
POWYS COMMON ALLOCATION SCHEME & HOMELESSNESS PARTNERSHIP AGREEMENT

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POWYS COMMON ALLOCATION SCHEME & HOMELESSNESS PARTNERSHIP AGREEMENT

1.1 Introduction

Powys County Council, Mid-Wales Housing Association, Wales & West Housing, Newydd Housing Association, Melin Homes, Grwp Gwalia Cyf, Clwyd Alyn Housing Association and Grwp Cynefin have established a partnership called the **Powys Common Housing Allocation Scheme & Homelessness Partnership** (the Partnership). The purpose of the Partnership is to develop a common housing register (including an Accessible Homes Register) with an associated common allocation scheme, supported by the provision of more effective and timely information and advice for applicants and to articulate how each of the housing association partners will support the council to deliver its statutory duties to applicants who are homeless. This approach will mean:

- a single point of access for social housing in Powys
- a single, easy to understand allocation scheme for all social housing lettings in Powys
- applicants being able to make informed choices about the housing options available to them

The key principles of the Partnership are to ensure:

- that the supply of social housing in Powys is used to meet the housing needs of the communities of Powys through lettings made via the Common Housing Register
- that all parties respond appropriately to the request from Powys County Council for temporary accommodation
- that all parties assist Powys County Council with the delivery of the prevention duty, as far as they are able, by providing housing options advice and assistance and signposting applicants to the council for an assessment of their needs
- that all parties commit to being engaged in training provided by Powys County Council, to enable their staff members to contribute to the Council's efforts to prevent and alleviate homelessness
- that all parties engage in the development and implementation of an Accessible Homes Register which maximises the investment in social housing for disabled citizens and improves the availability of suitable accessible accommodation in Powys.

1.2 Common Housing Register Partnership

This policy document sets out the priorities and procedures for accessing social rented housing, agreed by members of the Partnership. The allocation scheme is called the **Powys Common Housing Allocation Scheme** (the Scheme).

The principal partners are:

- Powys County Council
- Mid-Wales Housing Association
- Newydd Housing Association
- Wales & West Housing
- Clwyd Alyn Housing Association
- Melin Homes
- Grwp Cynefin
- Gwalia

The policy described in this document will apply to all lettings in Powys made by the principal partners (excluding lettings shown in Appendix 1).

Each of the Housing Association partners are registered as charitable associations under the Industrial and Provident Societies Act 1965. The charitable aims of each of the Housing Associations require them to accommodate people who require assistance with housing and accommodation because of financial hardship (because their financial means are so limited that they are not able to obtain accommodation suitable to their needs on the open market) or by reason of needs relating to their age or infirmity.

1.3 The Legal Framework

Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002 and Housing (Wales) Act 2014, sets out the legal framework for the allocation of accommodation by local authorities.

The Partnership will ensure that the policy is fully compliant with legislation and regulation.

Whilst there is no legal requirement for Powys County Council to maintain a housing register, the Council and its partners agree that maintaining a housing register for the purposes of allocating social housing in Powys is the fairest and most transparent method of managing demand for a scarce resource.

Powys County Council will maintain the Housing Register on behalf of the Partnership and will ensure that it is fully compliant with the legislation and regulation.

The Scheme is obliged to take, and has taken, account of the provisions of the Welsh Assembly Government's "Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness" (April 2015)

The scheme has also taken account of the Delivery Outcomes for Housing Associations in Wales¹, particularly in relation to the following:

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- We engage with others to enhance and maximise outcomes for our service users and the community
 - We let our homes in a fair, transparent and effective way

This Scheme recognises the need to achieve a balance in allocating housing between the needs and preferences of applicants, the wellbeing of existing tenants and the community as a whole, and the need to make best use of a publicly funded resource.

This Scheme determines the Partnerships priorities and the procedures to be followed in selecting households to be accommodated by Powys County Council and the housing association members of the Partnership. "Procedure" includes all aspects of the allocation process, including the people, or descriptions of people, by whom decisions are taken (in accordance with section 167).

The Act requires a published summary of the allocations scheme to be available free of charge on request. The Scheme is available for inspection from any of the principal partners and on their respective websites.

The Scheme will be reviewed annually taking into consideration any changes in the legal framework provided by the UK and Welsh Government's within that year or to respond to any case law that affects the operation of the Scheme.

In framing the scheme the Partnership will also ensure that the policies and procedures adopted are compatible with obligations imposed on them by other existing legislation, in addition to Part 6 of the 1996 Act, including, but not limited to:

- The Race Relations Act 1976
- Disability Discrimination Act 1995
- The Sex Discrimination Act 1975
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- The Data Protection Act 1998
- The Equalities Act 2010

Each partner organisation has also signed up an Information Sharing Protocol in line with the Wales Accord on the Sharing of Personal Information. A copy of the ISP is shown in Appendix 2.

¹ Developing a modern regulatory framework for Housing Associations in Wales: Delivery Outcomes. Welsh Assembly Government and Community Housing Cymru. September 2010

1.4 Equality and Diversity

All members of the Partnership believe that strong communities thrive and prosper if individuals and groups are treated fairly, with respect, and given access to rights and services. The Partnership and its individual members aim is to create an environment where this is possible and to put equality and diversity at the heart of everything that they do.

The Partnership and its individual members will promote equality and diversity by:

- building values of mutual respect where individuals have a sense of belonging and where individuals are encouraged to participate and gain full access to services to which they are entitled.
- recognising that some individuals and certain communities are particularly disadvantaged and will require extra recognition and support to deal with their disadvantages.

The Partnership and its individual member's aims are:

- to improve social cohesion by promoting positive relationships and a sense of community and belonging - by reducing fear and tensions – particularly around race, disability, faith, generational, gender and sexuality issues - by promoting a vision in which individuals, groups and communities are properly valued.
- to promote citizenship rights and responsibilities. The Partnership and its individual members will do this by ensuring that they do all they can in providing real leadership and compliance with duties and by acting to protect the rights of individuals and groups by ensuring that abuse, mistreatment or discrimination is recognised and properly dealt with.

The Powys Common Housing Allocation Scheme complies with the Equality Schemes of all of the partners.

Each applicant will be asked a series of questions, as part of the application process, to enable the partnership to monitor the impact of the Scheme on the following dimensions of equality:

- Age
- Gender
- Disability
- Gender re-assignment
- Marriage or civil partnership
- Pregnancy or maternity
- Religion and belief
- Race
- Sexual orientation
- Welsh language ability

The scheme will be made available in a range of formats, to meet the communication needs of all members of the community.

The Powys Common Housing Register Partnership will ensure that measures are put in place to ensure that the needs of people with limited literacy, knowledge of Welsh or English or who require information in accessible formats are met.

1.5 Powys Common Housing Allocation Scheme

It is the aim of the Scheme to allocate social housing to those in need as defined by legislation and Welsh Government guidance. Accommodation let by each of the participating landlords will generally be let to the applicant in the highest priority band with the earliest date of application who is ready to move, except in the circumstances set out in appendix 6 (sensitive lettings) or where a local lettings scheme or S.106 lettings scheme is in place.

The housing register will also be used to identify the extent of housing need in Powys by the partners.

In order to have priority on the Scheme, an applicant must be in housing need and ready to move. If accepted onto the housing register, they will fall into one of five bands and within those bands priority is given on date order. Where applicants' are in housing need their housing options will be discussed and consideration will be given to the suitability of social housing to address their needs. Whilst being placed on the housing register may be one of the outcomes of the assessment of an applicants' housing options, other options will be pursued concurrently.

Where applicants' are found not to be in housing need, they will be offered housing advice to enable them to secure the best housing solution, but they will be placed into the lowest band on the register and as such have very little chance of being rehoused through the allocation scheme.

Applicants guilty of unacceptable behaviour serious enough to render them unsuitable to be a tenant of a partner organisation will be deemed to be ineligible for the allocation of accommodation. The only behaviour that can be regarded as unacceptable is behaviour by the person that would have entitled a local authority and Housing Association, to an outright possession order, if the person had been a secure tenant of the local authority at the time.

Applicants deemed ineligible for housing will be provided with advice and guidance regarding their housing options, but they will not be placed onto the housing register.

A copy of the full policy is attached at Appendix 3.

A full copy of the procedure is attached at Appendix 4.

The Scheme also includes the following:

- provision for lettings to be made via a Section 106 Lettings Scheme which enables first preference to be given to applicants from the community or the adjacent community, for properties where a Section 106 agreement is in place in respect of occupancy (see Appendix 5)
- provision for individual landlords to introduce Local Lettings Schemes, enabling them to make lettings in a designated area for a set period of time outside of the Powys Common Housing Allocation Scheme to address issues such as no need and community benefit (see Appendix 6)
- a Sensitive Lettings Scheme, enabling landlords to make occasional lettings outside of the Scheme, to safeguard the interests of existing tenants (see Appendix 7)
- an Accessible Housing Register to match applicants whose household contains one or more persons with a disability, with housing which is appropriate for their needs

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- Governance arrangements to ensure that all partners comply with the rules of the scheme, that the scheme is improved in the light of experience and that information about letting outcomes are published widely. The governance arrangements can be found in Appendix 8.

1.6 Support provided by housing associations to assist the council discharge its statutory homelessness responsibilities

Powys County Council will discharge its obligations to households who approach it who are identified as being in housing need.

For households who are homeless the Council will discharge its statutory duties. For those who are threatened with homelessness the Council will work to prevent and/or alleviate the homelessness by providing advice and assistance to the household.

The assistance provided by housing associations partners to the council in the discharge of its duties towards people who are homeless or threatened with homelessness, is in the following areas:

- Housing Options
- Provision of accommodation

Housing Options

Assistance from housing associations will take the form of the following:

- where a person approaches them for housing, they will provide the household with information about the housing options available to them and signpost them onto the appropriate section within the council to enable them to have their housing needs assessed
- where a housing association is seeking to end the tenancy of one of its existing tenants, it will ensure that it takes all possible actions available to it to prevent the ending of the tenancy. In circumstances where the work to prevent the ending of the tenancy has been unsuccessful the association will make a referral to the council, advising them of the details of the tenant and their household, to enable the council to work to prevent or alleviate the households threatened homelessness.

Provision of Accommodation

Whilst it is accepted that the housing association partners will make lettings to households who appear on the housing register, all housing association partners will be expected to assist the local authority in respect of its homeless duties by providing on request, interim and temporary accommodation.

At times such requests may also require the housing association partner to convert accommodation to meet the identified local need, e.g. converting self-contained accommodation into shared housing.

The council will ensure that all of its requests to housing association partners are reasonable and that the burden of providing such accommodation is shared proportionately between all partners to the agreement.

Please refer to Appendix 9 for further details on the duty on Registered Social Landlords to co-operate with the Local Authority in exercising their homelessness duties

1.7 Monitoring information

Performance measures will include:

- Satisfaction of persons housed
- % of offers refused
- Proportion of MAPPA cases accommodated per organisation
- No of lettings made via a local letting scheme, as a proportion of all lettings made in period
- No of lettings made via sensitive lettings scheme, as a proportion of all lettings made
- No. of requests for temporary accommodation accepted per organisation, as a proportion of requests made by the council
- No. of lettings per band per organisation
- No. of requests for review and number upheld

Where appropriate Equality and Diversity characteristics will be monitored for both current and housed applicants in line with the above measures.

The performance of housing association partners will be monitored by the Council, and will be one of the factors that the Council will use to determine the allocation of Social Housing Grant.

1.8 Financial support for the Powys Common Housing Register Partnership

The costs of the administration of the Powys Common Housing Register Partnership are set out in Appendix 10.

The contributions made by each of the partners will be as follows:

- the Council in its role as the strategic housing authority will make a 30% contribution.
- each participating landlord will make a contribution relative to its size. Appendix 11 sets out the number of properties owned by each social landlord and the proportionate costs of each social landlords' contribution to the costs of the Common Housing Register.

Lettings which do not fall within the scope of the scheme

This scheme does not apply to any letting by any of the partner housing associations which will not be a let on an assured or probationary tenancy. Examples of such lettings would be

- (a) Letting a property to a homeless person to whom Powys Council owes a homelessness duty under Part VII.
- (b) Lettings in supported housing projects
- (c) The letting of premises occupied in connection with employment (e.g. warden at sheltered housing scheme)
- (d) The letting of accommodation for provided for asylum seekers
- (e) The letting of temporary accommodation for persons taking up employment
- (f) The letting of temporary (decant) accommodation during works
- (g) The letting of agricultural holdings
- (h) The letting of licenced premises
- (i) The letting of garages
- (j) The letting of student accommodation
- (k) The letting of business premises
- (l) The letting of Extra Care Housing
- (m) Properties let by housing associations at intermediate or market rent levels may sometimes come within the scope of the CHR.
- (n) The letting of plots to gypsies and travellers

**Wales Accord on the
Sharing of Personal
Information**

**Information Sharing
Protocol for Powys
County Council's
Common Allocation
Scheme**

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1 Introduction to this ISP

- 1.1 This Information Sharing Protocol (ISP) is supplementary to the Wales Accord on the Sharing of Personal Information (WASPI), and has been agreed between the participating partner organisations. Partners have given consideration to its contents when drawing up this document.
- 1.2 This ISP has been prepared to support the regular sharing of personal information for the provision of housing options and housing across the County of Powys.
- 1.3 Following a review of allocation services, the partner organisations identified a need for a change in attitude and approach to delivering housing advice and allocation housing within Powys. Given the lack of social housing available in Powys, it has been recognised that a wider housing options approach is needed to meet housing need.

The aim of the sharing is to enable partner organisations to work closer together to achieve a more effective and timely service for the individual, including consistent and informative advice, greater housing choice and sustainable allocations. The information will be used to assess housing needs whilst also allowing potential accommodation providers to assess accommodation provision against the current and future needs of the Service User. On-going review as circumstances change will ensure appropriate support is provided to assist the person to remain in suitable accommodation.
- 1.4 This ISP covers the exchange of information between the local authority and housing associations identified below.
- 1.5 It supports the information sharing partner organisations involved and the groups of service users it impacts upon. It details the specific purposes for sharing and the personal information being shared, the required operational procedures, consent processes, and legal justification.
- 1.6 This ISP should be read in conjunction with the Common Allocation Scheme Policy and Procedure Guide a copy of which can be found on Powys County Councils' public website at www.powys.gov.uk
- 1.7 For the purpose of this ISP, **explicit consent** is required from service users.
- 1.8 Partners may only use the information disclosed to them under this ISP for the specific purpose(s) set out in this document or to support the effective administration, audit, monitoring, inspection of services and reporting requirements.
- 1.9 A glossary of terms for this ISP is contained within Appendix A.

Please note: Staff should not hesitate to share personal information in order to prevent abuse or serious harm, in an emergency or in life-or-death situations. If there are concerns relating to child or adult protection issues, the relevant organisational procedures must be followed.

2 The information sharing partner organisations

- 2.1 This ISP covers the exchange of information between practitioners of the following organisations:

Information Sharing Partner Organisations	Responsible Manager
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Powys County Council	Housing Strategy Manager
Mid-Wales Housing Association	Director of Customer Services
Newydd Housing Association	Finance Manager
Wales and West Housing	Head of Housing

- 2.2 The responsible managers detailed above have overall responsibility for this ISP within their own organisations, and must therefore ensure the ISP is disseminated, understood and acted upon by relevant practitioners.
- 2.3 The responsible manager from each partner organisation will regularly monitor and audit access to information shared under this ISP to ensure appropriate access is maintained.

3 Benefits of sharing

- 3.1 By sharing personal information under this ISP, it is envisaged that the following benefits will be achieved:
- Enabling the co-ordinated assessment of need across the agencies which avoids duplication and the need for the service user to present information to different agencies.
 - Facilitating the provision of appropriate accommodation.
 - Reducing the assessment timescales through joint meetings and case conferences therefore minimising the time spent by the Service User on the waiting list.
 - The reduction in duplication will result in a more cost effective service for each organisation and provide a more efficient and effective outcome for the Service User

4 Legislative / statutory powers

- 4.1 Disclosure of information will be conducted within the legal framework of the Data Protection Act 1998 (DPA), the Human Rights Act 1998 and in compliance with the common law duty of confidence.
- 4.2 The conditions set out in Schedule 2 and 3 of the DPA are known as the “conditions for processing”. Organisations processing personal data need to be able to satisfy one or more of these conditions. For the purpose of this ISP, the condition that will be allowed upon for both Schedules (where required) is **explicit consent**. Therefore no further conditions need to be met.
- 4.3 In addition to relying on consent as a Schedule condition, public bodies may have statutory requirements to share some types of personal data. In the absence of a statutory requirement, a public sector body should be able to explain the legal power it has to enable it to share. Other organisations may not need statutory powers to share.
- 4.4 Local Authorities are required to operate an allocations scheme under Section 167 of the Housing Act 1996 that determines the priorities and procedure to be followed in allocating housing based upon the assessment of need within the area. This provides an implied power to share information.
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- 4.5 Local authorities also have wider powers under section 2 of the Local Government Act 2000 to promote or improve the social wellbeing of their area. This provides an implied power to share information with other statutory services and the independent sector.
- 4.6 Section 184 Part 7 of the Housing Act 1996 provides for appropriate enquiries to be made to satisfy that the person is eligible for assistance and whether a duty is owed under homelessness legislation. This gives an implied power to share information.
- 4.7 Section 47 of the NHS and Community Care Act 1990 provides for social services authorities to involve staff of health and housing agencies in order to prepare comprehensive assessments of need. It can be implied from this duty that there is a power to share information with health bodies or housing authorities.
- 4.8 Section 115 of the Crime and Disorder Act 1998 gives power to disclose information to specified relevant authorities where the disclosure is necessary or expedient for the purposes of the Act. This gives an implied power to share information.

5 Details of personal information being shared

5.1 Personal information shared for the purpose of this ISP includes a range of information and might therefore include:

- Name(s) of applicant(s)
- Previous address(es)
- Contact details
- Date of birth(s)
- National insurance number(s)
- Names and date of births for all household members
- Current housing status including landlord details
- Housing need
- Eligibility criteria
- Local connection
- Areas of preference
- Equality Information
- Pets
- Mental health status and risk assessment
- Diagnosis and medication
- Adaptations
- Involvement with other agencies
- Financial, employment and benefit information
- Details of disclosed criminal convictions

5.2 The information is used to assess housing needs whilst also allowing potential accommodation providers to assess accommodation provision against the current

and future needs of the Service User. On-going review as circumstances change will ensure appropriate support is provided to assist the person to remain in suitable accommodation.

- 5.3 Only the **minimum necessary** personal information consistent with the purposes set out in this document can be shared.
- 5.4 Information provided by partner organisations will not generally be released to any third party without prior consultation with the owning partner organisation.
- 5.5 An information reference table within Appendix B provides a comprehensive list of the personal information to be shared between the partner organisations, including with whom in each partner organisation it will be shared with, why it will be shared and the methods of how it will be shared.

6 Identifying the service user

- 6.1 In order to ensure that all partner organisations, when sharing information, are referring to the same service user, the following personal identifiers must be included:
 - Name (all known)
 - Date of birth
 - Addresses
 - National insurance number
 - Service Reference Number

7 Informing the service user

- 7.1 It is necessary to communicate with the service user or their lawful representatives about the need for information sharing at the earliest appropriate opportunity, preferably at first contact unless by doing so would risk harm to others or hinder any investigation or legal proceedings.
- 7.2 Therefore in most cases practitioners will clearly inform service users or their lawful representatives about what personal information is to be shared, and for what purposes it will be used. Partner organisations should also ensure that service users are provided with any information they need to fully understand the way in which their personal data will be handled in any specific circumstance, including the names of any persons or organisations with whom their data may be shared.
- 7.3 Where appropriate, agreed methods of providing this information are:
 - Verbally through declaration statement on initial enquiry (see Appendix C)
 - Powys County Council's Public website

8 Obtaining consent

- 8.1 The approach to obtaining consent should be transparent and respect the rights of the service user.
 - 8.2 Consent is given by a service user agreeing actively, to a particular use or disclosure of information. It can be expressed either verbally or in writing, although written consent is preferable since that reduces the scope for subsequent dispute. For the purposes of this ISP, **explicit consent** will be required from service users.
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- 8.3 Consent must not be secured through coercion or inferred from a lack of response to a request for consent. Practitioners must be satisfied that the service user has understood the information sharing arrangements and the consequences of providing or withholding consent.
- 8.4 Where a service user is a child or young person, the practitioner should consider whether the child or young person has the capacity to understand the implications of giving their consent in the particular circumstance. Where the practitioner is confident that the child or young person can understand their rights, then consent should be sought from them rather than a parent. It is important that a child or young person is able to understand (in broad terms) what it means to give their consent.
- 8.5 Consent should not be regarded as a permanent state. Opportunities to review the service user's continuing consent to information sharing should arise during the course of the service provision. Practitioners should exercise professional judgement in determining whether it would be appropriate to re-visit a service user's continued consent at any given juncture. Ideally it should take place in the context of a review or re-assessment.
- 8.6 Consent obtained from service users for the purposes of this ISP will only be used to support the delivery of the purposes and functions set out in this document. Once the provision of this specific ISP concludes or the purpose changes, then consent obtained for it will also end.
- 8.7 In some exceptional circumstances, personal information can be lawfully shared without consent where there is a legal requirement or where an appropriate professional of sufficient seniority within the partner organisation, has taken the view that the duty of confidentiality can be breached where there is a substantial over-riding 'public interest'. Such situations where information might be shared without consent include:
- 'Life and death' situations, for example, where information is shared in an emergency in order to preserve life;
 - where a person's condition indicates they may be a risk to the public or may inflict self-harm;
 - in order to prevent abuse or serious harm to others;
 - on a case-by-case basis, to prevent serious crime and support detection, investigation and punishment of serious crime.

This is not an exhaustive list and each situation should be considered on a case by case basis.

- 8.8 Where decisions are made to share personal information without the service user's consent, as detailed above in 8.7, this must be fully documented in the service user's record.
- 8.9 Where it is not appropriate to defer the sharing of information, then it will not be appropriate to defer consent, as consent cannot be obtained retrospectively. Therefore, only where deemed necessary, may information be shared without consent.
- 8.10 If there are any concerns relating to child or adult protection issues, practitioners must follow the relevant organisational procedures.
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9 Obtaining consent where a service user lacks mental capacity

- 9.1 The Mental Capacity Act 2005 Code of Practice defines the term 'a person who lacks capacity' as a person who lacks capacity to make a particular decision or take a particular action for themselves, at the time the decision or action needs to be taken.
- 9.2 Whenever dealing with issues of capacity to consent, local rules and procedures should be followed and these must be in compliance with the Mental Capacity Act 2005 and its Code of Practice.
- 9.3 Where a person has a temporary loss of capacity consent will be deferred, if appropriate, until such time as consent can be obtained. Consent to share information will be sought when capacity is regained.

10 Recording consent

- 10.1 Decisions regarding service users' consent of how and when it was obtained and whether it was provided in verbal or in written form, must be stored or recorded in the service user's record.

11 Refused and withdrawn consent

- 11.1 A service user has the right to refuse their consent to have information about them shared. They also have the right to withdraw previously granted consent at any point, to the sharing of their information. Further personal information should not then be shared under this ISP.
- 11.2 Where the service user has refused or withdrawn consent, the implications of withholding consent will be clearly explained to them and this dialogue will be recorded in the service user's record. If a service user withdraws consent to share personal information it will also be explained that information already shared cannot be recalled.

12 Information security

- 12.1 Practitioners carrying out the functions outlined in this ISP should make themselves aware of, and adhere to, their organisation's information security policies and procedures.
 - 12.2 Where practitioners are unable to comply with their organisation's policies regarding the safe and secure transfer of information they must ensure that a risk assessment is undertaken by their Information Security/Governance department at the earliest opportunity. Alternative secure methods, as identified within the organisation's policy, must be used until such time as the risk assessment has been undertaken.
 - 12.3 A list of agreed methods for the safe and secure transfer of personal information is documented within Appendix B.
 - 12.4 Any breaches of security, confidentiality and other violations of this ISP must be reported in line with each partner organisation's incident reporting procedures. Consideration should be given to share, where appropriate, the outcome of any investigation with the partner organisations involved.
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13 Records management

- 13.1 Practitioners carrying out the functions outlined in this ISP should make themselves aware of, and adhere to, their organisation's records management procedures, specifically in relation to collecting, processing and disclosing of personal information.
- 13.2 All information, whether held on paper or in electronic format must be stored and disposed of in line with each partner organisation's retention and disposal schedule.
- 13.3 Personal information will only be collected using the agreed collection methods, ensuring the required information is complete and up-to-date.
- 13.4 Practitioners will ensure where practical, that records are maintained of when information is shared with a partner organisation, and to whom.
- 13.5 Decisions about service users should never be made by referring to inaccurate, incomplete or out of date information.
- 13.6 If information is found to be inaccurate, practitioners will ensure that their records and systems are corrected accordingly. Consideration must also be given to advising partner organisations where practical.

14 Data Protection Act and Freedom of Information Act requests

- 14.1 Where requests are received for information relating to this ISP or any individual service user(s) then each request will be dealt with in accordance with each partner organisation's relevant policies and procedures.

15 Complaints

- 15.1 Each partner organisation has a formal procedure by which service users, partner organisations and practitioners can direct, their complaints regarding the application of this ISP.

16 Review of this ISP

- 16.1 This ISP will be reviewed annually or sooner if appropriate.
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17 Appendix A – Glossary of Terms

Term	Definition
Consent	An informed indication by which the service user signifies agreement and understanding of how personal information relating to them is processed.
Personal information	Information which relates to an individual, including their image or voice, which enables them to be uniquely identified from that information on its own or from that and / or other information available to that organisation. It includes personal data within the meaning of Section 1 of the Data Protection Act 1998 and information relating to the deceased.
Sensitive personal information	Personal information as to; the racial or ethnic origin of an individual; their political opinions, their religious beliefs or other beliefs of a similar nature, whether they are a member of a trade union, their physical or mental health or condition, their sexual life, the commission or alleged commission by them of any offence, or any proceedings for an offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.
Personal identifiers	A set of basic personal details that allow partner organisations to identify exactly who is being referred to. For example, name, address, date of birth, post code.
Processing personal information	Broadly describes the collecting, using, disclosing, retaining or disposing, of personal information. If any aspects of processing are found to be unfair, then the Data Protection Act 1998 is likely to be breached.
Service user	An inclusive term to describe those people who have contact with service providing organisations within Wales and have information recorded about them. For example: individual organisations may refer to these people as data subjects, patients, clients, lawful representatives, etc.
Practitioner	An inclusive term to describe any staff working for the partner organisations involved in the care of or provision of services for the service user. For example: police officer, health professional, social worker, volunteer etc.
Responsible Manager	A senior manager within an organisation who has overall responsibility for the area of work related to a specific ISP. It will be their responsibility to ensure that ISPs are disseminated, understood and acted upon by relevant practitioners and that access to personal information is regularly monitored and audited to ensure appropriate access is maintained.

18 Appendix B – Information Reference Table



Copy of Powys CHR
ISP Information Refe

19 Appendix C – Declaration Statements

It is an offence punishable by a fine of up to £5000 to knowingly or recklessly give false information or knowingly withhold information reasonably requested. Do you understand what this means?

Any false statement will disqualify you from further consideration for housing and if as a result of such a statement you become a tenant of one of the partners of the CHR, you may have the tenancy terminated

The client gives permission for partner agencies to contact any third party (e.g. Landlords, doctors, Housing Benefits, other agencies) for information in relation to this application

Powys County Council and its Housing Association partners process the personal information provided in order to assess your housing needs as part of the Common Housing Register, this information will be shared amongst these partners in order that all organisations can identify suitable housing solutions more efficiently and effectively. Do you understand and agree to this sharing of personal information?

Common Allocations Scheme - Policy Statement

Applicable from November 2015

This document is available on request in alternative formats (e.g. Large print type/Braille/on tape).

1. Introduction

To increase housing choice and for ease of access by applicants a Common Allocations Scheme, has been devised by Powys County Council and the following registered social landlords (RSLs):

- Mid-Wales Housing Association
- Newydd Housing Association
- Wales & West Housing
- Clwyd Alyn Housing Association
- Melin Homes
- Grwp Cynefin
- Gwalia

This policy applies to selection of applicants to whom lettings will be made by the partner organisations within Powys. It has been written to comply with the legal requirements of “The Housing Act 1996” and the “Homelessness Act 2002” together with the Welsh Government’s “Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness”. It also takes regard of welfare reforms and is consistent with relevant Powys County Council strategic plans, in particular the Housing Strategy.

The policy aims to contribute to the prevention of homelessness, minimizing exclusion, improving sustainability and social inclusion, and to ensure reasonable choice to those requiring accommodation.

2. Housing Options

Following a review of allocation services, the partner organisations identified a need for a change in attitude and approach to delivering housing advice and allocating housing within Powys.

Given the lack of social housing available within Powys, it has been recognised that a wider housing options approach is needed to meet housing need. In order to help find the right solution for a person and to know what the right options may be, it is necessary to find out what matters to a person in relation to their home.

Where social housing is the right option, it is important to find the applicant a home they can afford, in the right place at the right time, ensure they move in prepared and build and maintain a relationship with their landlord.

An applicant will be expected to declare any past or current behavioural issues which may have an impact on any future tenancy from the outset, take responsibility for such behaviour and be willing to engage with partner organisations or a third party to achieve a suitable course of action. Where necessary a “Housing Plan” will be agreed to help ensure the applicant is able to maintain a successful tenancy in the future.

3. Eligibility

There is legislation which governs who can be allocated council and housing association properties. To be eligible an applicant must be:

- Residents of the United Kingdom aged 16 and over – including our existing tenants who wish to transfer.
- British Nationals and European Economic Area Nationals (European Union countries plus Iceland, Norway and Liechtenstein) aged 16 and over who have been habitually resident in the United Kingdom, Channel Islands, Isle of Man or the Republic of Ireland (Common Travel Area). Any period of residence less than two years may have to be tested by us.
- Refugees or other persons granted permission to remain in the United Kingdom.
- Applicants, or members of their household, who have been guilty of unacceptable behaviour serious enough to render them unsuitable to be a tenant of a partner landlord. The only behaviour that can be regarded as unacceptable is behaviour by the person that would have entitled a local authority to an outright possession order, if the person had been a secure tenant of the local authority at the time.

In assessing whether an applicant is ineligible due to unacceptable behaviour, the partner landlord will consider:

1. Where there is evidence of unacceptable behaviour, was it serious enough for a possession order to have been granted (which includes consideration of the statutory discretionary grounds for possession and questions of reasonableness)?
2. Was the behaviour serious enough to render the applicant or household member unsuitable to be a tenant (which involves consideration as to whether an immediate possession order was made or might have been made as opposed to a suspended order)?

3. Does the behaviour continue to be unacceptable at the time of application?

Each application will be considered on its merits and the applicant's personal circumstances (and those of the applicant's household) will be taken into account, including any health and medical needs, dependents and any other factors relevant to the application. Previous unacceptable behaviour may not justify a decision to treat the applicant as ineligible where the applicant can show that the behaviour has improved.

Applicants deemed ineligible for housing will be provided with advice and guidance regarding their housing options when they contact the service.

Applicants deemed ineligible for housing will be notified of the decision and grounds of this in writing. They will also be informed of their right to request a review and their further right to appeal any decision upon review.

Proof of eligibility may be required.

4. Assessment

Irrespective of eligibility, everybody who makes contact will be interviewed in order to gain an understanding of their circumstances and be in a position to offer the most appropriate advice and assistance.

All partner organisations aim to match applicants to the correct size of home, usually in line with the Department of Work and Pension's (DWP) property size criteria. In some instances applicants may apply for a property with one extra bedroom over and above this criteria.

In order to have priority on the Scheme all applicants must be:

- Ready to move.
- In housing need

It is an offence which may be punishable by a fine, for anyone to knowingly or recklessly give false information or to knowingly withhold information that is reasonably requested. If an applicant is granted a tenancy based on a false statement, the tenancy may be terminated.

5. Criteria

It is the aim to allocate social housing to those in need. The housing need criteria on which applicants are considered are those referred to in legislation and Welsh Government guidance.

For an applicant to be deemed in housing need they must meet one of the reasonable preference categories, as set out in s.167(2) of the Housing Act 1996:

- (i) People who are homeless within the meaning of Part 7 of the 1996 Act.;

(ii) People who are owed a duty by any local authority under section 190(2), 193(2) or 195(2) of the 1996 Act or who are occupying accommodation secured by any local authority under section 192(3).;

(iii) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;

(iv) People who need to move on medical or welfare grounds, and

(iv) People who need to move to a particular locality in the area of the local authority, where failure to meet that need would cause hardship (to themselves or to others).

Proof of circumstance may be required.

Please note: Transfer applicants are not given any additional preference, they are to be treated on the same basis as a general applicant.

6. Banding

Priority will be given to applicants who fall into the following bands. Within each band priority is given to those on the list the longest. In the event of the application date being the same, priority will be given to the application with the lowest application number. If the application is re-banded, the date of re-banding will become the new application date.

Band 1

Priority will be given to those who have a housing need, as defined in s.167(2) of the Housing Act 1996, and who are ready to move and require an urgent move. Senior staff of the relevant partner organisation will need to agree, based on evidence, when emergency / urgent moves are required.

Band 2

Priority is next given to social housing tenants in Powys who are affected by the under-occupation of their homes in accordance with the DWP property size criteria, have a housing need and are ready to move or Service Personnel who have been seriously injured or disabled in Service and who have an urgent need for social housing.

Band 3

Priority is next given to those who have a housing need, as defined above, are ready to move but who also have a local connection to the area / town / village of their choice. An applicant may have a connection with more than one community.

Serving members of the Armed Forces, and other persons who normally live with them as part of their household, establish a local connection with an area in Powys by virtue of serving, or having served there while in the Forces, irrespective of the length of time spent in that area.

This is in line with the Powys Armed Forces Covenant.

Band 4

Priority is then given to those who have a housing need, as identified above. If the applicant subsequently qualifies for local connection and/or becomes ready to move, it is the responsibility of the individual to notify Powys County Council of their change in circumstance so that their application can be re-banded.

Band 5

Priority is then given to those who have no housing need, as defined above.

7. Formal Offers

Applicants may receive two offers of accommodation; however refusal of the second offer will result in the application being reviewed. If no reasonable explanation is given for the refusal, the application will be removed from the Scheme.

Applicants removed from the Scheme can reapply but their housing need will be re-assessed and, if eligible, they will be accepted onto the Scheme as at that date.

Priority Need Homeless

If an applicant is priority need homeless a first and final offer will be made in writing.

8. Reviews

Reviews of applicants' circumstances will be carried out on a rolling basis at least every 6 months.

9. Older persons' Accommodation

For older persons' accommodation, we will aim to allocate to applicants or their partners who are over 55 years of age for housing association properties and 60 years and over for Powys County Council properties, however consideration may also be given to those of a younger age with health issues.

Where partner organisations are unable to allocate properties designated as suitable for occupation by older persons, consideration will then be given to allocate via the Accessible Homes Register.

10. Disabled persons' Accommodation

The partner organisations will aim to allocate properties which have been adapted to be suitable for disabled persons, wherever possible, to persons requiring those adaptations via the Accessible Homes Register. This will supersede any other banding.

Where partner organisations are unable to allocate adapted properties to those requiring the adaptations, consideration may be given to applicants aged 60 plus and then applicants who do not have a disability.

11. Grounds to Request a Review of a Decision

Applicants have the right to request a review of a decision regarding their:

- * Eligibility to join the register
- * Any facts on which have been relied upon to reach a decision in respect of the band the applicant has been placed in

Requests for review should be made in writing, within 28 days of notification of the decision.

Applicants' circumstances at the time of the review will be considered, particularly if they have changed from when the decision was first made.

A member of the partner organisation's Management Team will consider the review, unless they were involved in the original decision. In this event another Manager will consider the review. Applicants will be informed of the outcome of the review within 14 days of receipt of the request.

If the applicant remains dissatisfied with the way in which the common allocations policy has been followed, or legislation interpreted, then a request can be made for two members of the relevant partner organisation's Management Teams to consider the appeal. This request must be made within 28 days of notification of the review decision. The applicant will be advised of the outcome within 14 days of receipt. This decision will be final.

12. Equal Opportunities

The partner organisations are committed to equal opportunities and do not discriminate either directly or indirectly on grounds of gender, sexual orientation, religion, colour, race, nationality, disability, age or ethnic origin.

In order for equal opportunities to be monitored, applicants will be asked to answer monitoring questions. In addition to assessing housing need the information provided by applicants will be used to refer the applicant, where necessary, to the relevant support services and agencies.

13. Amending Existing Tenancies

Current tenants may wish to add / remove a name/s to an existing sole / joint tenancy. Such requests will be considered in accordance with the appropriate current guidance. Where this request is agreed by all parties, but current legislation does not allow for a transfer, assignment or succession to the tenancy, a new tenancy must be allocated and the existing tenancy terminated.

14. Local Lettings Policy

The partner organisations may wish to consider and implement local lettings policies in particular communities or areas within the County. Such policies will only be introduced in consultation with the local communities, areas, partners and agencies

affected. These policies will supersede this common allocation policy.

15. Declaration

As part of assessing applicants' needs permission is required for enquiries to be made, if necessary, to any third party (i.e. landlords, doctor/consultant, and other agencies) for information regarding the applicant's circumstances.

The partner organisations are also committed to the prevention and detection of fraud and therefore advise applicants that the data held by partner organisations may be used for cross-system and cross-partner comparison purposes, for the prevention and detection of fraud.

All organisations are also committed to the Powys-wide Unified Assessment. Any information provided for re-housing will be placed on the Housing Register computer system and any participating organisation of the Common Allocations Scheme may have access to it.

It is an offence punishable by a fine of up to £5000 for anyone to knowingly or recklessly give false information or to knowingly withhold information that is reasonably required.

Any false statements will disqualify the applicant from any further consideration for housing accommodation and if as a result of such a statement, an applicant becomes a tenant of one of the partners to the scheme, the partner will take action to terminate their tenancy.

Common Allocations Scheme – Procedure Guide

This document is available on request in alternative formats (e.g. Large print type/Braille/on tape).

Introduction

Applicants will be advised how to access the Common Allocation Scheme Policy and given guidance on why it should be read when making contact with Powys County Council to apply for housing.

An application form is not completed - all information is gathered at the interview, usually over the telephone, and is recorded onto a Person Record form.

An initial interview will be conducted and if there is an indication that the applicant may be eligible for the Common Allocation Scheme, the case will be referred to a case worker who will take ownership of the case and pull in the necessary resources to ensure all options are considered.

The Housing Act 1996 can be found at
<http://www.legislation.gov.uk/ukpga/1996/52/contents>

The Homelessness Act 2002 can be found at
<http://www.legislation.gov.uk/ukpga/2002/7/contents>

The Welsh Government's Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness can be found on their website at
<http://gov.wales/topics/housing-and-regeneration/services-and-support/managing-social-housing/allocate/?lang=en>

Powys County Councils Housing Options website can be found at
<https://www.powyshousing.co.uk/>

Powys Housing Services website can be found at
<http://www.powys.gov.uk/en/housing-and-land/>

Housing Options

Social housing is just one of many housing options, all of which should be considered to increase applicants' chances of finding the right solution to their housing requirements.

Although not exhaustive, the following options are alternative solutions to social housing that may fulfil applicants' requirements.

- Maintaining existing accommodation:

16+ Team involvement
Mediation with parents or family
Mediation with landlord/lender
Spend to Save
Discretionary Housing Payments
Provision of support to maintain accommodation
Independent advice e.g. Shelter, CAB
Money Advice e.g. Money Advice Service, Credit Union
Mortgage Rescue
Adaptations/Home Improvement Scheme
Environmental Health

- Alternative Accommodation

Discussion with family/friends
Spend to Save
Discretionary Housing Payments
Gwalia Bond Scheme
Exploring private options
Low cost home ownership
Homeswapper/Mutual Exchange
Social Lettings Agency
Powys CHR
Other Local Authority/Housing Association
Shared Lives
Supported lodgings
Sharing accommodation
Supported Accommodation

Depending on the applicant's circumstances, a variety of housing options will be explored, some of which may mean the applicant remaining in their home or referring them to other landlords and/or agencies.

Affordability will be discussed as it will be very important to establish an applicant's ability to cover all costs; eligibility for welfare benefits will also be considered.

Aspects to be considered include the following:

- Being able to afford moving expenses
 - Removal expenses if necessary
 - Essential furniture required for the new home
 - First weeks' rent in advance (may be necessary, even if in receipt of housing benefit)
 - Redecoration expenses
 - Any rental overlaps

- Being able to manage a tenancy
 - Budgeting
 - Applying for benefits/grants
 - Paying bills
 - Ability to compare prices for utilities, mobiles etc

Unacceptable behaviour

Any past or current behaviour which may have a bearing on an applicant's tenancy, should be disclosed at the interview and will be taken into account when considering their housing options.

Applicants, or members of their household, who have been guilty of unacceptable behaviour serious enough to render them unsuitable to be a tenant of a partner landlord will be deemed to be ineligible for the allocation of housing accommodation.

The only behaviour that can be regarded as unacceptable is behaviour by the person that would have entitled a local authority to an outright possession order, if the person had been a secure tenant of the local authority at the time.

In assessing whether an applicant is ineligible due to unacceptable behaviour, the partner landlord will consider:

1. Where there is evidence of unacceptable behaviour, was it serious enough for a possession order to have been granted (which includes consideration of the statutory discretionary grounds for possession and questions of reasonableness)?
2. Was the behaviour serious enough to render the applicant or household member unsuitable to be a tenant (which involves consideration as to whether an immediate possession order was made or might have been made as opposed to a suspended order)?
3. Does the behaviour continue to be unacceptable at the time of application?

Each application will be considered on its merits and the applicant's personal circumstances (and those of the applicant's household) will be taken into account, including any health and medical needs, dependents and any other factors relevant to the application. Previous unacceptable behaviour may not justify a decision to treat the applicant as ineligible where the applicant can show that the behaviour has improved. As a guideline only, where the unacceptable behaviour relates to rent arrears, for single persons a possession order would be granted if there were arrears of approx. £1000 and for families £2000.

Applicants deemed ineligible for housing will be provided with advice and guidance regarding their housing options when they contact the service.

Applicants deemed ineligible for housing will be notified of the decision and grounds of this in writing. They will also be informed of their right to request a review and their further right to appeal any decision upon review.

For further guidance, please refer to the Code of Guidance to Local Authorities on the Allocation of Accommodation and Homelessness 2015

Eligibility

Proof of eligibility includes:

- Passport
- Birth Certificate (full)
- Marriage Certificate
- Driving License
- Immigration Documents
 - Immigration Status (if applicable)
 - Most recent letter from Home Office
 - S.A.L.1 (Standard Acknowledgement Letter)
 - S.A.L.2
 - LS 96 forms for everyone on the application
- Applicants from the A8 countries must provide workers registration card.
(Further information can be found on the Welsh Governments code of guidance)

Assessment

Ready to move

Ready to move means we will take the following into consideration and offer advice and assistance to help the applicant achieve these steps:

- Being able to afford moving expenses
 - Removal expenses if necessary
 - Essential furniture required for the new home
 - First weeks' rent in advance (may be necessary, even if in receipt of housing benefit)
 - Redecoration expenses
 - Any rental overlaps

- Being able to manage a tenancy
 - Budgeting
 - Paying bills
 - Complying with tenancy agreements
 - Being emotionally ready to move

- Being packed and boxed up within a week or two

Prior to the letting of a property, an affordability check will be carried out with each applicant. Some landlords have policies which expect an applicant to make a payment of a weeks' rent to secure the tenancy, and where the affordability check has found this to be appropriate a week's rent will be expected. Where the affordability check has revealed it would not be appropriate to charge the tenant a week's rent, the housing association will not levy this charge.

For applicants who are current tenants of social landlords we will request a report from their current landlord in respect of the conduct of the tenancy to assess whether they are ready to move.

For those who are not ready to move yet but who may be anxious about the future, the necessary advice and options will be provided to ensure peace of mind.

Housing Need Criteria

Proof of circumstance may be required. This might include

- Medical Circumstances
 - Proof of pregnancy (letter from GP or Anti-natal file) stating EDD (Expected date of Delivery)
 - Letter from GP or Specialist concerning any serious health problems and details of any treatment received
 - Disabled Badge

- Proof of Homelessness

- Possession order
- Bailiff's warrant
- Notice requiring / Seeking Possession i.e. Section 21 and Section 8
- Letter from employer terminating employment (if accommodation is provided with job) accompanied by employment contract
- Letter from relative/friend, asking applicant to leave (this letter should be signed, addressed and dated, providing a phone number and, ordinarily, giving at least 28 days' notice to vacate the premises)
- Letter from solicitor/police/other organization referring to the Housing Needs Section
- Divorce papers (including property settlement and/custody matters)

What Type of Property can an Applicant Apply for?

In order to make the best use of family accommodation only adults with dependent children or those who are expecting a baby, will be allocated a house (except for 1-bedroomed houses). To be classed as a dependent a child they must be in receipt of child benefit.

Parents with access arrangements in place can be allocated a house provided the child / children stay over at least once a week.

How many Bedrooms can an Applicant Apply for?

The Department of Work and Pension (DWP) property size criteria is explained below, and is applicable to those of working age:

What is a Spare Room?

Under the new rules if a household has more bedrooms than the Government says is needed, housing benefit will be reduced. One bedroom is allocated for:

- each adult couple
- any other person aged 16 or over
- two children of the same sex under the age of 16
- two children under the age of 10 regardless of their sex
- any other child
- a carer (who does not normally live with the family) if a family member needs overnight care.

It does not matter how the 'spare' bedroom is used, the new rules will apply even if:

- the tenant and their partner need to sleep apart because of a medical condition
- the main residence of any children is another address, but there is a spare room for when they stay over.

What happens if there is a 'spare' bedroom?

If there is one 'spare' bedroom housing benefit will be cut by 14% of the rent due each week. If there are two or more spare bedrooms, housing benefit is cut by 25% of the rent due each week.

If housing benefit is reduced, it is the tenant's responsibility to their landlord to find the difference between housing benefit received and rent due.

In some instances the partner organisations may allocate a property with one bedroom more than deemed necessary by the DWP. Examples of this are:

- Children on access
- A couple expecting / wishing to have a baby
- Medical requirements

However, affordability is key and for any additional bedroom to be allocated the applicant must demonstrate they can / could afford a reduction in housing benefit by completing an affordability assessment. Applicants may be asked for proof of income and they may be requested to seek financial advice.

Proof of Income / Affordability

Proof of income includes:

- Completed income and expenditure sheet
- Last 5 weeks' payslips or last 3 months payslips
- Income Support award letter
- Jobseekers Allowance Booklet / award letter
- Child Benefit award letter confirming entitlement
- Proof of any other Benefits such as Disability Living Allowance, Child Tax Credits, Pension Credits, Carers and Attendance Allowance, War Disablement
- Pension and War Widow's Pension
- Certified copy of business accounts if self employed

Banding

Band 1

With emergency cases, each will be considered individually and on its own merit. .
Examples of situations that may constitute an emergency are:

- Management moves
- Where the applicant, or member of the applicants' family, may suffer harm if they are not re-housed.
- Witness protection
- To prevent adaptations needing to be done in the current home

Band 2

See above guidance on DWP property size criteria and the allocations policy regarding Armed Service personnel.

Band 3

This is for all applicants who are not eligible for bands 1 or 2, but do fulfil the housing need criteria listed in section 5 of the Policy document, are ready to move and have a local connection.

Local Connection is when a person or persons

- have lived in, volunteered in or studied in the local Community for a period of at least 12 months at the time of application OR
- have previously lived in the local Community for a period of at least 3 consecutive years and wish to live there; OR
- have a firm offer of employment in the local Community or be currently employed in the local Community; OR
- wishing to provide full time care to a resident in the local Community who would otherwise be unable to because the lack of affordable housing; OR
- satisfy any of the above criteria, in relation to an adjoining local community if the supply of affordable housing is insufficient.

The definitions of terms e.g. "local" correspond to those contained in the current planning policies of the Council. In the unlikely event of the type and size of property not being available in the adjoining local community we would apply the cascade defined in planning policy.

Serving members of the Armed Forces, and other persons who normally live with them as part of their household, do establish a local connection with an area in Powys by virtue of serving, or having served, there while in the Forces irrespective of the length of time spent in that area.

This is in line with the Powys Armed Forces Covenant.

Band 4

This is for all applicants who are not eligible for bands 1, 2 or 3, but do fulfil the housing need criteria listed in section 5 of the Policy document.

Band 5

This is for all applicants who have no housing need.

Change of Circumstances

If an applicant has a change of address this generally means a change in their housing need and so they must be re-assessed with a new date. If an applicant wishes to add new areas, change size of accommodation required etc. then the same date will be used.

Difficult to let properties

Occasionally, there may be a property for which there are no eligible applicants. In these instances the size and type of property criteria would be relaxed.

Examples:

Empty property = 3 bed home, no applicants fitting that size, so applicants eligible for a 2-bed home would be considered

Empty property = 2 bed house, no applicants fitting that type of property, so could be offered to a couple (policy states no couples / singles in family houses)

If still no suitable applicants the property will be advertised by way of e-mail, posters, websites etc.

Formal Offers

Formal offers will be made by telephone, text or email and applicants will be given 48 hours to respond. If no response is received to this offer within 48 hours it will be withdrawn and a review letter will be sent to the applicant giving them 7 days to make contact. If there is still no response the applicant will be removed from the Scheme.

Examples of unreasonable refusals may include:

- Not liking the area (if not previously discounted by the applicant)
- Not liking the décor / property condition
- Not liking the neighbours
- Stating the property is too small (a single person refusing a bedsit)

Priority Need Homeless

If an applicant is priority need homeless a first and final offer will be made in writing.

Reviews

This will initially be done by telephone, text or email. If no response within 48 hours a review letter will be sent. Failure to respond to this within 7 days will result in the

application being removed from the Scheme.

Older Persons' accommodation

If the partner organisations are unable to allocate a property designated as suitable for occupation by older persons (over 55 for Housing Association and 60 years and over for Council), consideration will then be given to allocate via the Accessible Homes Register.

Amending Existing Tenancies

Where the request to amend a tenancy is agreed by all parties (existing tenants, applicants and the Council/RSL) as stated in the Policy document a new tenancy may be allocated and the existing tenancy terminated.

Tenants may be asked to sign an agreement with regard to any issues relating to the existing (previous) tenancy e.g. Rent arrears.

Tenants and applicants should contact their local area housing office regarding the current procedure and guidance.

Local Lettings Policy

Examples of circumstances when a landlord may wish to introduce a local lettings policy are:

- Age restrictions applied to general needs allocations if in the vicinity of older persons' accommodation.
- Allocating properties to a specific household type (couples with no children) to ensure a mixed community.

SECTION 106 AGREEMENT LETTING SCHEME

Properties developed on sites that incorporate a Section 106² agreement determining the allocation of housing on that site will be let in accordance with the terms of the agreement. Such agreements have been developed to ensure that secure mechanisms are in place to restrict the occupancy of the dwelling both on first occupation and in perpetuity to those who have a local community need for an affordable dwelling.

Each of the partner housing associations will develop policies for letting homes on Section 106 sites. Each Housing Association will consult with the Powys Common Housing Register Partnership on the content of their letting scheme.

² Section 106 of the Town & Country Planning Act 1990 as amended by the 1991 Act, enables planning authorities to seek to negotiate a contribution from developers towards the cost of meeting the infrastructure necessary to support their development. The contribution can be in the form of the development of affordable housing developed to meet the local need for affordable housing in that specific community or village.

LOCAL LETTINGS POLICIES

Section 167(2E) of the 1996 Housing Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. This is the statutory basis for so-called 'local lettings policies'.

Local Letting Policies work by including additional criteria to those in the main lettings policy that will be considered when letting properties in a particular estate or community. Local Lettings Policies are used to achieve a wide variety of housing management and other housing policy objectives, and are usually developed where there is a wish to alter the balance of the community or ensure a balanced community at the stage where a new development is let.

Each of the partners will have the ability to introduce Local Lettings Policies in areas of their stock for a time limited period.

Prior to the introduction of a Local Lettings Policy the partner must consult the Powys Common Housing Register Partnership. The partner must provide details of:

- the particular issue that is affecting the community and requires a Local Lettings Policy to be adopted
- the area to be incorporated in any Local Lettings Policy, including the number and types of property
- the proposed duration of the Local Lettings Policy
- the objectives it is hoped the introduction of the Lettings Plan will achieve
- the features of the Local Lettings Policy
- the impact that the local lettings policy is likely to have on groups of applicants whose rehousing opportunities are reduced

Each Local Lettings Scheme introduced by a partner must have the approval of the Board of the Housing Association or in the case of the Council the approval of the appropriate portfolio holder, and its operation and outcomes will be reviewed by the Powys Common Housing Register Partnership on a six monthly basis.

SENSITIVE LETTINGS

There are rare occasions when individual sensitive lettings (lettings outside of the allocation scheme) can be justified to protect the interests of existing tenants. Such circumstances are rare and would relate to instances where for example an area had experienced serious anti-social behaviour over a long period and the perpetrators tenancy has ended. In such instances the landlord will consider it important to ensure that other residents in the area are not subjected to problems from the new tenant. Therefore the next letting in the area would be made to some-one (usually an existing tenant) whom the landlord has confidence would not cause further problems.

All instances where a member of the Partnership seeks to make a sensitive letting, they will request the consent of the Service Manager, Housing Solutions:

- the reasons why a sensitive letting is justified
- the position on the waiting list of the person the letting is made to
- the reasons why the landlord didn't make the letting to each of the applicants on the waiting list who have a need than the person the landlord proposes to make the letting to

The Service Manager Housing Solutions will report to the Powys Common Housing Register Partnership Board on the use of sensitive lettings made in the previous 6 month period, including the:

- number of sensitive lettings made by each landlord
- reasons for the use of sensitive lettings by landlord
- mean average number of applicants overlooked when sensitive lettings have been made.

GOVERNANCE ARRANGEMENTS

The Powys Common Housing Register Partnership

The Powys Common Housing Register Partnership will provide strategic direction and review the operation of the Scheme.

The Powys Common Housing Register Partnership will meet on a three monthly basis and will consider the following:

- the effectiveness of arrangements for processing applicants, including key performance monitoring information (which will include complaints received)
- the need for change in policy and procedures, in the light of legislative and regulatory change, case law and outcomes of reviews and appeals requested by applicants
- consulting with partners around the introduction of Local Lettings Policies and reviewing their impact
- monitoring the use of sensitive lettings by members of the Partnership
- monitoring the number of applicants were not offered tenancies because such an offer would conflict with the Associations charitable objects

The Powys Common Housing Register Partnership will report to the Strategic Housing Partnership.

Extract from Code of Guidance re duty to co-operate

The Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness makes specific mention of the Duty of Local Housing Associations to work with the Local Authority in order to prevent or alleviate homelessness

S.95 of the Housing (Wales) Act 2014 places a duty on Registered Social Landlords and Private Registered Providers of Social Housing ('housing associations') to co-operate with the Local Authority in exercising their homelessness duties. They are essential partners and have a vital role to play in preventing and alleviating homelessness and supporting the Local Authority in the delivery of its strategic housing role.

A framework for co-operation between Local Authorities and housing associations is set out in legislation. However, it is important that the Local Authority has comprehensive agreements in place with each of its housing association partners covering the range of its expectations.

It is recognised that partnership working with Local Authorities on homelessness has not always been maximised. Housing association's social housing stock already makes a central contribution to tackling homelessness, and there are many other examples where housing associations have initiated action to support Local Authorities in tackling homelessness. With the new legislation and increasing pressures on available housing resources, it is now essential that Local Authorities and housing associations work exhaustively and systematically to enhance their collaboration to meet the new homelessness duties.

The cost of administering the Common Housing Register

The following costs incurred by the Council in its role as the administrator of the Common Housing Register will be included in the calculation of the costs of the contribution made by each of the partners.

- 10% of the costs of the Policy & Strategy Officer
- 5% of the costs of the Service Manager Housing Solutions and the Service Manager Landlord Services
- 10% of the costs of the Housing Management & Options Team Leaders
- 10% of the costs of the 22 Housing Management & Options Officers
- 20% of the costs of the First Contact Officers
- the cost of the licence for the Housing Options module in QL.

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The stock holding of each social landlord in Powys and their contribution towards the cost of the Common Housing Register after the 30% contribution from the Housing General Fund.

Landlord	Stock	% of costs
Powys County Council	5,385	66.74
Mid Wales HA	1229	15.23
Wales & West	768	9.52
Melin Homes	19	0.24
Newydd	219	2.71
Grwp Cynefin	67	0.83
Cymdeithas Clwyd Alyn	217	2.69
Grwp Gwalia	165	2.04
<i>Total</i>	<i>8,153</i>	<i>100</i>

The stock information is the self-contained general needs and sheltered housing managed by each social landlord at 31st March 2015.