



Sub-Regional Housing Allocations and Lettings in London

The Endorsed Protocol

July 2004

THE PROTOCOL

1.0 Aims and Index

This Protocol has been devised and fully endorsed by a Steering Group with representatives from the Association of London Government, the Housing Corporation and the London Housing Federation, and is endorsed by all three bodies. It sets a standard to aspire to for sub-regional nominations.


Existing nominations agreements

The protocol recognises that there are existing, individual borough nominations agreements. This agreement does not replace those agreements for existing properties with no out-of-borough nomination arrangements.

Low cost home ownership


In the case of low cost home ownership, the distribution mechanisms outlined in section 4 will apply but the general nomination arrangements do not apply.

Data protection

All information requests and handling of data will comply with the Data Protection Acts. 

Definitions

Definitions for the purposes of this protocol are given at Appendix 1

NB: The symbol  : indicates that more information is given in the Policy & Notes that are available to accompany the protocol

1.1 Index to the protocol

Section 2	Considers the outcomes of the protocol
Section 3	States programme inclusions
Section 4	Considers the division of inter-borough nominations arising from the Housing Corporation's Approved Development Programme.
Section 5	Outlines nominations principles and general arrangements.
Section 6	Describes the approach to sustainable communities.
Section 7	Describes nominations procedures for new lettings.
Section 8	Describes nominations procedures for relets.

- Section 9 Considers vulnerable home seekers and transfer applicants in need of support in general needs housing.
- Section 10 Outlines monitoring arrangements.
- Section 11 Covers the overall protocol review process.

2. Outcomes

2.0 The protocol is based upon recognition of the following:

- Housing needs must be met in a fair, open and transparent manner through a consistent approach at a sub-regional level.
- Full recognition of the specific housing needs of potential and actual tenants who are BME households, or who have special needs.
- A balance needs to be struck between meeting housing needs and achieving sustainable communities through local lettings plans. It is recognised that more work needs to be done to address this issue which is outside of the scope of this protocol.
- The protocol recognises local authorities' statutory and strategic duties and responsibilities and the independence and regulatory requirements of the housing associations.

2.1.0 *Promoting Equality and diversity*

The parties will monitor and review the operation of the protocol processes to ensure that equality of opportunity and diversity is vigorously promoted and not adversely affected in any way.

2.1.1 Organisations should work within their individual equalities and equal opportunity policies in respect of nominations, rejections, refusals and dispute resolution to ensure that there is no discrimination or bias towards applicants.

2.2 *Avoidance of delay*

There are many different arrangements already operating at a sub-regional level. The intended outcome of the protocol is that no letting should take longer than at present and so increase void periods because it is subject to sub-regional lettings.

2.3 *Working together*

The sub-regions and housing associations with which they work should co-operate, liaise together and work for a consensus at sub-regional level.

2.4. *Encouraging preference*

The sub-regions are encouraged to recognise the preferences of homeseekers. Where nominees are selected for out-of-borough moves, they should be able and willing to do so.

2.5 *Accessibility and marketing*

The nominations and lettings processes will be undertaken in a manner that makes them accessible to all home seekers.

2.5.1 Materials should be readily available to assist the marketing of properties.

2.6 *Customer satisfaction and continuous improvement*

In the operation of this protocol the parties agree to strive towards customer satisfaction and continuous improvement in its operation.

3. Protocol Inclusions

The protocol covers nominations to any homes procured by the Housing Corporation through the traditional or partnering route or included within an association's partnering agreement (regardless of Housing Corporation funding) except for nominations arising from the funding of:

- * temporary social housing
- * supported housing
- * Homebuy

At the discretion of the sub region the following homes can also be excluded from the protocol:

In the case of regeneration schemes the protocol may apply only to that element of the scheme which meets the criteria of new supply, that is additional homes over the number being demolished:

Where developments have been enabled by a local authority through its own capital funding, sale of land at below cost or use of S106 planning powers, then the proportion of homes not funded by Social Housing Grant may be excluded from the protocol:

Non key worker shared ownership homes provided any such arrangement does not discriminate or lead to inequalities in the marketing of such homes to residents of the sub-region.

A sub-region should also ensure that any arrangement maximises the potential to free up existing social rented homes in line with current Ministerial wishes for this element of the Corporation's investment programme.


Each sub-region is expected to notify the relevant zone agent of any agreement about the sub-regional division of nominations to homes funded through the Key Worker Living Programme. However this element of the Corporation's investment programme is subject to central government targets for specific groups of key workers and any sub-regional arrangement will have to accommodate these.

4. Inter- borough division of nominations arising from the Approved Development Programme

4.1 Nominations Framework Agreement

The protocol recognises that existing sub-regional agreements have been in operation for some time. The distribution of nominations at a Borough level arising from housing Corporation allocations is a matter for the Borough and Sub-Regions to agree at sub-regional level in a consistent and fair manner.

4.2 Host Borough Premiums

Host Borough Premiums should not exceed 25% 

4.3 Reconciliation process


There should be a regular reconciliation process to ensure that boroughs receive their entitlement according to the protocol arrangements.

5. Nomination arrangements

In the case of low cost home ownership schemes separate arrangements may apply.

5.1 There is no intention to move from the principles set out in *Partners in Meeting Housing Need*, i.e. percentages of 75% nominations rights on all new family housing (2bedroom +) and 50% nomination rights on non-family accommodation or other locally agreed percentages where applicable.

5.1.0 However, Where a borough has provided the site or additional funding then higher percentages may be negotiated.

5.1.2 The protocol recognises that the independence and regulatory requirements of housing associations must be recognised and that the percentage of nominations agreed must conform to the Housing Corporation's Regulatory Code and Guidance and additional guidance currently set out in Circular 02/03 *Local authority nominations* and any successor guidance. 

5.1.3 Nominations will be provided by the Boroughs according to the processes agreed between the sub-regions in discussion with the associations operating in the sub-region but will take into account the procedures set out in section 7.

5.2 Transfers

5.2.1. In the interests of community cohesion and sustainability the needs of both council and housing association transfer applicants will be properly considered within the nominations process.

5.2.2 The aim should be that a flexible approach will be adopted and that in particular, local authority and housing association transfer applicants will be given equality of access to new schemes with home seekers.

5.3. Nominations arrangements in the case of pan-London schemes

5.3.1 Pan-London nominations arrangements will be required and could be developed in parallel with this protocol, given the allocation of development funding by the Housing Corporation on this basis, but is beyond the scope of this protocol.

6. Sustainable communities

6.1. Local lettings plans are being used on many large schemes across London. A lettings plan should therefore be developed for larger sub-regional schemes.

The basic components are well recognised and usually address a balanced mix of incomes, vulnerability and a reasonable level of child density.

Although, it is recognised that further work is required on this at a sub-regional level, community sustainability is a desirable outcome of the lettings process. With this in mind the sub-regions should work with the housing associations to address the detail or undertake further research into local lettings plans.

7. Nominations procedures –new lettings

In the case of low cost home ownership schemes separate arrangements may apply

7.1 It is the responsibility of the sub-region to inform the associations of how nominations will be divided between the boroughs.

7.2 It is the responsibility of the association to let the sub-region know when the properties will become available.

7.3 Notification of vacancies

Wherever possible, at least 12 weeks before handover and no later than 8

weeks before handover, the housing association will inform the host borough or nominating borough of the properties available.

7.4 New properties will be pre-allocated wherever feasible.

7.5. Information Requirements

7.5.1. The boroughs agree to work towards supplying the following information on nominees:




- Name and current address
- Household type and composition
- Details of statutory status (whether a main duty is owed to the household under homelessness legislation)
- Ethnic origin
- Housing type preferences
- Location preferences
- Any special housing requirements
- Medical needs
- Current housing position
- Immigration status
- Nationality
- Support needs and packages
- Type of accommodation moving from and any additional available accommodation history
- Rent arrears
- Key worker status
- Details of previous barring from housing

Information requests will comply with Data Protection Acts 

7.5.2 Information required from the housing association


- Address of property
- Size
- Property type
- Bedroom number/capacity -e.g. 1 bed/2 person
- Number of reception rooms (in larger units)
- Floor level
- Rent level
- Shared amenity space
- BME nomination needed (where applicable)
- Any sensitive lettings criteria
- Any local lettings requirements
- Heating type
- Level of mobility accessibility (including wheelchair accessibility)
- Any other information needed by the choice based lettings scheme (if applicable).
- Unique selling points

7.6 Making nominations


- 7.6.1** The nominating authority will decide which applicants to nominate in line with its own housing allocations policy or choice based lettings procedures. These will be submitted to the housing association.
- 7.6.2** The nominating authority will notify nominees of the nomination.
- 7.6.3** Nominations should be made within 4 weeks of the request.
- 7.6.4** The nominating boroughs should check that they are taking only those nominations to which they are entitled.
- 7.6.5** **In the case of choice based lettings schemes only**
Any additional agreed procedures especially with regard to the placing of adverts and notification of bidders should be operated in accordance procedures agreed by the sub-region in discussion with the associations.
- 7.7** **Viewings and offers**
Viewings and offers are the responsibility of the housing association which will also liaise with other landlords as appropriate.
- 7.8** **Rejection of nominations** 
- 7.8.1** Current sub-regional arrangements will apply
- 7.9** **Dispute Resolution**
Sub-regional arrangements will apply.
- 7.10** **Refusals**
Current sub-regional arrangements should apply.
- 7.11** **Monitoring of applicants - CORE returns**
- 7.11.1** All lettings by stock transfer or other participating associations that are managing the housing authorities housing function under contract should record statutory lettings as nominations in the CORE return. 
- 7.11.2** Statutory lettings arising from choice based lettings scheme should also be recorded as nominations in CORE
- 7.11.3** All nominating authorities shall give information on the statutory status of the nominated households
- 7.12.** **Marketing properties** 
- Housing association should provide to nominating authorities such information

as is necessary to market new developments to prospective tenants.

8. Nominations procedure –relets

- 8.1** Arrangements for nominations to relets is a matter for discussion between the sub-region and the associations with whom, it works. The timings of nominations to relets are crucial to prevent voids however. Suggested timings for nominations to relets for consideration by the sub-region are given below.
- 8.2.** The housing association, as soon as it is aware of a potential void, will request nominees.
- 8.2.1** Housing associations will provide a proper cross-section of house types and sizes.
- 8.2.2** Nominations to relet vacancies will be provided within five working days of the notification of the request except in the case of choice based lettings where the parties will agree on appropriate timescales.
- 8.3** Some sub –regions have agreed to adopt an alternative process for the tracking and redistribution of relets across the sub-region, this approach is optional for other sub-regions. 

9.0 Vulnerable households in need of support

- 9.1** Some households will need support packages and the sub-regions and associations should work together to address the means of providing that support.
- 9.2** The parties could consider working towards a separate agreement to address this issue. Although this would require further work the use of the Association of London Government’s ‘*Notify*’ system could be explored. 
- 9.3** The parties agree to share appropriate and necessary information to enable support needs of vulnerable residents and potential residents of general needs housing to be met.
- 9.3.1** The permission of all nominees will be sought before information is disclosed. The information disclosed will be sufficient, impartial and valid. The information will should, ideally, include an initial assessment of risk to self or others posed by the nominee.
- 9.4** The Borough will provide, when responding to a request from a housing association for a nomination to a specific tenancy, detail of:

- any tenancy support given to the nominee whilst in temporary accommodation;
- any known involvement by any support agency with the nominee; and
- any concern that the nominee may need tenancy support, even if tenancy support has not previously been given and there is no known involvement of any support agency.)

10 Monitoring performance and outcomes

Monitoring processes are a matter for agreement between the sub-region and the associations with whom it is working but should be consistently applied and ensure that nothing in sub-regional working has an adverse impact upon the ability of members of BME communities to access the homes.

11.0 Review of this protocol

In order to protect the interests of all parties this Protocol will be subject to a minimum biennial review or more frequent review should this be agreed between the sub-region and the associations with whom it works.

Appendix 1: Definitions

Borough: London Borough or the Corporation of London

Designated Borough: a borough entitled to make nominations in a specific case to properties outside its own boundaries and that is sometimes known as an exporting or nominating borough.

Host borough: the borough in which a site is located. Sometimes also known as an importing or receiving borough.

Host Borough Premium (HBP): additional nomination entitlements arising from the role of the host borough in enabling a site to be developed or taking a lead role in nominations processes.

Housing Association: a registered social landlord registered with the Housing Corporation and regulated under the Housing Act 1996

Lead Housing Association: the housing association that is leading the development where there is a consortium of housing associations developing a site or managing the completed properties.

Nomination: selection of a household to a housing association vacant property made by a borough and accepted by the housing association

Nominating borough: see designated borough

Out of borough nominations: has the same meaning as 'inter' or 'cross' borough nominations and refers to nominations made by a designated borough to a property situated in another borough.

Statutory status: the status of the household whether they are statutorily homeless and owed a main homelessness duty under housing or homelessness legislation. 