armed Forces** – In line with statutory guidance published 27 June 2020 ('Improving access to social housing for members of the Armed Forces') the

following categories of persons will be exempt from our local connection criteria and will be eligible for Gold band.

- a. Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Forces at any time in the 5 years preceding their application for an allocation of social housing.
- b. Serving members of the Regular Armed Forces who are suffering from a serious injury, illness (including a mental ill health condition), or disability which is wholly or partly attributable to their service.
- c. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness (including a mental ill health condition) or disability which is wholly or partly attributable to their service.
- d. Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

#### **4.4 Foster carers and those approved by the Council to adopt**

The following households will be eligible for Gold banding:

- Families who are approved as foster or adoptive parents by Walsall Children's Services and need an extra bedroom to accommodate the child(ren) placed by the Council
- Households holding a Special Guardianship Order, Child Arrangement Order, or family and friend's carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care and who need an extra bedroom to accommodate the child(ren) placed by the Council

#### **4.5 Homelessness Relief duty** – Households owed a homelessness Relief duty under the Homelessness Reduction Act 2017 will be eligible for Gold banding. The Relief duty applies when the local authority is satisfied that the applicant is homeless and eligible for assistance.

#### **4.6** A six week public consultation was carried out during December 2021 and January 2022, relating to the three proposed amendments. 50 respondents in total completed the short survey; the majority of respondents were in support of the proposed changes:

- 48/50 (96%) were in support of the proposed changes on how we treat Armed Forces Personnel.
- 46/50 (92%) were in support of the proposed changes, to Gold banding criteria for Foster Carers and those wishing to adopt
- 47/50 (94%) were in support of the proposed changes, for Homelessness Relief Duty being added to the Gold band category

#### **4.7** The Council commenced a full review of the Scheme in 2019, however this work was not concluded prior to resources being diverted to Covid-19 related workstreams in 2020/21. This report proposes minor amendments to the Scheme, in advance of a full review and rewrite of the Scheme to be carried out in 2023/24, and reported back to this cabinet for approval. This future review will:

- incorporate all up to date statutory housing allocations guidance and duties, which will include the new duty that comes into force mid 2022 through the Armed Forces

Bill 2021, which requires areas including housing to have due regard to the Armed Forces Covenant,

- consider the results of Walsall's five year Homelessness Review to be concluded by December 2022, and
- respond to the results of a comprehensive 12 week public consultation to be carried out in 2023

### ***Council Corporate Plan priorities***

4.8 The proposed amendments to the Scheme could contribute to the Council's priorities as follows:

- Economic growth for all people, communities and businesses – homelessness remains a key barrier to accessing employment, and so the clarity around priority for homeless households to access housing can help increase employment prospects.
- People have increased independence, improved health and can positively contribute to their communities – preventing and relieving homelessness can promote independence and/or improve mental and physical health and wellbeing.
- Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion – ensuring that a fair and proportionate approach to housing need can help engender mixed and sustainable communities.
- Children – addressing homelessness, and access to suitable fostering and adoption options, can help children prosper and have the opportunity to grow up in connected communities and feel safe in stable and supported environments.

### ***Risk management***

4.9 There is a risk of challenge to the Scheme if it is not following the most up to date legislation and statutory guidance, and this proposal mitigates the situation.

4.10 There is a risk that adding further categories of households into Gold Band, could increase the overall number of households in Gold Band, and consequently increase the time taken for 'existing' Gold Band customers to be housed. This will be monitored and will influence the structure of the new Scheme following review in 2023.

### ***Financial implications***

4.11 There are no financial implications for the Council.

### ***Legal implications***

4.12 Part VI of the Housing Act 1996 requires that each local authority must have a housing allocations scheme for determining priorities and procedures in allocating housing accommodation.

### ***Procurement Implications/Social Value***

- 4.13 There are no procurement implications for the Council.

***Property implications***

- 4.14 There are no property implications for the Council.

***Health and wellbeing implications***

- 4.15 The principles and actions contained within this report are in full accordance with the Marmot objectives. The prevention and relief of homelessness helps to ensure that individuals have the best environment to maximise their potential. The security of a roof over their head helps provide households with stability to engender a better environment for study, training or employment. Preventing and relieving homelessness contributes to the likelihood of a healthier environment for households to live in.

***Staffing implications***

- 4.16 There are no staffing implications for the Council.

***Reducing Inequalities***

- 4.17 The implications for reducing inequalities have been taken into account and assessed as set out in a detailed Equality Impact Assessment (EQIA) at Appendix A. The proposed changes to the Scheme could help reduce inequalities faced by homeless families who are likely to be in Homelessness Relief, and support young people and children needing fostering and adoption. The Scheme positively impacts former armed services personnel who are more likely to be single and may have support needs.

***Climate Change***

- 4.18 There are no specific climate change implications contained within this report.

***Consultation***

- 4.19 The survey research method was used for collecting data from the predefined group of respondents to gain information and insights into the key topics. The survey was sent out electronically (with the option for hardcopy where required), over a 6 week period between December 2021 and January 2022. The short questionnaire which was available on the council's website covered the proposed changes around how we treat Armed Forces Personnel, persons wishing to adopt or foster and those who qualify for 'Relief' under the homelessness legislation. Participants from housing associations, council's internal homelessness and housing advice team, internal children services and various armed forces charities were encouraged to complete the questionnaire. The link was also circulated to key partners, the disability forum and was available for members of the public to complete online. For those who did not wish to access the survey an email address was provided for generic feedback on the key areas. Just over half of the respondents were aged between 35 to 45, 44% were from a Black and minority ethnic (BAME) group and 24% stated they had physical or mental health condition or illnesses lasting or expected to last 12 months or more.

## **5. Decide**

- 5.1 A 'do nothing' option is not viable as the Council must comply with its statutory obligations.
- 5.2 The Council could make further amendments to the Scheme, in addition to those proposed in the report. However this is not recommended until the Homelessness Review 2022 and wider public consultation and review is concluded (as detailed in paragraph 4.7), which will provide some of the evidence base for further changes to the Scheme.

## **6. Respond**

If approved, the amended Scheme will be circulated to our housing association partners who help us house households in accordance with the Scheme. We will also ensure that armed forces charities, and children's services, are notified of the changes if agreed.

## **7. Review**

The outcomes of the services will be regularly monitored through Customer Engagement performance frameworks. This will contribute to the comprehensive review of the Scheme in 2023.

### **Background papers**

None

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