

# Notice of Meeting

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## Overview and Scrutiny Management Commission

**Tuesday, 2nd December, 2014 at 6.30 pm**  
in Council Chamber Council Offices  
Market Street Newbury

Date of despatch of Agenda: Friday, 21 November 2014

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact David Lowe / Charlene Myers / Elaine Walker on (01635) 519817 / 519695 / 5194

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Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



**Agenda - Overview and Scrutiny Management Commission to be held on Tuesday, 2 December 2014 (continued)**

- To:** Councillors Brian Bedwell (Chairman), Jeff Brooks (Vice-Chairman), Sheila Ellison, Dave Goff, Roger Hunneman, Mike Johnston, Alan Macro, Garth Simpson, Virginia von Celsing, Quentin Webb, Emma Webster and Laszlo Zverko
- Substitutes:** Councillors Peter Argyle, Paul Bryant, George Chandler, Gwen Mason, Tim Metcalfe, David Rendel, Julian Swift-Hook and Keith Woodhams

## Agenda

### Part I

Page No.

1. **Apologies for Absence**  
To receive apologies for inability to attend the meeting (if any),
2. **Minutes** 1 - 8  
To approve as a correct record the Minutes of the meeting of the Commission held on 21 October 2014.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Actions from previous Minutes** 9 - 10  
To receive an update on actions following the previous Commission meeting.
5. **West Berkshire Forward Plan 17 December 2014 to 31 March 2015** 11 - 12  
*Purpose: To advise the Commission of items to be considered by West Berkshire Council from 17 December 2014 to 31 March 2015 and decide whether to review any of the proposed items prior to the meeting indicated in the Plan.*
6. **Overview and Scrutiny Management Commission Work Programme** 13 - 16  
*Purpose: To receive new items and agree and prioritise the work programme of the Commission for the remainder of 2014/15.*
7. **Items Called-in following the Executive on 20 November 2014**  
To consider any items called-in by the requisite number of Members following the previous Executive meeting.
8. **Councillor Call for Action**



**Agenda - Overview and Scrutiny Management Commission to be held on Tuesday, 2 December 2014 (continued)**

*Purpose: To consider any items proposed for a Councillor Call for Action.*

**9. Petitions**

*Purpose: To consider any petitions requiring an Officer response.*

**10. Housing allocations policy**

17 - 82

*Purpose: To conduct a review of the effectiveness of the Council's Housing Allocations Policy 12 months post implementation.*

**11. Self Insurance Fund**

83 - 120

*Purpose: To review the current level at which the Self Insurance Fund has been set, balancing the level of risk with the size of the reserve.*

**12. Scrutiny Recommendations Update**

121 - 124

*Purpose: To provide the Commission with an update on the progress of recommendations resulting from scrutiny reviews.*

Andy Day  
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



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**DRAFT**

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

**OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION****MINUTES OF THE MEETING HELD ON  
TUESDAY, 21 OCTOBER 2014**

**Councillors Present:** Brian Bedwell (Chairman), Sheila Ellison, Dave Goff, Roger Hunneman, Mike Johnston, Alan Macro, Garth Simpson, Virginia von Celsing, Quentin Webb and Laszlo Zverko

**Also Present:** Nick Carter (Chief Executive), Sarah Clarke (Team Leader - Solicitor), June Graves (Head of Care Commissioning, Housing & Safeguarding), Gary Lugg (Head of Planning & Countryside), Bryan Lyttle (Planning & Transport Policy Manager), Gary Rayner (Development Control Manager), Councillor Jeff Brooks, Councillor Hilary Cole (Planning, Transport (Policy), Culture, Customer Services, Countryside), David Lowe (Scrutiny & Partnerships Manager) and Charlene Myers (Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillor Emma Webster

**PART I****39. Minutes**

The Minutes of the meetings held on 1 July 2014, 21 July 2014 and 30 September 2014 were approved as true and correct records and signed by the Chairman.

**40. Declarations of Interest**

There were no declarations of interest received.

**41. Actions from previous Minutes**

**Resolved that** the report be noted.

**42. West Berkshire Forward Plan**

The Commission considered the West Berkshire Forward Plan (Agenda Item 5) for the period covering 01 November 2014 to 28 February 2015.

**Resolved that** the Forward Plan be noted.

**43. Overview and Scrutiny Management Commission Work Programme**

The Commission considered its work programme and concluded that OSMC/14/154 (Self Insurance Fund review) would be discussed at the next meeting of the Commission.

Councillor Brian Bedwell proposed that the Commission conducted a review into the number of trained Midwives in West Berkshire. This followed a report in the local media which had suggested that there was a shortage of Midwives which, in turn affected local residents. The Commission concluded that the proposal would be considered in full at the next meeting.

**Resolved that** the work programme be noted.

**44. Items Called-in following the Executive on 9 October 2014**

No items were called-in following the last Executive meeting.

**45. Councillor Call for Action**

There were no Councillor Call for Action.

**46. Continuing Healthcare (CHC)**

The Committee considered a report (Agenda Item 9) concerning the operation, policy and procedures of the Continuing Healthcare arrangements in West Berkshire.

Nick Carter and Fiona Slevin-Brown, Strategy Director (on behalf of Cathy Winfield – North West Reading CCG Chief Officer) introduced the report to Members which detailed the joint progress following the National Health Service (NHS) structural changes introduced in 2013. Nick Carter reminded the Commission that the Council commissioned an independent review into the operations of CHC prior to the structure changes. The review highlighted long Continuing Healthcare assessment waiting times and a need for a more coordinated approach. In response to this an action plan had been created and which was to be frequently monitored to assess the progress of tasks assigned to the PCT/CCGs and the Council respectively.

Nick Carter reminded Members that they received a positive update during the Commission meeting in April 2014. Overall waiting times had decreased and action had been taken to ensure the situation was closely monitored and controlled. Members concluded that suitable progress had been made and a follow-up report would be received 6 months later.

Nick Carter concluded that the report reinforced the positive progress made by the Council and CCGs. He was confident that newly introduced processes mitigated the risk of the situation deteriorating.

Councillor Brain Bedwell asked what measures had been introduced to manage the assessment process as stated in point 3 of the report. Nick Carter advised that roles and procedures for the Council and NHS had been jointly agreed and clarified. Standards had been reviewed and subsequently a multi-disciplinary team had been established to reinforce joint working and interpretation of the assessment criteria. Fiona Slevin-Brown advised that a lot of time and resource had been committed by the CCGs to ensure actions were delivered to address concerns which had been raised.

Councillor Garth Simpson highlighted that there were 6 cases reportedly 'outstanding' (a case which had not been concluded within 28 days). The Commission heard that the outstanding cases had been delayed due to missing information which was essential in order to make an informed decision. Members received reassurance that the number of outstanding cases had decreased significantly and all inherited cases (from the PCT in 2012) had been addressed. In summary, the reason for delayed cases was significantly different to those which had been previously reported.

Councillor Alan Macro stated that the statistics contained within the report reflected the position of the North West Reading CCG only and two CCGs worked within the boundaries of West Berkshire. Rachael Wardell advised the performance report was similar for both areas; however, at present that statistics could not be segregated.

Councillor Roger Hunneman asked why a decision had been made to reduce the number of advisors in the Council CHC team. Rachael Wardell explained that an additional advisor had been recruited on a contract basis to address the backlog of inherited cases. It was considered from the outset that the number of advisors would reduce when the workload decreased. Rachael Wardell advised that the current number of advisors was sufficient for the identified need within the service.

**RESOLVED** that the report be agreed.

**47. Affordable housing**

*(Councillors Sheila Ellison and David Goff joined the meeting at 18:45)*

The Commission considered a report (Agenda Item 10) concerning the process for delivering affordable housing within new developments.

Councillor Brian Bedwell introduced the item to the Commission and reminded Members that the topic was agreed following a Call-In which sought to focus on the processes for delivering affordable housing in the District.

Gary Lugg advised the Committee that the planning policies and processes covered a broad area supported by the Council Housing Strategy 2010-15 which set out the Housing Vision and key Housing aims.

One of the key actions set out within the Council Housing Strategy was to increase the supply of affordable housing through the adoption and implementation of a Local Development Framework Core Strategy. In addition, the National Planning Policy Framework (NPPF), introduced in March 2012, provided the Local Planning Authority (LPA) with the framework required to determine planning applications. Furthermore, the NPPF provided the definition of 'affordable housing' and 'viability'.

The NPPF required LPAs to develop an evidence base to ensure the delivery of full, objectively assessed needs for market and affordable housing in the housing market area.

Gary Lugg advised that the NPPF specified the policy for meeting the affordable housing need on a development site. However, consideration would be given to off-site provisions or a financial contribution of broadly equivalent value if reasonably justified.

The NPPF stated that to ensure viability and deliverability "the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the cost of any requirement likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and mitigation, should provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable". In addition, where obligations are being sought, local planning authorities should be sufficiently flexible to prevent planned development being delayed.

Gary Lugg advised the Commission that the Government further relaxed the rules on the provision of affordable housing in the Growth and Infrastructure Act 2013. Section 7 of the Act related to the "Modification or discharge of affordable housing requirements" which allowed a developer to appeal directly to the planning inspectorate to remove the requirement for affordable housing or reduce the level of affordable housing.

The Council's Core Strategy was developed in line with national planning policy and contained the local policy on affordable housing (CS6). The Inspector made a number of changes to the wording of the Council policy following a public examination. Overall, the West Berkshire Core Strategy Policy was, at the time, groundbreaking due to the number of development sites which it specified would require an affordable housing contribution (The national standard was 15 units and West Berkshire set 5 units or more).

Gary Lugg provided Members with the content of Core Strategy Policy 6:

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“Provision of Affordable Housing: In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development. The Council’s priority and starting expectation will be for affordable housing to be provided on-site in line with Government policy (48).

Subject to the economics of provision, the following levels of affordable housing provision would be sought by negotiation:-

- On development sites of 15 dwellings or more (or 0.5 hectares or more) 30% provision will be sought on previously developed land, and 40% on greenfield land;
- On development sites of less than 15 dwellings a sliding scale approach would be used to calculate affordable housing provision, as follows:-
  - 30% provision on sites of 10 – 14 dwellings; and
  - 20% provision on sites of 5 – 9 dwellings.

Proposed provision below the levels set out above should be fully justified by the applicant through clear evidence set out in a viability assessment (using an agreed toolkit) which would be used to help inform the negotiated process.

In determining residential applications the Council would assess the site size, suitability, and type of units to be delivered. The affordable units will be appropriately integrated within the development.”

Gary Lugg provided Members with information regarding the Development Control processes. He advised that the pre-application stage involved confidential discussions between the developer and the Council. The discussions were site specific and largely focused on policy requirements and processes.

Upon receipt of the application the LPA consulted the Housing Service and the assigned Planning Case Officer assessed the proposal against national and local policies. Consideration was given to other material considerations which included viability. If a Viability Assessment was required then independent consultants would be appointed on behalf of the developer and the Council.

Following receipt of consultation responses the Planning Case Officer would consider the application and whether it was appropriate to request a re-consultation with the Housing Service. Gary Lugg advised the Commission that the LPA would consider the application for approval or refusal and determine the recommendation either under delegated authority or through the appropriate area Planning Committee.

The final stage of the planning process could involve the application being considered at appeal or the Council using Enforcement Powers to enforce against non compliance with a legal agreement (although it was unusual to use such powers for affordable housing).

Councillor Brain Bedwell stated that West Berkshire clearly had a need to deliver a percentage of Affordable Housing for residents. He asked how the Council managed the demand to deliver affordable housing set by the Core Strategy target. June Graves advised that the Council sought to deliver a percentage of affordable housing within each new development (as set out within CS6) but it also strived to achieve as many



## OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 21 OCTOBER 2014 - MINUTES

affordable housing units above the CS6 target. In contrast, if the viability assessment provided a justifiable case for a reduced number of affordable housing units then it would be possible that the target would not be achieved.

Councillor Mike Johnson asked how the section 106 contributions were assessed and allocated and whether it was possible to adjust the allocation towards affordable housing in order to manage the impact upon other services. Gary Lugg advised that Section 106 contributions mitigated pressures exerted on local services through the development of additional dwellings. The level of affordable housing contribution, committed through the Section 106 agreement, was flexible and national guidance provided advice on how Local Authorities could work towards achieving the set target. Councillor Mike Johnson suggested that, through the Viability assessment, affordable housing contributions could be considered secondary to the other elements of a Section 106 agreement. Gary Lugg acknowledged Councillor Johnson's comment and advised that in some instances affordable housing contributions could be relaxed in order to proceed with a viable development plan.

Councillor Jeff Brooks asked what the current level of demand for affordable housing was within West Berkshire. Furthermore, he emphasised that the Council strived to deliver 30% of affordable housing but it was not known whether the target was feasible and necessary. Officers advised that it was difficult to quantify the exact level of demand. The Council strived to meet the target but each development was considered individually to assess viability. Gary Lugg advised that Officers worked closely with developers to shape the delivery of affordable housing from the offset.

Councillor Quentin Webb acknowledged that the Commission had been requested to consider the planning process rather than the policies therefore, he asked Officers whether they felt the process could be improved. Gary Lugg suggested that there was a perception that processes were ineffective or required improving. The process for negotiating Section 106 contributions, including affordable housing, was challenging but in most cases worked well.

The Commission acknowledged that a large proportion of Section 106 negotiations related to the level of affordable housing contributions. It was agreed that Members could benefit from understanding the Viability Assessment process and how decisions were made. Councillor Hilary Cole advised that a presentation had been organised for Members in November 2014.

### **Resolved that**

1. That the report on affordable housing be noted.
2. That Councillors' Bedwell, Brooks and David Lowe meet with the Chief Executive to discuss the affordable housing lessons learnt from the Parkway development.

## **48. Performance Report for Level One Indicators**

The Commission considered a report (Agenda Item 11) on the quarter one performance levels across the Council. Nick Carter advised that 10 items had been reported as 'amber' and no items had been reported as 'red' at present.

Councillor Mike Johnson questioned the terminology used in item 1.4 of the covering report and asked that future reports clearly stated the purpose of the information which followed. Nick Carter advised that the report would be reviewed to avoid confusion.

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Councillor Alan Macro challenged the RAG status associated with reintroduction of empty homes which had been set a target of 80 for the year (2014/15) and was currently reported as 0. Nick Carter advised that the RAG status considered anticipated delivery by the end of the year and therefore the current RAG status informed Members that the service expected that the target would be achieved by year end.

Councillor Macro asked whether there was any information behind the decrease in planning applications received. Rachael Wardell suggested that the figures would not reflect the number of properties delivered; one application could be submitted for a number of dwellings on one site and therefore, the number was not a significant concern.

Councillor Roger Hunneman stated that items which referred to the number of days to make a decision regarding new benefit claims and changes to benefit claims required further explanation within the report. Nick Carter acknowledged the suggestion and agreed that items reported as 'amber' required contextualising via supporting commentary. The Commission heard that the current RAG status for both items was not unusual at an early point of the financial year. Nick Carter stressed that, as per previous year's performances, the speed of processing increased through the year as volume of claims stabilised.

Councillor Jeff Brooks asked what could be done to address the number of delayed transfers of care as outlined within the report. Rachael Wardell advised that a significant amount of time and staff resources had been allocated to ensuring transfer times were managed effectively. The Commission heard that resources were committed to delivering against the target but transfer times were often influenced by contributing factors outside the Council's control. Rachael Wardell stressed that the target was important to ensure services were focused on delivering quick and efficient transfers but stressed that the conditions of the system sometimes delayed the process. In her opinion the current level of delayed cases were not a concern; the service would continue to try and reduce the number of delayed cases in line with the target.

Councillor Macro asked whether Section 106 negotiations would influence the time required to process 'major' planning applications within 13 weeks. Nick Carter advised that complex negotiations influenced processing times but it was not a regular occurrence. He advised the Commission to retain the current target level until the situation was understood further. Councillor Quentin Webb advised that the Task Group challenged the target and was satisfied with the justification provided by the service. He concurred with Nick Carter's suggestion.

Councillor Macro asked why the target had been lowered significantly for Key Stage 2, Special Education Needs (SEN) children's achievements. Rachael Wardell advised that the target reflected the needs and ability of the 2014/15 cohort.

**Resolved that** the report be noted.

### 49. **Annual target setting**

The Commission noted the report (Agenda Item 12) issued following a review of the annual targets set for 2014/15.

Councillor Macro suggested that mechanisms to monitor the number of Foster Careers and availability of Affordable Housing should be retained and therefore, included in within the report going forward.

It was agreed that the Commission would monitor the number of Foster Careers through item OSMC/14/159 (Reducing external placements costs) and that the report should be amended to include the number of affordable homes in West Berkshire.

**OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 21 OCTOBER 2014 - MINUTES**

**Resolved that**

1. The report be noted.
2. That the report be amended to reflect the number of affordable homes in West Berkshire.

*(The meeting commenced at 6.30 pm and closed at 8.20 pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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# Agenda Item 4.

<b>Title of Report:</b>	<b>Actions from previous meetings</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	2 December 2014

**Purpose of Report:** To advise the Commission of the actions arising from previous meetings

**Recommended Action:** To note the report

<b>Overview and Scrutiny Management Commission Chairman</b>	
<b>Name &amp; Telephone No.:</b>	Councillor Brian Bedwell – Tel (0118) 942 0196
<b>E-mail Address:</b>	bbedwell@westberks.gov.uk

<b>Contact Officer Details</b>	
<b>Name:</b>	Charlene Myers
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## 1. Introduction

- 1.1 This report provides the Overview and Scrutiny Management Commission with an update on the actions arising from meetings held 21 October 2014.

## 2. Actions

- 2.1 **Resolution:** Councillors' Bedwell, Brooks and David Lowe meet with the Chief Executive to discuss the affordable housing lessons learnt from the Parkway development.

**Action/ Response:** Meeting scheduled.

- 2.2 **Resolution:** That future performance indicator reports would be amended to reflect the number of affordable homes available in West Berkshire against the target which had been set within the Core Strategy

**Action/ Response:** Future reports will be amended accordingly.

## Appendix

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None

# Agenda Item 5.

<b>Title of Report:</b>	<b>West Berkshire Forward Plan</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	2 December 2014

**Purpose of Report:** To advise the Overview and Scrutiny Management Commission of items to be considered by West Berkshire Council from 18 June 2014 to 30 September 2014 and decide whether to review any of the proposed items prior to the meeting indicated in the plan.

**Recommended Action:** That the Overview and Scrutiny Management Commission considers the West Berkshire Council Forward Plan and recommends further action as appropriate.

Overview and Scrutiny Management Commission Chairman	
<b>Name &amp; Telephone No.:</b>	Councillor Brian Bedwell – Tel (0118) 942 0196
<b>E-mail Address:</b>	bbedwell@westberks.gov.uk

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<b>Tel. No.:</b>	01635 519695
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## Supporting Information

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### 1. Introduction

- 1.1 The Forward Plan attempts to cover all decisions, not just those made by the Executive, which the Authority intends to take over the next 4 months.
- 1.2 In order to hold the Executive to account, Overview and Scrutiny Management Commission Members are asked to identify any areas of forthcoming decisions which may be appropriate for future scrutiny.
- 1.3 The West Berkshire Council Forward Plan 17 December 2014 to 31 March 2015 is available at <http://info.westberks.gov.uk/index.aspx?articleid=29088> and will be displayed on screen during the meeting.

### Appendices

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There are no appendices to this report.



# Agenda Item 6.

<b>Title of Report:</b>	<b>Overview and Scrutiny Management Commission Work Programme</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	2 December 2014

**Purpose of Report:** To receive, agree and prioritise the Work Programme of the Commission.

**Recommended Action:** To consider the current, proposed and future items for scrutiny.

Overview and Scrutiny Management Commission Chairman	
<b>Name &amp; Telephone No.:</b>	Councillor Brian Bedwell – Tel (0118) 9420196
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# Executive Report

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## 1. Introduction

- 1.1 This report sets out a suggestion for a topic to be considered for scrutiny and the work programme for the Overview and Scrutiny Management Commission. The work programme is shown at Appendix A.

## 2. Proposal for scrutiny – maternity cover for West Berkshire’s residents

- 2.1 The 9 October 2014 edition of the Newbury Weekly News carried an article telling that during August 2014 the maternity unit at the Royal Berkshire Hospital had closed six times due to staff shortages. The maternity unit provides both pre- and post-natal services.

- 2.2 In order to understand the implications for the residents of West Berkshire, it is proposed that the Commission conducts a review into the operation of the Royal Berkshire Hospital’s maternity unit and in particular

- (1) To gain an understanding of the services provided by the unit
- (2) The staffing levels that are required for safe operation
- (3) The specific causes of the August closures
- (4) The remedial measures that have been taken to avoid any recurrence
- (5) To make recommendations as required.

- 2.3 The review would be undertaken by the full Commission at a scheduled meeting.

## 3. Recommendation

- 3.1 It is recommended that the Commission considers the current, proposed and future items for scrutiny.

## Appendices

Appendix A – Overview and Scrutiny Management Commission Work Programme.

## Overview and Scrutiny Management Commission Work Programme - 2014/15

Reference	Subject	Purpose	Format	Methodology	Start Date	End Date	Lead Officer / Service Area	Portfolio Holder	Status	Comments
OSMC/14/151	<b>Children's Services governance arrangements</b>	To assess the extent to which the internal and partnership bodies governing the activities of Children's Services collectively proved a framework that is necessary, comprehensive, efficient and effective.	Task Group		May-14	Nov-14	Mark Evans - 2735 Children's Services	Councillor Irene Neill	In progress	Suggested by Rachael Wardell and added to the work programme at the meeting of 25 February 2014. Task Group established - first meeting 18 July 2014
OSMC/11/129	<b>Housing Allocations policy</b>	To conduct a review of the effectiveness of the Council's Housing Allocation Policy	In meeting		Nov-13	Dec-14	Mel Brain - 2403 Social Care Commissioning and Housing	Councillor Alan Law	Scheduled	Review of the policy 12 months after its implementation. Item will also consider proposed changes to the scheme following receipt of further advice from the government.
OSMC/14/154	<b>Self Insurance Fund</b>	To determine the level at which the Self Insurance Fund should be set, balancing the level of risk with the size of the reserve.	In meeting		Dec-14	Dec-14	Andy Walker – 2433 Finance	Councillor Keith Chopping	To be scheduled	Suggested by Councillor Alan Law and added to the work programme at the meeting of 8 April 2014.
OSMC/09/02	<b>Performance Report for Level One Indicators</b>	To monitor quarterly the performance levels across the Council and to consider, where appropriate, any remedial action. Quarterly Item	In meeting		quarterly item	Jan-15	Andy Day - Head of Strategic Support	Councillor Roger Croft	Scheduled	Quarterly item. To be heard Q1: Sept 14, Q2: Jan 15, Q3: March 15
OSMC/12/149	<b>Newbury town centre parking</b>	To ensure that the needs of Newbury residents, businesses and visitors are appropriately balanced.	Task Group		Sep-14	Jan-15	Mark Edwards–2208 Highways and Transport	Councillor Pamela Bale	To be scheduled	Suggested by Councillor Tony Vickers and added to the work programme at the meeting of 2 July 2013. To be discussed following completion of the BID/WBC car parking review
OSMC/12/135	<b>Annual target setting</b>	To examine the annual targets being set for 2014/15.	Task Group (Clrs Webb, Webster & Vickers)	Task group working directly with PM officers	May-15	Jul-15	Jason Teal – 2102 Strategic Support	Councillor Roger Croft	Scheduled	Annual review. Task group scheduled to meet 30th June 2014.
OSMC/14/159	<b>Reducing External Placements Costs</b>	review the effectiveness and savings delivered by the Social Media Administrator.	In meeting		Jul-15	Jul-15	Mark Evans - 2735 Children's Services	Councillor Irene Neill		agreed at the meeting 1/7/14 that the item would return to the Comision 12 months post implementation to review the effectiveness and savings delivered by the Social Media Administrator.
OSMC/14/152	<b>Fairer Contributions policy</b>	To assess the intent and scope of the Fairer Contributions policy.	In meeting		May-14	Early 2015	June Graves - 2733 Head of Care Comm, Housing, Safeguarding	Councillor Keith Chopping	To be scheduled	Suggested by Councillor Gwen Mason and added to the work programme at the meeting of 25 February 2014. Heard at the meetings of 25 June 2014 1 July 2014. Agreed that there would be scrutiny involvement in the review of the policy scheduled to take place in late 2014/early 2015.
OSMC/09/157	<b>Revenue and capital budget reports</b>	To receive the latest period revenue and capital budget reports	In meeting	Quarterly item.	Apr-14	Ongoing	Andy Walker – 2433 Finance	Councillor Alan Law	Scheduled	May lead to areas for in depth review.
OSMC/14/155	<b>Affordable Housing</b>	The process for obtaining and delivering affordable housing within new developments, using Parkway as a case study	In meeting		Oct-14	Dec-14	Gary Lugg / June Graves	Councillor Hilary Cole	in progress	Item postponed - agreed at meeting 1 July 2014. considered at oct meeting update to be provided in december 2014
OSMC/14/158	<b>Delayed Transfer of Care</b>	To identify the causes of Delayed Transfers of Care (DToc) and how they might be addressed.	Task Group		TBC		Tandra Forster – 2736 Adult Social Care	Councillor Keith Chopping	to be scheduled	Suggested by Councillor Roger Hunneman and added to the work programme at the meeting of 20 May 2014
OSMC/14/153	<b>Severe weather</b>	To understand the effect of and response to severe weather experienced during the winter of 2013/14.	Special meetings		Jun-15	Jun-15	Carolyn Richardson - 2105 Civil Contingencies Manager	Councillor Pamela Bale	Scheduled	Review concluded in September 2014 - recommendations to be revisited in 2015. 1. Sand bag policy review 2. Communications Strategy 3. Recommendations / action plan progress report

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# Agenda Item 10.

<b>Title of Report:</b>	<b>Update on the Housing Allocations Policy - 12 Months post implementation</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	2nd December 2014

**Purpose of Report:** To update members of the Overview and Scrutiny Management Commission on the Housing Allocations Policy 12 months post implementation and raise awareness of proposed future amendments.

**Recommended Action:** It is recommended that the Overview and Scrutiny Management Commission notes the contents of the this report and conducts scrutiny accordingly.

**Key background documentation:** Allocation of accommodation: guidance for local housing authorities in England, CLG, June 2012  
Statutory guidance 'Providing Social housing for local people' (CLG, \Dec 2013)

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Roger Croft - Tel 07765 224249
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# Executive Report

## 1. Introduction

- 1.1 Following a request by the Executive, at its meeting of 10 January 2012, the Overview and Scrutiny Management Commission (OSMC) agreed to assist in the development of a new policy for the allocation of social housing. The OSMC task group met four times to assist in developing the Housing Allocations Policy. West Berkshire Council's current Housing Allocation Policy (HAP) was adopted in October 2013.
- 1.2 In accordance with section 167 Housing Act 1996, the scheme determines the Council's priorities and procedure to be followed in allocating housing accommodation, framed to ensure that reasonable preference is given to a number of defined categories. The scheme was developed with regard to statutory guidance, including the 'Allocation of accommodation: guidance for local housing authorities in England', published in June 2012
- 1.3 In December 2013, the Government published new statutory guidance. 'Providing Social Housing for Local People' (CLG, Dec 2013). In consequence, a review of the HAP has been undertaken and a number of amendments have been proposed to ensure that it reflects the requirements of the new statutory guidance.

## 2. Update on the Housing Allocation Policy – 12 months Post-Implementation

- 2.1. In October 2013, as part of the implementation to the new HAP, all existing Common Housing Register (CHR) applicants were required to complete an online re-registration form.
- 2.2 Applicants were required to complete the re-registration process so that administration staff could re-assess their applications in line with the new policy. The new application form required significantly more information than was previously gathered.
- 2.3 Any applicants identified to be vulnerable were offered either a face-to-face appointment or telephone support in completing the re-registration process. As expected not all applicants completed the re-registration process and the number of live applicants on the housing register decreased.
- 2.4 All applicants on CHR who completed the re-registration process were provided with an online personalised housing options action plan which summarised the available options based on the responses provided in the application. This continues to be an ongoing feature and one which has generated positive response from both service users and partner organisations.
- 2.5 All applicants who completed the re-registration process were sent a letter confirming their status on the CHR and their allocated number of housing need points. This letter advised applicants of their Right to Request a Review if they were dissatisfied with the outcome. We received 20 requests during the 12 months post-implementation period.
- 2.6 Prior to the implementation of the HAP extensive testing had been undertaken to confirm that those in the most housing need would still be in line for an allocation. In

practice we remain satisfied that the HAP continues to support applicants who are vulnerable and considered to be in the greatest housing need.

2.7 As of the 18th November 2014 the following data applies to the Common Housing Register.

Live Applications (Not all in Housing Need)	2602
Qualifying Applications	1074
Non Qualifying Applications	1528
One Bed Need	1342
Two Bed Need	880
Three Bed Need	292
Four + Bed Need	88

### 3. Proposed Amendments to the Allocations Policy

- 3.1 In December 2013, the Government published new statutory guidance, 'Providing Social Housing for Local People' (CLG, Dec 2013). In consequence, a review of the HAP has been undertaken and a number of amendments are proposed to ensure that it reflects the requirements of the new statutory guidance.
- 3.2 In addition to the proposed amendments to reflect the Statutory Guidance, some minor amendments have been proposed to offer clarification on the Housing Allocations Policy, remove inconsistencies and to reflect current operational practices and use of terminology (see Appendix A).
- 3.3 The proposals were presented to Corporate Board for consideration on the 11th November 2014 and are scheduled for consideration by Executive on 18th December 2014.

### 4. Proposals

- 4.1 The key changes to the proposed policy compared to the current policy are as follows:
- (a) Qualification - amend local connection qualifying criteria to residency or meaningful paid employment of at least 16 hours a week for 2 consecutive years. (Other aspects of local connection criteria remain the same)
  - (b) Social tenants and labour mobility – to allow for exceptions to local connection qualifying criteria to be applied to certain social tenants who need to move in order to sustain or take up employment
  - (c) Foster carers – inclusion in the policy to award an additional bedroom for approved foster carers.
  - (d) Homeless Households – new wording inserted to allow deferral of a CHR application for a minimum period of 4 months when a household is placed into temporary accommodation following acceptance of a full homelessness duty.

## **5. Consultation**

- 5.1 An eight week public consultation was undertaken during September/October 2014. During this period views and comments were sought on the proposed amendments.
- 5.2 The consultation was successful in generating a high level of interest and participation. The majority of feedback from consultees was positive, welcoming provisions to implement amendments to the qualification criteria, social and labour mobility and the inclusion of an additional bedroom for foster carers (see Appendix B).

## **6. Equalities Impact Assessment Outcomes**

- 6.1 A Stage 2 Equalities Impact Assessment was completed when the allocations policy was adopted in October 2013. The proposed amendments to the allocations policy have not affected the outcome of the assessment.

## **7. Conclusion**

- 7.1 The Housing Allocations Policy has now been in place for 12 months. As part of this process a full review of the register was undertaken. The implementation of the HAP went smoothly and has been well received by the majority of applicants and has been effective at allocating social housing to those households considered to be in the most housing need.
- 7.2 The deferral process within the HAP has been used in accordance with the policy and has effectively prompted some applicants to address their former rent arrears and other monies owed to the Council.
- 7.3 The Housing Service intends to recommend that Executive approve and adopt the proposed amendments to Housing Allocations Policy, as detailed in this report.

## **8. Recommendation**

- 8.1 It is recommended that the Overview and Scrutiny Management Commission notes the contents of the report and conducts scrutiny accordingly.

## **Appendices**

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Appendix A - Final draft Housing Allocations Policy

Appendix B - Verbatim Consultation Responses

Appendix C - Summary of amendments to Housing Allocations Policy following consultation and consideration by OSMC



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# Housing Allocations Policy

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## Document Control

<b>Document Ref:</b>		<b>Date Created:</b>	17 October 2012
<b>Version:</b>	2.1	<b>Date Modified:</b>	24 January 2014
<b>Revision due</b>			
<b>Author:</b>	Mel Brain	<b>Sign &amp; Date:</b>	
<b>Owning Service</b>	Care Commissioning, Housing & Safeguarding		
<b>Equality Impact Assessment: (EIA)</b>	<b>Date undertaken:</b>	January 2014	
	<b>Issues (if any):</b>	A copy of the EIA is available for viewing.	

## Change History

Version	Date	Description	Change ID
1	16/01/2013	Amendments following officer and Member comments	
2	23/08/2013	Amendments following public consultation and OSMC Task Group comments	
3	24/01/14	Amended to reflect new statutory guidance 'Providing Social housing for local people' (CLG, \Dec 2013) and to incorporate provision for foster carers.	



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## **Part One: Purpose and Context**

### **1. Purpose**

- 1.1 The purpose of this policy is to explain the framework by which the Council will allocate social and affordable rent homes in West Berkshire. There are large numbers of people looking for accommodation in West Berkshire. The Council can only offer practical help to a very limited number of households. This document sets out the Council's priorities for assistance with finding a home.
- 1.2 The Executive approved the Housing Allocations Policy on 17<sup>th</sup> October 2013.

### **2. Applicability**

- 2.1 This Policy applies to:
  - All applicants or potential applicants seeking housing through the Council's Common Housing Register (CHR) in West Berkshire
  - All Council Officers, Elected Members, Consultants, Agency staff and Contractors working for the Council, and external organisations working with the Council, who are involved in administering the Council's CHR or who are supporting applicants to make applications for housing through the CHR.
- 2.2 It is the responsibility of each CHR applicant, employee and other person mentioned in Section 2.1 to familiarise themselves with and adhere to this Policy.
- 2.3 This document is published and is publicly available for reference and viewing.
- 2.4 This Policy has had consultation with applicants on the CHR, West Berkshire residents, relevant stakeholders, including Registered Providers; Social Services, and other agencies who are engaged in supporting applicants on the CHR; Elected Members; and relevant Council Officers.

### **3. Roles and Responsibilities**

- 3.1 The overall responsibility for the allocation of social and affordable rented accommodation through the Choice Based Lettings (CBL) system within WBC rests with the Head of Care Commissioning, Housing & Safeguarding. Whilst this Housing Allocations Policy provides an over-arching framework, it should be noted that each Registered Provider (RP) will have their own Allocations Policy which they will have regard to when deciding whether or not to make an offer of accommodation.
- 3.2 The responsibility for day-to-day management of the Housing Allocations Policy throughout West Berkshire Council rests with the Head of Care Commissioning, Housing & Safeguarding. They are also responsible for maintaining this Policy, for reviewing all other security policies and procedures and for providing advice and guidance on their implementation.
- 3.3 All managers are directly responsible for implementing this Policy and any sub policies and procedures within their service areas, and for the adherence of their staff and others (See Section 2.1).

- 3.4 All personnel detailed at 2.1 have an individual responsibility to adhere to this Policy and any relevant Standards and/or Procedures.

#### **4. Review**

- 4.1 WBC will review this Allocations Policy every five years or sooner if there is a legislative or policy impetus to do so. All material changes (i.e. changes that are not minor but constitute a significant change that could have an adverse impact on applicants) will be subject to formal consultation and Executive approval.

#### **5. Housing in West Berkshire**

- 5.1 West Berkshire is a very popular place to live. There are many different types of homes in the district, including homes to buy on the open market or through affordable home ownership schemes; homes to rent from a private landlord or housing associations; homes designed for particular groups, for example, sheltered housing for older people, or housing with on-site support.
- 5.2 Many people are looking for housing provided for rent by social landlords. We have an extremely limited supply of social and affordable rented housing: each year we expect there to be fewer than 10% of households on the CHR housed into social or affordable rented housing. There is also high turnover on the CHR, with around 50% of applications being removed every year and a similar number of new applications being added.
- 5.3 Of the properties let each year, usually many are suitable only for single people and couples, and there is a shortage of family homes with three or more bedrooms. The majority of people on the register will unfortunately not be offered a social housing tenancy, however long they wait; for them, waiting for a social or affordable rented home is unrealistic, and other options must be considered. This might include privately rented property, or moving out of the district.
- 5.4 West Berkshire is a non-stockholding local authority and we work with a variety of RPs. In order to allocate the properties fairly, West Berkshire operates a Common Housing Register (CHR), called Home Choice West Berkshire. All of the RPs participate in Home Choice West Berkshire so there is a single point of access for social and affordable rented accommodation within the district.
- 5.5 Affordable homes in West Berkshire are allocated through a choice based lettings (CBL) system This advertises vacant homes and applicants can then bid for properties that they are interested in. Bids are then shortlisted according to assessed housing needs points.
- 5.6 This Housing Allocations Policy aims to ensure West Berkshire District Council's Common Housing Register meets the needs of the housing applicants across the district. The scheme will be open and transparent allowing applicants to express choice and preference over where they live, which will promote the development of safer and more sustainable communities.
- 5.7 This Policy meets the legal requirement for the Council to provide a statement on choice and it adheres to the "Allocation of accommodation: guidance for local

housing authorities in England” (CLG, June 2012). For more information, go to <http://www.communities.gov.uk/publications/housing/allocationaccommodationguide>

- 5.8 The West Berkshire Housing Allocations Policy also sits within the framework of the West Berkshire Sustainable Community Strategy and Council Strategy.

## Part Two: Eligibility and Qualification

### 6. Eligibility to join the register

6.1 Eligibility for an allocation of accommodation is set nationally. The Secretary of State has the power to determine who is an eligible person and the regulations setting out which classes of person from abroad are eligible or ineligible for an allocation are set out in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No. 1294) (the Eligibility Regulations)

6.2 The following categories of people are currently **ineligible**:

- A person subject to immigration control, unless s/he comes within a class prescribed in regulations made by the Secretary of State
- A person from abroad other than a person subject to immigration control.

### 6.3 Persons Subject to Immigration Control

A 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who requires leave to enter or remain in the United Kingdom under the Immigration Act 1976 (whether or not such leave has been given).

6.3.1 The following categories of people do NOT require leave to enter or remain in the UK:

- i. British Citizens
- ii. Certain Commonwealth citizens with right of abode in the UK
- iii. Irish citizens who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area
- iv. EEA nationals (i.e. nationals of any EU state (except the UK) and nationals of Iceland, Norway, Liechtenstein and Switzerland), and their family members, who have the right to reside in the UK derived from EU law. Whether an EEA national has the right to reside in the UK (or another Member State) will depend upon the circumstances, particularly their economic status (e.g. whether s/he is a worker, self-employed, a student or economically inactive)
- v. Persons exempt from immigration control under the Immigrations Acts, including diplomats and their family members based in the UK, and some military personnel

6.3.2 All other people will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations as set out below:

- i. *A person granted refugee status: granted five years limited leave to remain in the UK*
- ii. *A person granted exceptional or discretionary leave to enter or remain in the UK without condition that they or any dependents should make no recourse to public funds: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay.*
- iii. *A person with current leave to enter or remain in the UK with no condition or limitation and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area: such a person will have indefinite leave to enter (ILE) or indefinite leave to remain (ILR) and is regarded as having settled status. However, where the ILE or ILR is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry, or the date of sponsorship undertaking, whichever is later. Where all sponsors have died within the first five years, the applicant will be eligible.*
- iv. *A person who has humanitarian protection granted under the Immigration Rules: a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin.*
- v. *a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules."*

#### 6.4 Other persons from abroad who may be ineligible for an allocation

A person who is not subject to immigration control but who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- I. A person who is not habitually resident in the Common Travel Area unless they are:
  - i. An EEA national who is in the UK as a worker
  - ii. An EEA national who is in the UK as a self-employed person
  - iii. A person who is a family member of one of the three categories i-iii above
  - iv. A person with a right to reside in the UK by virtue of Regulation 15(c), (d), or (e) of the EEA Regulations
  - v.



vi. A person who is in the UK as a result of his or her deportation, expulsion or other removal by compulsion of law from another country to the UK.

- II. A person whose only right to reside in the UK is derived from his/her status as a jobseeker (or his status as the family of a jobseeker).
- III. A person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under Regulation 13 of the EEA Regulations
- IV. A person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in II or III above and which is derived from EU Treaty Rights.

6.4.1 A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. Accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7 (3) of the EEA regulations.

6.4.2 The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area. It implies an association between the individual and the place of residence and relies substantially on fact. Where it is suspected that an applicant has not been habitually resident in the Common Travel Area, the Housing Service will carry out an Habitual Residence Test to determine eligibility for an allocation of housing.

6.5 Further detail and information relating to eligibility can be found in the "Allocation of accommodation: guidance for local housing authorities in England" (CLG, June 2012). For more information, go to <http://www.communities.gov.uk/publications/housing/allocationaccommodationguide>. The Housing Service will have regard to this guidance, and any subsequent guidance, when determining an applicant's eligibility for acceptance onto the CHR.

## 7. Qualification

7.1 As a result of the high demand for housing in the district, set against the limited supply, the Council has chosen to make use of the freedoms offered in the Localism Act 2011. In particular, the Council wishes to increase access for households who have a defined local connection to West Berkshire and who have insufficient financial resources to secure accommodation in the private sector themselves (whether in rented, part-owned or full home ownership). The Council has had regard to the statutory guidance on social housing allocations, 'Providing social housing for local people' (CLG, January 2013) in formulating the qualification criteria.

## 7.2 *Qualifying households*

Subject to being eligible for an offer of accommodation (see Section 8 above), an applicant will qualify for the CHR if they, or an adult member of their household:

- have been resident in West Berkshire for at least 2 consecutive years immediately prior to their application being made OR they have a parent or adult sibling or adult child who has lived in West Berkshire for 5 consecutive years OR they have been employed in meaningful paid employment within the district, for 16 hours or more a week, for at least the last 2 consecutive years. The local connection criteria must be maintained for the duration of the application.

AND

- They have insufficient resources to secure accommodation, whether rented, part-owned or owned in the private sector. This will normally mean that the household has an income of £60,000 or less or capital of £16,000 or less. Owner-occupiers will be considered to have sufficient resources to secure accommodation unless they are able to provide appropriate evidence that this is not the case

AND

- They are assessed as having a housing need that places them within one of the reasonable preference categories (see Section 11)

7.3 For the purposes of reporting, it is the Council's intention only to report on the number of applicants who are classed as 'qualifying applicants'.

## 7.4 *Deferred Households*

The Council has decided not to close the CHR, however, households who do not meet the qualifying criteria above will be classed as deferred households. They will be accepted onto the CHR and will be pointed, however, they will not be considered for an offer of accommodation until, and unless, all qualifying applicants have been exhausted on any particular shortlist.

## 7.5 *Sanctions*

The Council wishes to encourage financial responsibility and good neighbourliness. It will therefore apply the following sanctions in the following circumstances:

7.5.1 *Behaviour serious enough to make the applicant unsuitable to be a tenant:* If an applicant, or a member of their household, has committed an indictable offence in, or in the locality of, their home or have admitted (or have a finding of act made against them in a civil Court) that they have behaved in a way which is capable of causing nuisance and annoyance to other people in the locality, the application will be removed. The applicant will need to demonstrate that there has been a significant change in circumstances, and be able to evidence that their behaviour has been suitably amended over a reasonable period of time (usually 12 months or five years in serious circumstances) and that there have been no repeat occurrences before they are able to re-apply. The onus is on the applicant to demonstrate to the Council that they have fulfilled these conditions and that a new application

should be accepted. The Council may seek a Police Disclosure Request as part of the assessment to determine whether an applicant or a member of their household is unsuitable to be a tenant or as part of the assessment to determine whether a new application should be accepted.

- 7.5.2 Money is owed to the Council for a housing-related costs where no regular payments are being made: if the applicant has been given financial assistance by the Council to facilitate access to private rented accommodation and is failing to adhere to the repayment plan, or has not paid ineligible charges arising from a temporary accommodation placement, or has other housing-related charges (e.g. court , travel, or storage costs or repair recharges) their application will be deferred. Applicants will need to demonstrate that they have made and adhered to an agreed payment plan for a period of at least three months before the deferment will be lifted.

The onus is on the applicant to demonstrate to the Council that they have fulfilled these conditions and the deferment should be lifted (e.g. by provision of receipts).

- 7.5.3 *Rent arrears that exceed eight weeks rent OR where no regular repayments are being made:* if the applicant has rent arrears that exceed eight weeks their application will be deferred. They will need to demonstrate that they have maintained a repayment plan for at least three months and that the arrears have been cleared or reduced to below eight weeks rent before the deferment is lifted.

If the applicant has rent arrears below eight weeks rent but has failed to enter into and adhere to a repayment plan, their application will be deferred. Applicants will need to demonstrate that they have made and adhered to an agreed payment plan for a period of at least three months before the deferment will be lifted.

The onus is on the applicant to demonstrate to the Council that they have fulfilled these conditions and the deferment should be lifted (e.g. by provision of receipts).

- 7.5.4 *Deliberate Worsening of Circumstances:* where it is considered that an applicant has deliberately worsened their housing circumstances, their application will be pointed in accordance with the circumstances applicable before the worsening took place and will be deferred for a period of 12 months. At the end of the 12 month period, the applicant can approach the Council and request that their application be reassessed in accordance with the current circumstances and that the deferment be lifted.

- 7.5.5 *Refusal of three reasonable offers of accommodation:* where an applicant is made three reasonable offers of accommodation and refuses each offer, the application will be deferred for 12 months. An applicant is considered to refuse the property if they made the bid for it (either themselves or upon request via a member of staff) and a) they have been made a formal offer of accommodation which they then decline; or b) they would receive the formal offer of accommodation but tell the RP they do not wish to be considered, whether or not they have attended a viewing, before the RP has an opportunity to make the offer.

**7.5.6 *Violence and Abuse Towards Staff:*** Violence and abuse towards staff (including staff of a partner Register Provider) is not acceptable. If a customer, or someone acting on their behalf, abuses or harasses a member of staff (including staff of a partner Registered Provider) in any way, including using offensive language, the Housing Service will stop dealing with them, or will restrict the types of contact that they have. In addition, the application will be deferred for a minimum of 12 months or, in extreme circumstances, removed. At the end of the 12 month period, the applicant can approach the Council and request that the deferment be lifted. If the applicant reapplies following removal, the applicant will need to demonstrate that there has been a significant change in circumstances, and be able to evidence that their behaviour has been suitably amended over a reasonable period of time (usually 12 months or five years in serious circumstances) and that there have been no repeat occurrences in order for the deferment to be lifted.. Registered Providers will be expected to provide evidence to the Housing Service of the violence, abuse or harassment to support any request to apply this sanction.

**7.5.7 *Providing false or misleading information:*** If an applicant knowingly provides false or misleading information on their housing application in order to gain an advantage over other applicants, the Council will remove their application. The applicant will be entitled to reapply after a minimum of 12 months. In addition, consideration will be given to whether prosecution or other legal action is appropriate.

## **7.6 *Exceptions to Qualifying Criteria***

In order to comply with the provisions of the legislation and in order to make provision for exceptional circumstances, the following exceptions to the qualifying criteria will be applied:

**7.6.1 *Armed Forces Personnel:*** subject to verification, the following groups will be exempt from the local connection qualifying criteria and will be treated as qualifying applicants, subject to meeting all of the other qualifying criteria:

- Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application to the CHR;
- Bereaved spouses or civil partners of those serving in regular forces where (i) the bereaved spouses or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner and (ii) the death was wholly or partly attributable to their service;
- Existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

**7.6.2 *Fleeing violence and/or threats of violence:*** in exceptional circumstances, an applicant may be fleeing violence, or threats of violence. In such cases, the

Council may decide to exempt the household from the local connection criteria, and treat them as qualifying applicants, subject to meeting all of the other qualifying criteria. This could be due to domestic abuse or racial violence, for example. This will normally be the case where the applicant is working with the Housing Options Service to resolve their issues and will be in accordance with homelessness provisions under Part VII of the Housing Act 1996 (as amended).

- 7.6.3 *Witness programmes*: in exceptional circumstances the housing authority may be approached to assist a household who are witness in a serious criminal case and who need to be moved to an alternative area for their own protection. In such cases, the housing authority will seek to cooperate with the relevant agencies and may decide to exempt the household from any or all of the qualifying criteria.
- 7.6.4 *Looked After Children*: for the purposes of local connection, a looked after child for whom West Berkshire Council has responsibility and who has resided in a placement outside of West Berkshire, will be deemed to have lived within West Berkshire for the length of the placement.
- 7.6.5 *Homeless Households*: The local connection criteria for the purposes of homelessness applications under Part VII of the Housing Act 1996 provides a less stringent test. Where the Council has accepted a full homelessness duty to an applicant (i.e. determined that they are eligible, in priority need and non-intentionally homeless, the housing authority *may* decide to exempt the household from the local connection qualifying criteria for the purposes of the Common Housing Register. As it is now possible to discharge homelessness duties into private rented accommodation, this decision will be at the absolute discretion of the housing authority and made on a case-by-case basis.
- 7.6.6 *Social tenants and labour mobility*: the Government has stated that housing authorities must make appropriate exceptions to their residency test for current social tenants who are seeking to move to take up a job or to be closer to their work. An exception to the local connection criteria will be made where a current social tenant wishes to move to take up a job or to be closer to their work and:
- ~ they have a permanent contract for 16 or more hours each week
  - ~ their place of work (not the head office) is within the district of West Berkshire
  - ~the travelling time if they do not move will exceed one and a half hours or more each way by a route and means of travel that is appropriate to their circumstances or circumstances of employment (based on current DWP guidance)
  - ~ the travelling time is unreasonable because of the applicant's health or their caring responsibilities.

**Social tenants are encouraged to pursue mutual exchange or landlord transfer as a means of meeting their relocation needs as they may encounter a lengthy wait for accommodation through the Common Housing Register.**

## 8. Treatment of applicants in specific circumstances

### 8.1 *16 and 17 year olds*

Applicants who are 16 or 17 years of age are able, subject to meeting the eligibility and qualifying criteria, to join the CHR. However, they will not normally be granted a tenancy by a RP without a Guarantor, usually an adult relative or friend acceptable to the RP, or the Head of Children's Services if the applicant has been looked after, accommodated or fostered by West Berkshire Council Social Services. In addition, if a tenancy or Deed of Trust accompanied by a Guarantor is offered by the RP, the young person may still need to agree to engage with an agreed support plan. Please refer to individual RPs for individual allocations policies regarding 16 and 17 year olds.

### 8.2 *Applicants who are residing in HM prisons*

Applicants who are residing in HM prison are able, subject to meeting the eligibility and qualifying criteria, to join the CHR but will be unable to bid for properties until one month before their release. To manage this process, their application will be registered from the date of receipt but will be deferred until the Housing Service is notified of the release date and it is one month before the notified date. Any bids made during the deferral period will be disregarded until the release notification period is activated.

### 8.3 *Applicants subject to MAPPA*

Serious offenders, including applicants who are the subject of MAPPA (Multi Agency Public Protection Arrangements) will be allowed onto the housing register, subject to meeting the eligibility and qualifying criteria, but will only receive an offer of accommodation after an appropriate risk assessment, which will take account of all factors, not just the legal conditions they may be subject to. This may restrict the choice of locations for which they can bid. Bids made for properties that are deemed inappropriate following risk assessment will be disregarded.

## 9. Transfer Applicants

- 9.1 Existing tenants of RPs or local authorities are entitled to apply to the CHR, subject to meeting the qualifying criteria and will be subject to the same rules as non-tenants.
- 9.2 Existing social tenants will be identified on the CHR as 'Transfers'. Non-social tenants will be identified as 'Homeseekers'. All applications will be assessed using the housing needs assessment.
- 9.3 The Housing Service may approach the applicant's landlord for a reference, particularly to confirm that the social tenant is not in breach of their tenancy agreement, either for reasons of behaviour or rent arrears, and to confirm the household details in order to verify over- or under-occupancy.
- 9.4 All RPs participating in the scheme will complete a landlord's reference form for all their tenants applying for re-housing, upon request. This is to ensure applicants are correctly pointed but also to reduce void times and former tenant arrears. In the majority of cases the applicant will not be made active on the register until the

landlord reference has been completed. In exceptional circumstances, the Housing Service may point an applicant without a landlord's reference

9.5 Where a RP is seeking to make an offer to a Transfer applicant, they are responsible for seeking a reference from the current landlord, at the point of offer, to confirm:

- The current property is in a good state of repair and cleanliness
- The property has a well maintained garden (if applicable)
- There is a clear rent account
- There is no outstanding possession action for breach of tenancy (notice seeking possession or notice to quit served, or a suspended possession order) injunction, ASBO or acceptable behaviour agreement
- No other outstanding debts are owed to the landlord (e.g. rechargeable repairs) or the Council (e.g. Rent Deposit Guarantee Scheme)

9.6 Offers will not be made if there is an issue with any of the above.

9.7 The Housing Service, in discussion with the relevant RPs, may give its consent to an offer of accommodation proceeding in circumstances where the above conditions are not met if there is a good management reason or exceptional circumstance (e.g. racial harassment, domestic violence). The Housing Service will consider each case on its merits.

## 10. Homebuy/Keyworker Accommodation

10.1 Various products are available for applicants that wish to buy or part-buy their home. These products are often branded as 'homebuy' but include a variety of options from traditional shared ownership (where the purchaser buys part of the property and pays rent on the remainder) to equity loan models.

10.2 All homebuy and keyworker living schemes are managed by the Zone Agent for West Berkshire and monitored by the Housing Strategy & Enabling Team at West Berkshire. Catalyst Housing Group is the Zone Agent for West Berkshire.

10.3 All applicants applying for homebuy/keyworker accommodation must also be registered and assessed on the Common Housing Register to be eligible for assistance.

10.4 The exception is the Council's 'First Step, Next Step' equity loan deposit scheme. Further information on this scheme can be found on the Council's website [www.westberks.gov.uk](http://www.westberks.gov.uk) or by contacting the Council's Housing Strategy Department.

## 11. Reasonable and Additional Preference

11.1 The Council operates a points-based housing needs assessment (see Appendix One). The assessment awards points for specific housing needs and each application is assessed in accordance with their specific circumstances.

11.2 The housing needs assessment has been framed to ensure that certain applicants, as defined in the Housing Act 1996, are given 'reasonable preference'. In addition,

the Council has determined that some applicants should receive 'additional preference'.

11.3 The Housing Act 1996 provides that applicants who fall within the following groups should be given 'reasonable preference':

- People who are homeless within the meaning of Part 7 of the Housing Act 1996 (as amended) (including those who are intentionally homeless and those not in priority need)
- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (as amended) or who are occupying accommodation secured by any housing authority under s.192(3)
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to a disability
- People who need to move to a particular locality in the district of the housing authority where failure to meet that need would cause hardship (to themselves or others).

11.4 In addition to those groups of people to whom the Council must give reasonable preference, the Council believes that priority should be given to households who do not have the financial resources to secure accommodation in the private sector, whether rented, part-owned or owned and to applicants who have a defined local connection to West Berkshire.

11.5 The Council has determined that the following groups of people who fall within the reasonable preference groups should receive 'additional preference':

- Households who currently occupy social or affordable housing within West Berkshire that is too large for their current needs and who have expressed a desire to move
- Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remain in their current homes
- Households that contain a member who needs to move as a matter of child or adult protection
- Households who need to move urgently because a member of the household requires substantial care that cannot be provided or received unless they move or who requires adaptations that cannot be made unless they move
- Households who are experiencing multiple problems, which can only be resolved by a move, and who have a care or support plan in place supported by relevant agencies



- 11.6 Where two or more households have the same level of assessed housing need (i.e. they have the same number of housing need points) priority between them will be determined by their CHR registration date.

## 12. Additional Preference & the Armed Forces

- 12.1 The Government has published regulations requiring local housing authorities to give certain groups of the Armed Forces additional preference where they fall within a reasonable group and have an urgent housing need. To give effect to this, the Council will make an award of housing need points to members of the Armed Forces who fall within the following groups and who are in a reasonable preference group and who are deemed to have an urgent housing need:

i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,

(ii) formerly served in the regular forces,

(iii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or

(iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

- 12.2 For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.

- 12.3 In order to be awarded the additional housing need points, the applicant must either be homeless (within the meaning of Part 7 of the Housing Act 1996) OR be owed a duty under section 190(20), 193(2) or 195(2) of the 1996 Act OR have overcrowding or disrepair points OR have medical or social needs points AND need to move urgently due to a life threatening illness or disability or be statutorily overcrowded or be homeless or at risk of homelessness as a result of violence or threats of violence.

## 13. Adjusting Preference

- 13.1 In certain circumstances, some applicants may be given more or less preference than others. The following are examples of the circumstances in which the preference given for a property may be adjusted:

### 13.2 Rural Exception Sites

Rural Exception Sites are small developments in rural settlements that have been developed as an exception to normal planning policy. To qualify as a rural exception site, a local housing need must be established via the results of a recent local housing needs survey and occupancy of the dwellings must be reserved for local people. The scheme must be available for affordable housing in perpetuity and must not adversely affect the rural character of the

area. All households who wish to be considered for housing in a rural exception site will be required to register on the West Berkshire Common Housing Register.

13.3 To ensure that the occupancy of rural exception sites is prioritised for local people, the following cascade mechanism is applied:

1. Applicants who meet the following criteria who require the bedroom size available and would not under-occupy, namely:

Applicants who are resident within the Parish and have lived there for at least the last three years continuous residence or five years out of previous ten

**OR**

Applicants who have immediate family or close dependents resident in the Parish who have lived there for at least the last three years continuous residence or five years out of the previous ten and intend to remain in the parish. "Immediate family" means parents, child, children, and siblings.

**OR**

Applicants who were resident in the Parish for the last three continuous years, or five years out of the previous ten but were unable to remain due to affordability

**OR**

Applicants who have been in paid employment within the Parish for at least 2 years, for a minimum of 16 hours each week.

2. Applicants currently living and/or working in the Parish who require the bedroom size available and would not under-occupy, but who do not fulfil the criteria detailed in 1 above in respect of length of residency or minimum hours of work.
3. Applicants who meet the criteria detailed in (1) above but who do not require the bedroom size available and would therefore under-occupy by 1-bedroom.
4. Applicants who meet the criteria detailed in (2) above but who do not require the bedroom size available and would therefore under-occupy by 1-bedroom.
5. Applicants living and/or working in named adjacent Parishes who require the bedroom size available and who would not under-occupy, and who fulfil the following criteria, namely:

Applicants who are resident within the adjacent named Parishes

and have lived there for at least the last three years continuous residence or five years out of previous ten

**OR**

Applicants who have immediate family or close dependents resident in the named adjacent Parishes who have lived there for at least the last three years continuous residence or five years out of the previous ten and intend to remain in the named adjacent Parishes. "Immediate family" means parents, child, children, and siblings.

**OR**

Applicants who were resident in the named adjacent Parishes for the least the last three continuous years, or five years out of the previous ten but were unable to remain due to affordability

**OR**

Applicants who have been in paid employment for at least 2 years for a minimum of 16 hours each week, within a named adjacent parish.

6. Any other applicants resident in West Berkshire registered on the Common Housing Register with a housing need i.e. 'qualifying' applicants.
7. Any other households registered on the Common Housing Register i.e. 'non-qualifying' applicants.

13.4 There are a number of older Section 106 Agreements that apply a different cascade mechanism. Where this is the case, the shortlist will be worked in accordance with the Section 106 Agreement rather than the above policy.

13.5 The cascade mechanism allows for under-occupation in certain parts of the cascade. Given the welfare benefit reforms that restrict occupation of social tenancies on the basis of household need, and the potential financial implications that this will have for tenants, RPs will carry out a financial appraisal for the household before an offer of accommodation is made that allows under-occupation. Where it is deemed that the household may be eligible but could not afford the accommodation, a bypass will be applied.

13.6 Local Letting Plans

Local Letting Plans serve to achieve agreed objectives, such as reducing high levels of anti-social behaviour, reducing family densities in certain areas or to improve the success rate of integrating young or vulnerable people into general needs housing.

13.7 Local Letting Plans are developed on a site by site basis to address the requirements of that specific area, development or block of accommodation.

- 13.8 Where these plans are in place, the lettings will be carefully monitored by the Housing Service to ensure that allocations across the whole Allocations Scheme continue to give reasonable preference to the identified categories and that the policies do not discriminate, directly or indirectly, on racial or other equality grounds. Information about particular local letting schemes will be available from the relevant RP and will appear on the CBL advert for individual properties.
- 13.9 A Local Letting Plan will identify particular needs of a small area within West Berkshire, or of a new housing scheme or redevelopment, and seeks to use the allocation of housing to ensure that the community will be as sustainable as possible, for example, that there will be a mixture of ages of children.
- 13.10 The Council will work with RPs across the District to identify neighbourhoods, areas and schemes which would benefit from a Local Letting Plan.
- 13.11 Local lettings may be used to:
- Enable new schemes to be allocated to a mixture of tenants in order to develop a sustainable community
  - Enable an existing community to become more sustainable, for example, by encouraging more working families to move into the area
  - Enable sensitive lettings on schemes which have had high levels of anti-social behaviour
  - Enable households to return to an area they left for redevelopment to take place.
- 13.12 This list is not exhaustive and Local Letting Plans may be agreed in other circumstances where there is evidence that the local community would benefit from such a plan and there is no significant adverse impact on other communities. The equalities impact of local lettings schemes will be considered before they are agreed.
- 13.13 All Local Letting Plans will have clear criteria, which are openly published. When a property which is being advertised under the Home Choice scheme is subject to a Local Letting Plan, this will be stated clearly on the advert.
- 13.14 The adoption of this Policy has delegated authority to agree Local Letting Plans to the Head of Care Commissioning, Housing and Safeguarding, in consultation with the Portfolio Holder.
- 13.15 Any Local Letting Plan will be agreed for a limited time, after which it will be reviewed, and lettings will revert to the main policy if possible.
- 13.16 *Sensitive Lets*  
Occasionally, an individual property may be identified as a 'sensitive let'. This may be because the landlord is seeking to address the balance of occupants in the local area in order to create a sustainable community or it could be due to the need to protect and enhance the local demographic. For example, if there has been significant anti-social behaviour in the locality and a property becomes available for re-let, it may be advertised as a sensitive let to try and prevent further issues

arising. The reasons are likely to be similar to those applied for a Local Letting Plan but are applicable just to one property.

13.17 The Housing Service will seek to develop a Local Letting Plan that specifically allows for sensitive lets, however, until this is completed, a RP may, with the Housing Service's prior agreement, advertise a property as a sensitive let, giving preference to particular households, where there is evidence that this would be beneficial to the neighbourhood. The property advert will clearly state that the property is being treated as a sensitive let.

13.18 *Adapted Homes*

If a property becomes available for let and has been adapted to meet the needs of a disabled person, it will be advertised as giving preference to a household who have need of those adaptations.

13.19 *Preference to Over/Under-Occupying Social Tenants*

In order to make best use of stock and to ensure that the housing needs of applicants are met appropriately, a property that becomes available for let may be advertised as giving preference to social tenants living in West Berkshire who are either over- or under-occupying their accommodation. It is expected that the home they would free up should they move will be released back into CBL.

## Part Four: Housing Need Assessments

### 14. Housing Need Assessment

- 14.1 The assessment of housing need is made upon receipt of an application, in accordance with the published housing needs assessment (Appendix One). Section 11 explains how the housing needs assessment has been framed. This section provides additional detail on each specific housing need identified within the housing needs assessment.
- 14.2 Assessments of housing need are primarily based upon the information provided within the application. However, further information may be sought from the applicant and/or relevant professionals. The Housing Service may also undertake visits to verify information.
- 14.3 Overcrowding  
This assessment is included as it relates to the reasonable preference groups. The Council uses a bedroom standard as an appropriate measure of overcrowding for allocation purposes. The bedroom standard allocates a separate bedroom to:
- ~ every adult couple (married or unmarried)
  - ~ any other adult aged 16 or over
  - ~ any two children of the same sex aged 16 or under
  - ~ any two children aged under 10
  - ~ any other child.
- 14.4 The assessment will be made on the basis of the rooms available for use as a bedroom, regardless of how the household chooses to use those rooms. For example, it may be reasonable to class a dining room as a room usable as a bedroom.
- 14.5 For the purposes of overcrowding assessment a bedsit or studio flat is deemed to have one bedroom, as it has been designed to provide live/sleep accommodation.
- 14.6 Points are awarded for each bedroom that a household is short of, as determined by the bedroom standard, capped to a maximum of two bedrooms short.
- 14.7 Under-Occupancy  
The Council has decided that applicants who currently occupy social or affordable rented housing within West Berkshire that is too large for their current needs and who have expressed a desire to move should be given additional preference.
- 14.8 The reasons for this are two-fold: firstly, the Government is introducing under-occupancy sanctions for social tenants of working age and the consequence of them being unable to move may be increased rent arrears and potentially, eviction; secondly, the Council wishes to free up family-sized accommodation which is in short supply and high demand, thus making best use of existing resources.
- 14.9 A set award of housing needs points is applied to anyone who meets the criteria set out in 14.6 above, regardless of the number of rooms that they are over-accommodated by.

14.10 Lacking or Sharing Amenities

Households that occupy insanitary or otherwise unsatisfactory living circumstances are expected to be given reasonable preference. Lack of access to essential amenities, for example, a toilet, bath or shower, kitchen, clean drinking water or electricity, would fall within this category.

14.11 If an applicant is completely lacking one or more of the above-named essential amenities, they will be awarded a set amount of 'lacking' points. In order to be awarded these points, a verification visit will need to be completed.

14.12 If an applicant has access to the essential amenities but has to share them with persons who are not on their housing application, they will be awarded a set amount of 'sharing' points.

14.13 For clarification, lacking points will be deemed to place an applicant in a reasonable preference category, whilst sharing points will not. This is because it is considered reasonable for people to share facilities, for example with their parents or if they live in a room in a shared house.

14.14 Security of Tenure

The reasonable preference groups include applicants who may be subject to a duty under Part VII of the Housing Act 1996 (as amended) and in addition, the Council focuses on the prevention of homelessness through its housing options work. The award of Security of Tenure points reflects both of these requirements.

14.15 Security of Tenure points are awarded in four categories, dependent upon the level of security that the applicant has:

14.15.1 *At Risk of Homelessness*: this includes applicants who are in private rented, forces or tied accommodation who have been served notice that will expire within the next 2 months and where the local authority believes the Landlord will act; owner-occupiers who have been issued with a possession order by the court; Care leavers who are ready to move on and whose current accommodation will end within the next two months, as confirmed by Childrens Services. Wherever possible, Childrens Services are encouraged to provide Housing Services with 6 months notice that a young person will be leaving care and to ensure that the young person has a Leaving Care Plan.

14.15.2 *Homeless or Supported Housing*: this includes applicants to whom a housing authority owes a duty under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (as amended); applicants who are occupying accommodation secured by a housing authority under section 192(3) of the Housing Act 1996 (as amended); applicants who are 'homeless at home' (subject to confirmation by the Housing Options Team); applicants who live in a hostel, supported lodgings, refuge; applicants who live in supported independent living who are ready for move-on; applicants who are awaiting discharge from hospital but whose home is not longer suitable and cannot be made suitable either through a care package or adaptations; applicants who are street homeless (subject to verification).

14.15.3 *Family & Friends or NFA*: this includes applicants who are living with family or friends or who are deemed to be no fixed abode (potentially sofa-surfing).

14.15.4 *Other*: applicants who live in private rented accommodation, armed forces accommodation, social or affordable rented (whether Council or RP) and owner-occupiers (whether shared or full) who are not subject to a notice and who do not fall into one of the groups identified above.

14.16 Applicants can only receive one award of security of tenure points. Each category has a set award of points.

#### 14.17 Families

It is recognised that for some families, particularly those with young children, some accommodation may make day-to-day life difficult. This does not fall within either the reasonable or additional preference groups. It should be noted that whilst these awards are made and whilst such accommodation may not be ideal, given the prevailing housing circumstances of the district, it is still deemed reasonable and suitable for a family with young children to be accommodated in such accommodation.

14.17.1 *Accommodation with no garden*: families with children aged under 10 years, living in accommodation with no garden, will be made a small set award of points. Families with children aged 10 or over, or who have children aged under 10 but who have shared access to a garden, will not be awarded these points.

14.17.2 *Accommodation above or below ground floor*: families with children aged under 5, living in accommodation that is above ground floor level, or which has external access and is below ground floor level (e.g. a basement flat), will be made a small set award of points. Families with children aged 5 or above will not be awarded these points.

14.17.3 *Disabled Children and accommodation above or below ground floor and/or with no garden*: Managers within the Housing Service have discretion, on a case-by-case basis dependent upon relevant evidence, to award 5 points for a child who is over the age 10 and who is disabled and who has no access to a garden; and to award 5 points for a child over the age of 5 and who is disabled and who lives in accommodation above and below ground floor. For garden points, matters that will be considered will include the risk of the child running away, whether they have a lack of stranger danger awareness or a lack of road safety awareness and the need for an enclosed safe play area. For above/below ground floor points, matters that will be considered will include whether the child is non-ambulant (a wheelchair user) or has a mobility impairment that affects their ability to manage stairs or steps.

#### 14.18 Medical Needs

The Council is required to give reasonable preference to people who need to move due to their health, disability or access needs.

14.19 Points in this category not awarded simply because an applicant has a medical condition. The assessment will consider:



- The degree to which the health condition of the applicant, or a member of their household, affects their ability to cope with normal daily living activities in relation to his/her housing circumstances
- The degree to which a change in housing circumstances would enable the applicant, or a member of their household living with mental distress, to maximise their recovery potential and achieve enhanced social inclusion

14.20 Medical needs points will be assessed and awarded by the Housing Register Supervisor and countersigned by another Housing Manager. Where appropriate, evidence will be sought from the applicant's GP or other medical practitioner who has knowledge of their health condition. The award of medical needs points may be accompanied by a condition that the applicant is only considered for certain types of accommodation (for example, ground floor or adapted accommodation).

14.21 A medical form may be submitted for each member of a household who has a health condition that would be relieved by a move to alternative accommodation.

14.22 Welfare & Social Needs

The Council is required to give reasonable preference, and in some cases would wish to give additional preference, to people who need to move on welfare grounds, for example, to allow someone to give or receive care or support, to address child or adult protection concerns, to move-on from supported housing where support is no longer required, or to address urgent multiple issues that can only be resolved by a move.

14.23 Applicants who consider that they may fall into the category of welfare and social needs should discuss this with their Housing Options Officer or other professional with whom they are working. A separate Welfare & Social Needs Form must be completed by the Housing Options Officer or other appropriate professional (including but not limited to social workers, family support workers and CMHT staff) and should have evidence attached where appropriate. Forms that are incorrectly completed will not be assessed and will be returned to the submitting officer for correction: this is due to the high volume of applications received and the additional work that an incorrect form creates for housing staff.

14.24 Where Medical Needs Points may be appropriate, Welfare & Social Needs will only be considered after the Medical Needs assessment has been completed.

14.25 Welfare & Social Needs applications will be assessed by a panel of two Housing Managers. Points are awarded on a scale from 0 points to 50 points. Due to the reasons for which Welfare & Social Needs points may be applied, the award of points may be time-limited or include conditions (for example, that the applicant can only be considered for property in a certain area or for ground floor/adapted accommodation).

14.26 Disrepair

Households that occupy insanitary or otherwise unsatisfactory living circumstances are expected to be given reasonable preference. A set award of points is given for disrepair.

- 14.27 Applicants who consider that their home is in disrepair should send photographs and any other relevant evidence (for example, if they have had an enforcement notice served by Environmental Health) to the Housing Register Team, who will review it and determine whether an award is appropriate.
- 14.28 One of the most common issues raised by applicants is damp and mould. In the majority of cases, this is due to lifestyle and the Housing Register Team will send advice to the applicant on how to manage this. Disrepair points will not be awarded for damp and mould arising from lifestyle but if the problem is extreme, the Housing Register Team may consult with Environmental Health to confirm whether it is a more serious underlying problem that would warrant an award.
- 14.29 Armed Forces Personnel  
This additional preference award is made to applicants who meet the criteria set out in Section 12.
- 14.30 Discretionary Points  
The Service Manager, in consultation with the Head of Care Commissioning, Housing & Safeguarding, is able to award discretionary points to an application in exceptional circumstances only. This would usually be in rare and extreme circumstances, for example, if a household needed to be urgently moved as part of a witness programme.
- 14.31 Discretionary points are not awarded at the request of applicants and will usually be requested by a relevant professional for circumstances that cannot be ordinarily be covered by the housing needs assessment.

## Part Five: Management of Allocations

### 15. Who can be included on a CHR Application?

- 15.1 We will only consider applications to house the applicant, their partner, their immediate family, and anyone else with an exceptional need to live as part of the household. This is because we have such shortage of larger properties, so families need to consider whether other people living in their household could move into smaller properties of their own. All applicants must be currently living in the Common Travel Area at the time of, and for the duration of, the application.
- 15.2 Partner means someone who lives with the applicant as a partner, or who would live with them if they were able to. This includes mixed-gender and same-sex couples, whether or not they are married or in a civil partnership.
- 15.3 Immediate family means the applicant's children or their partner's children, aged 20 or less, who live with the applicant all the time, or for four or more nights every week. If a child is living with a partner or has his/her own children, s/he may not be included on the application unless they have an exceptional need to live with the applicant. Young people living away from home as students will not be included on the application. If you have children aged 21 or over who are living at home, we can advise them on housing options. They may apply to the Housing Register in their own right, but may have low priority, in which case they will need to consider all other options (see Section 2 on housing options).
- 15.4 Applicants who have shared responsibility for children will only have them considered as part of their household if it is determined that the children reside with them for at least 50 per cent of the week or more. In particular, the Housing Service will seek to confirm with which parent the children have their main or principle home and the children will only be considered on the application of this parent. Where the 'main carer' cannot be identified, the Council will have regard to which parent receives benefits in respect of each child. Each case will be assessed on its own merits and determined alongside current legislation and case law.
- 15.5 If members of the immediate family live elsewhere in the UK, they can be included on the application, but we encourage families to consider applying to be re-housed where they live, especially if the demand for housing is lower there.
- 15.6 Immediate family does not include the applicant's (or their partner's) parents, grandparents, brothers, sisters, aunts, uncles, grandchildren, nieces, nephews, cousins, friends, or lodgers, unless they have an exceptional need to live as part of the household. If the applicant and partner are separating, they must provide us with evidence of who is legally allowed to remain in the property, such as a court property order detailing to whom the property is assigned. Accommodation for children will be allowed for with only one parent, on whom the children are dependent.
- 15.7 People who have an exceptional need to live with you means people who are not included in the definition of 'immediate family', but who have a real need to live as part of the household in order to give or to receive care or support. This may include:

- A child (of the applicant or partner) aged 21 or over, who cannot live independently because of a disability or care need
- A carer, if someone in the household needs full-time care and no one in their immediate family is able to provide this
- An adult (or elderly) relative who needs to receive care. For some elderly people, moving to sheltered or extra care accommodation is the best alternative.

15.8 If you wish to include people not in your immediate family on your housing application, you must explain on your application why it is necessary for them to live with you. We may also require you to provide evidence such as: a court order, a social services or occupational therapy assessment, or evidence that you are in receipt of carer's allowances. If you have not had a care assessment for a relative, we may require you to arrange one. If the person coming to live with you is moving from abroad, we will require evidence that they have recourse to public funds or of a sufficient sponsorship undertaking in place.

15.9 Where a household has been accepted as statutorily homeless by the Council, the application can include anyone who we accepted as part of the original homelessness application. For families with adult children, the Council will encourage them to seek independent housing if possible, to increase the chance of the applicant being re-housed in a reasonable time.

15.10 If you are a social housing tenant, and we agree to re-house your immediate family but not everyone who is currently living with you, you will be asked to make sure that none of them remain in the property once you have left.

## 16. Eligible property sizes:

16.1 The policy on property size (bedroom allocation), is as follows:

You are entitled to one bedroom for:

- every adult couple (married or unmarried)
- any other adult aged 16 or over
- any two children of the same sex aged 16 or under
- any two children aged under 10
- any other child

16.2 For households that include a pregnant woman, the calculation will not make allowance for the baby until it is born and the birth certificate has been provided.

16.3 For the purposes of overcrowding assessment a bedsit or studio flat is deemed to have one bedroom, as it has been designed to provide live/sleep accommodation.

16.4 *Households who require a carer* - Housing Benefit provisions permit an extra bedroom to be included in the Housing Benefit assessment for tenants in the private rented sector who have care provided by someone who lives elsewhere. This will apply where a customer or their partner has a recognised need for overnight care and has a bedroom that is used by a carer, or carers, for overnight stays as part of

caring for the customer or partner. The Housing Allocation Policy makes provision for an extra bedroom to be awarded in exceptional circumstances, in line with this policy, and only after discussion with the Benefits Service. All such exceptions will be approved by a Care Commissioning, Housing & Safeguarding Service Manager in consultation with the Head of Care Commissioning, Housing & Safeguarding.

- 16.5 *Households with a disabled child* - Managers within the Housing Service have discretion to award an additional bedroom in exceptional circumstances where there is a severely disabled child who cannot share with siblings, subject to consideration of the following:
- Medical evidence
  - Whether the child is in receipt of Disability Living Allowance (or in future Personal Independence Payment)
  - The nature and severity of the disability
  - The nature and frequency of care required during the night
  - The extent and regularity of the disturbance to the sleep of the child who would normally be expected to share the bedroom.
- 16.6 A decision to award an additional bedroom for the purposes of the CHR is not an indication that Housing Benefit will be paid. Applicants will therefore need to ensure that they are able to meet any potential rental shortfall arising through Social Sector Size Criteria before accepting an offer of accommodation.
- 16.7 *Foster Carers* - The council recognises the contribution that foster carers make towards ensuring that children in West Berkshire are cared for. For this reason, one additional bedroom can be awarded to those applicants approved to foster and where recommendation is made by Social Services to provide accommodation because the current accommodation is not large enough or would cause overcrowding. A check will be made with the Family Placement team prior to allocation to ensure that the applicant is still an approved foster carer.
- 16.8 Housing Benefit Regulations allow approved foster carers an extra bedroom for use by a foster child or children under the size criteria rules where:
- ~ Approved foster carers have a child placed with them
  - ~ Approved foster carers who are between placements but only for a period of up to 52 consecutive weeks from the date of the last placement
  - ~ Newly approved foster carers but only for a period of up to 52 consecutive weeks from the date of the approval, if no child is placed with them during that period.
- 16.9 A decision to award an additional bedroom to approved foster carers for the purposes of the CHR is not an indication that Housing Benefit will be paid. Applicants will therefore need to ensure that they are able to meet any potential rental shortfall if they do not fall into one of the above categories or cease to be an approved foster carer.

## 17. **Assessment of Application**

- 17.1 Upon verification of a new application or receipt of a Change of Circumstances Form or Annual Review Form, the applicant's housing need will be assessed and priority awarded by means of the housing needs assessment scheme (Appendix One). The applicant's living circumstances, security of tenure, medical and social

needs, condition of property, length of time in housing and local connection will be taken into account.

- 17.2 It should be noted that points may be time limited or have conditions attached. If conditions are not met, they may be removed.

## **18. Notification of points awarded**

- 18.1 All applicants will be verified, assessed and entered onto the Home Choice Register. The applicant will be notified in writing of this and will be told of the outcome of the assessment, including whether or not their application is eligible, qualifying or deferred, what points they have and any information about bidding, the registration date and details about how to bid.
- 18.2 Applicants on the CHR have a right to request certain general information such as whether the application will fall into the reasonable preference category, whether a bid is likely to be successful, and the likely waiting time. This information will be available through the reporting function on the bidding process and included on the weekly advert sheets.

## **19. Changes in circumstances**

- 19.1 Applicants are required to keep their application up to date. Some minor changes can be made online by the applicant, other changes need to be notified to the Council, and the applicant will need to complete a Change of Circumstances Form.
- 19.2 If an applicant's circumstances change, for example, they move house, have a baby, or someone moves in/out of their home, they must update their application. If the Housing Service needs more information to reassess the applicant's housing needs, they will contact the applicant. The Housing Service will not reassess needs if it is unlikely to change the applicant's points level: for example, medical needs will not be reassessed if the applicant has developed another minor illness but will be reassessed if the applicant has moved to alternative accommodation.
- 19.3 If the Housing Service becomes aware, or have reason to believe, that an applicant's circumstances have changed, the application will be hibernated until the Housing Service has been able to verify the applicant's circumstances or an on-line Change of Circumstances Form is received.
- 19.4 Once the Change of Circumstances Form is received, the application will be reassessed. If further information is required in order to carry out the assessment, the application will be suspended until the information is provided.
- 19.5 If the on-line Change of Circumstances Form is not received, requested information has not been provided or verification has not been possible, within 28 days of the Housing Service becoming aware of a change in an applicant's circumstances, the application will be removed.

## **20. Annual Re-Registration**

- 20.1 Applicants will be contacted annually on the anniversary of the date of their application and asked to complete an on-line Change of Circumstances Form (to act as the Annual Review Form) confirming their basic details and any changes in

their circumstances. They will be advised to complete the form within 28 days and that if they fail to do so, their application will be cancelled and removed.

20.2 Removed applications can be re-instated for up to 3 months after removal, upon contact from the applicant, subject to the applicant being able to provide a reasonable explanation of their failure to complete the form.

20.3 If applicants wish to cancel their application at any time, they must submit this in writing to the Housing Service.

## **21. Homeless Households**

21.1 Applicants who have been accepted under the Housing Act 1996, amended by the Homelessness Act 2002, as being homeless or threatened with homelessness will qualify to join the register, subject to meeting the other criteria.

21.2 Applicants will not be considered for accommodation whilst any homelessness application or request for a review is being investigated and the CHR application will be suspended pending a decision on the homelessness application or review request.

21.3 The allocation of non-secure accommodation under Part 7 of the Housing Act 1996, amended by the Homelessness Act 2002 (s195(2)) (providing temporary accommodation to accepted homeless families) is outside the scope of this policy.

21.4 Applicants to whom a full housing duty has been accepted and who are placed in temporary accommodation will have their CHR application deferred for a minimum of 4 months. This is to allow the Housing Service time to identify any ongoing support needs and to confirm that the applicant is able to effectively manage and sustain a tenancy prior to being offered settled accommodation.

21.5 The Housing Service will review the deferral after four months but may extend this period if the tenancy is not being satisfactorily maintained. Applicants in temporary accommodation who have had notice served on them, either for rent arrears or for breach of tenancy agreement will remain deferred until such time as the notice expires or the breaches/rent arrears are remedied/cleared

21.6 The Housing Service reserves the right to place bids on behalf of applicants to whom it owes a s.193 Homelessness Duty, in order to discharge the duty. In making such an offer, the Housing Service will need to be satisfied that it is suitable for the applicant and that it is reasonable for the applicant to occupy. Applicants have the right to request a review of suitability of accommodation made to discharge a s.193 duty and are therefore advised to accept the offer, rather than refuse it, and to request a review if they do not consider it to be suitable or reasonable to occupy.

21.7 The Housing Service will consider all options to discharge s.193 duties, including discharge into the private rented sector. This will not prevent an eligible and qualifying applicant from remaining on the CHR.

## **22. Decanting**

22.1 The Housing Service will seek to agree a decant programme with the relevant RP where tenants have to leave their existing accommodation permanently because it is being demolished for redevelopment or significantly refurbished. The terms of any moves will be set out in a separate offer to affected tenants and leaseholders. Decanting tenants will be supported to find alternative accommodation, and where necessary direct offers of accommodation will be made. If the tenant is on an assured shorthold tenancy with the RP, rather than an assured tenancy, the Housing Service will seek to find the tenant alternative private rented accommodation.

## **23. False or misleading information and fraud prevention**

23.1 It is an offence to make a false statement and/or knowingly withhold information when making an application for the Housing Register. The maximum fine is £5,000

23.2 Any failure to include relevant information, to hide material facts or to attempt to obtain housing through false information will be treated as fraud. The Council treats housing fraud seriously and will take legal action against applicants found to have committed fraud.

23.3 The Housing Service may visit applicants at home to verify details of an application. Visits may be undertaken without notice. If an applicant cancels or misses two or more pre-arranged appointments for verification visits, the application will be awarded nil points and deferred until the Housing Service is able to verify the application.

23.4 Ground 5 in Schedule 2 of the Housing Act 1985 as amended by Section 146 of the Housing Act 1996 enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenant or person acting at the tenant's instigation.

23.5 If an applicant knowingly provides false or misleading information on their housing application in order to gain an advantage over other applicants, the Council will remove their application for a minimum of 12 months. The applicant will be entitled to re-apply after a minimum of 12 months. In addition, consideration will be given to whether prosecution or other legal action is appropriate

## **24. Cancelling, Suspending and Deferring Applications**

24.1 A housing application may be cancelled and removed if the applicant:

- or a member of their household is deemed to have displayed behaviour serious enough to make the applicant unsuitable to be a tenant
- has asked in writing for it to be cancelled
- has been housed by a RP in an assured or an introductory tenancy
- has moved and not informed the Housing Service of any new address or circumstances, and the Housing Service is unable to contact the applicant
- has not responded to a written request for information needed to assess the application, within 28 days
- has not replied to an annual review request within 28 days



- has not completed a Change of Circumstances Form within 28 days of the Housing Service becoming aware of a change in the applicant's circumstances
- has provided false or misleading information

24.2 A housing application may be hibernated or suspended, if

- the applicant has asked for it to be suspended until a later date
- the applicant is temporarily unable to move, for example due to be admitted to hospital
- the applicant requires housing with support and is refusing a support package required to sustain the tenancy
- the applicant has had a change in circumstances and the Housing Service are awaiting a Change of Circumstances Form
- information has been requested from the applicant
- information has been requested from a third party
- the applicant has made a homelessness application that is pending a decision
- the applicant has requested a review of a homeless decision
- it is pending CHR Team assessment for deferral

24.3 A housing application may be deferred, if the applicant

- does not meet the qualifying criteria
- owes money to the Council for a Rent-In-Advance and/or Rent Deposit Guarantee where no regular payments are being made
- has rent arrears that exceed eight weeks rent OR where no regular repayments are being made
- has deliberately worsened their circumstances
- has refused three reasonable offers of accommodation
- is in HM Prison, until one month prior to release date
- has been violent or abusive to staff (including RP staff)
- is placed in temporary accommodation following acceptance of a full housing duty
- is served notice for rent arrears or breach of tenancy whilst in temporary accommodation, following acceptance of a full housing duty

## 25. Advertising Properties

25.1 Properties will be advertised on a weekly basis, with new properties advertised on a Thursday and bidding closing at noon on the following Wednesday.

25.2 The adverts will be placed:

- On the website
- In the advert sheet
- In the reception areas of West Berkshire Council and Registered Providers with office space within the district
- Other local facilities, as appropriate

25.3 Applicants have the right to request general information from local housing authorities that will enable them to assess whether accommodation appropriate to their needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available. To facilitate such requests, the weekly Property Sheets will provide information on previous adverts, including:

- The date of the property sheet
- The advert reference
- The property type
- The location
- The number of bids received
- The number of points on which the property was let
- The registration date of the successful applicant.

## 26. Bidding

26.1 The Council seeks to offer applicants on the CHR a choice over the areas and properties in which they wish to live. In order to be considered for an allocation of a particular property, applicants must bid via Choice Based Lettings. In certain circumstances, for example, where the Council has accepted a homelessness duty to an applicant or where a risk assessment is required (e.g. for an applicant subject to MAPPA), choice may be restricted.

26.2 Applicants can only register bids for properties for which they meet the eligibility criteria specified in the advert. Any bids that are ineligible for the property advertised will be disregarded.

26.3 Applicants can make as many bids as they wish in any weekly cycle, subject to being eligible for the properties advertised. There is no need to bid more than once for any one property.

26.4 Applicants must view the advert prior to placing a bid and should be sure that they would accept an offer if made. Applicants who refuse three reasonable offers of accommodation will be deferred for 12 months (see Section 7.4.5).

26.5 In the case of new developments where there are a number of properties with the same characteristics only one advert will be placed, and each applicant will need to submit one bid only.

26.6 The bidding cycle will start at 12.00 noon on a Thursday and close on 12.00 noon on the following Wednesday. Bids received after this deadline will not be accepted.

26.7 Applicants (or the applicant's advocate) can register a bid for the property by:

- Telephoning the Housing Office (during office hours)
- Telephoning 0870 727 6919 (7p per minute)
- Using the website [www.homechoicewb.org.uk](http://www.homechoicewb.org.uk)
- In person at West Berkshire District Council Offices

26.8 To register a bid, the applicant will need to supply the following information:

- Registration number
- Name
- Date of birth

- Property reference number

## 27. Assisted Bidding

- 27.1 Vulnerable applicants will be identified from the application process. Housing Service staff will contact potentially vulnerable clients and seek to establish what their support needs are in relation to bidding for properties, and identify ways of enabling the applicant to participate in the bidding process.
- 27.2 Vulnerable applicants will be able to nominate a person to bid on their behalf or to help them bid for suitable properties. The applicant can also nominate a family member or friend to receive correspondence or make applications for vacancies on their behalf.
- 27.3 If an applicant is receiving support from another professional or voluntary agency or organisation, the Housing Service will, with the applicant's agreement, contact the worker to ensure that they understand the procedures and that necessary support is provided. All agencies funded through Supporting People should be able to provide their clients with help on housing issues. If appropriate, training will be given to external agencies that would also be in a position to help their clients with bidding.
- 27.4 Applicants can also receive support from Housing Register staff with bidding by:
- Visiting the reception desk at the West Street House Offices, open from 12 noon to 3 pm each weekday.
  - Phoning the Housing Office between 8.30am-5pm Monday to Thursday and 8.30am-4.30pm on Fridays

## 28. Assessment of Bids

- 28.1 Once bidding has closed, a shortlist will be produced that lists applicants in order of the highest housing need points followed by registration date.
- 28.2 Where an advert has been advertised with adjusted preference (see Section 13), the shortlist will prioritise those applicants who meet the preference criteria by order of housing needs points and then registration date, followed by those who do not meet the preference criteria by order of housing needs points and registration date. The Housing Service may verify applicants' circumstances prior to forwarding the shortlist to the RP. The RP will be expected to carry out their own verification checks prior to making an offer.
- 28.3 Non-qualifying and deferred applicants will not be considered for an offer of accommodation until, and unless, all qualifying applicants have been exhausted on any particular shortlist.

## 29. Making an offer

- 29.1 The relevant RP will contact up to the top three applicants for each property, arrange a home visit as necessary to complete a pre-tenancy assessment, and

offer the applicant a viewing date and time. The offer of a viewing does not constitute an offer of accommodation.

- 29.2 The RP will ensure each applicant is aware of their priority place i.e. 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> and the applicant must inform the RP at the viewing whether they are interested in the property. The RP will then send a formal offer to the applicant with highest priority who has expressed an interest in that property.
- 29.3 Applicants who advise a RP that they no longer wish to be considered for a property, and who would potentially have been made an offer, should be aware that this will be classed as a refusal. If three reasonable offers of accommodation are refused, the applicant may be deferred (see Section 7.5.5).

### **30. Bypassing Applicants**

- 30.1 In all cases when a RP elects not to offer a property to the highest priority applicant on the shortlist, who has expressed their interest in the property, the landlord must seek agreement from the Local Authority to bypass the applicant.
- 30.2 The RP must give the reason for requesting the bypass and have received agreement by the Local Authority prior to offering the property to the next applicant on the short list.
- 30.3 Bypassing reasons cannot be blanket policies (e.g. applicants with alcohol problems). However, where there is an agreed sensitive letting policy or local lettings plan or s.106 exception sites prior to advertising the property, this is acceptable but only if this information formed part of the advertised criteria.
- 30.4 Applicants should be aware that some Registered Providers carry out pre-tenancy assessments, in line with their own Allocations Policies and may seek to bypass applicants for whom they consider the accommodation to be unaffordable.

### **31. Refusals**

- 31.1 Where an applicant is made three reasonable offers of accommodation and refuses each offer, the application will be deferred for 12 months. An applicant is considered to refuse the property if a) they have been made a formal offer of accommodation which they then decline; or b) they would receive the formal offer of accommodation but tell the RP they do not wish to be considered, whether or not they have attended a viewing, before the RP has an opportunity to make the offer.
- 31.2 Applicants should therefore be sure that they are interested and would be willing to accept the property, if offered, prior to placing a bid. A refusal will not be counted as such if the property can be shown to be unsuitable. This could include: medical grounds, social grounds (including potential harassment or violence), or financial hardship.

### **32. Discharge of Duty**

- 32.1 The Council will seek to allow applicants, to whom a full homelessness duty is owed, the opportunity to exercise choice and bid in the normal way. However, given the shortage of accommodation and the pressures on the Housing Service, the Council retains the right to place bids on applicant's behalf for accommodation that is considered to be suitable and reasonable to occupy.

32.2 If a property is offered and then refused, the Local Authority may discharge its homelessness duty if the property is held to be suitable for the applicants needs. The right to occupy temporary accommodation would be brought to an end.

### **33. Housing for applicants in need of specialist accommodation**

33.1 The district benefits from a number of supported housing schemes. These are managed by a range of agencies and have individual referral and allocation criteria, depending upon the client group and the level of support offered.

33.2 Given the specialist nature of these schemes, it will not be appropriate to advertise such vacancies for general needs occupation. For access to supported accommodation, applicants will be considered through the relevant housing and support panel

33.3 Individuals with special needs who wish to apply for accommodation should complete the Home Choice West Berkshire registration form. This will be assessed and a separate arrangement will be made specifically for supported housing.

33.4 To ensure that households are aware of supported housing schemes, and the need to register with the West Berkshire Home Choice scheme, general adverts will be included within the website advert sheets.

### **34. Equality and Diversity**

34.1 The Council is required by Section 166 of the Housing Act 1996 (amended by the Homelessness Act 2002), to ensure advice and information about the right to make an application for housing and to provide assistance to anyone likely to have difficulty making an application.

34.2 West Berkshire Council is home to people from a wide range of backgrounds. We are committed to equal opportunities in housing. This means that we seek, subject to the nationally prescribed eligibility criteria, to ensure that priority for housing is based on housing need and that housing policies are fair to all sections of the community regardless of age, disability, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sexual orientation.

34.3 Where required, the Housing Service will provide translation and interpretation, large print or signing services to ensure that applicants and potential applicants have advice and assistance to make an application.

34.4 All applicants for housing or re-housing will be asked to provide details of age, gender, ethnic origin, religion and sexual orientation. This is to ensure that properties are being offered and allocated fairly.

## **Part Six: Reviews and Complaints**

### **35. Right to Review**

35.1 An applicant has the right to request a review of a decision that his or her CHR application:

- Is ineligible for an allocation of accommodation
- Does not qualify for an offer of accommodation
- Has been suspended from the CHR
- Has been deferred from the CHR
- Has been removed from the CHR.

35.2 The Housing Service will advise an applicant in writing, with the reasons, if any of the above affects their CHR application.

35.3 Applicants will be notified of their right to request a review of these decisions. Anyone wishing to do so must advise the Authority in writing within 21 days of the decision date (a standard form will be provided), giving their reasons for doing so.

35.4 As evidence is taken in written form it is very important that, when making the request for a review, the applicant, or someone acting on their behalf:

- Brings to the Council's attention any new information, not already on file, that they wish to have considered
- Addresses the reasons for the decision in their case set out in the decision letter
- Explains why they think the decision is wrong.

35.5 If no written representations are received the matter will be decided on the facts already known.

35.6 An officer senior to the officer who made the original decision, and who has not been involved in the original decision, will carry out the review and respond to the applicant.

35.7 The Council will determine the review within eight weeks (56 days). If there is a delay with the review decision the applicant will be advised in writing of the reason for the delay and a revised timescale.

35.8 A copy of the senior officer's decision, and the reasons for it, will be sent to the applicant as soon as possible after the decision is made.

35.9 If the applicant disagrees with the review decision, they can seek judicial review or take their case to the Local Government Ombudsman.

### **36. Complaints**

36.1 Where an applicant considers that they have been treated unfairly or believes that there has been maladministration of the scheme, they can make a formal complaint

to the Council. This is distinct from the procedure to request a review of a decision that has been made in accordance with the West Berkshire Home Choice policy. The complaints procedure cannot be used to challenge the outcome of reviews.

36.2 The Council's complaints procedure is detailed in the leaflet 'How to complain' and copies can be obtained from the Council Offices, Market Street, Newbury.

36.3 There is a simple three stage process for corporate complaints.

#### 36.3.1 *Informal – Stage 1*

The applicant may write a letter, use the form on the website, email us or use the paper form to complain. The complaint should be sent to the Service Manager - Housing Strategy & Operations or to the Complaints Officer. The Council will acknowledge the complaint once received and a senior officer will investigate and respond within 10 working days. If the Council needs more time to investigate the complaint, the investigating officer will write to the applicant advising of when they hope to provide a final response. If it is found that Council has failed to provide the level of service the applicant should expect, the Housing Service will apologise, and seek to put things right. The applicant is welcome to put forward views of what needs to be done to resolve any problem.

#### 36.3.2 *Formal investigation – Stage 2*

If the applicant is still unhappy once the investigation at Stage 1 has finished, they can ask to have their complaint investigated more formally by a senior manager in another service – usually the Policy & Scrutiny Manager in Policy & Communication. The response at Stage 1 will advise the applicant how to do this. The Council will acknowledge the applicant's request for a review, and seek to respond within 20 working days. . If the Council needs more time to investigate the complaint, the investigating officer will write to the applicant advising of when they hope to provide a final response.

#### 36.3.3 *An Ombudsman Review – Stage 3*

The Council will try to resolve most complaints internally, but if the applicant is still unhappy after their complaint has gone through the Stage 1 and Stage 2 Council processes, they may then refer the complaint to the Local Government Ombudsman, who will carry out an independent review.

To make a complaint to the Ombudsman, contact the Advice Team on:

**Tel:** 0300 061 0614 8.30-5 Mon-Fri

**Email:** [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

**Or write to:** The Local Government Ombudsman, PO Box 4771,  
Coventry, CV4 0EH.

[www.lgo.org.uk](http://www.lgo.org.uk)

36.3.4 The Ombudsman's office suggests that complainants provide a daytime telephone number so they can contact them to discuss the complaint. The Ombudsman will investigate the complaint and suggest ways to resolve it. This may include a local settlement (the Council taking some action to put things right). If the Ombudsman considers there has been maladministration by the Council he may also suggest ways to improve our processes in future.

36.4 If the complaint is against the RP, the applicant should contact the RP, in order to discuss their Complaints Process. If this fails, the Independent Housing Ombudsman should be contacted.

36.5 The Council is committed to responding quickly and effectively to any complaints and comments, and to use these and any compliments about the service to review and improve ways of working.

### **37. Monitoring**

37.1 Members of the Housing Service do undertake regular checks to verify details on the CHR to prevent fraud.

37.2 The scheme will be closely monitored by the Housing Service to ensure that it is operating equitably and fairly.

37.3 Other information will be collected in order to complete the P1E returns on performance required by central Government and in order to assess any additional areas of unmet housing need, as appropriate.

37.4 The policy will be reviewed every 5 years. The review will include an Equality Impact Assessment on the Policy as a whole. Should any significant amendments be required, consultation would be undertaken with relevant stakeholders including elected members prior to a decision being made.



## Glossary

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Additional Preference	Groups of people who are within a Reasonable Preference Group and to whom a local authority may give additional preference for an allocation of social housing under the Housing Act 1996
Affordable Rent	Tenancies let by Registered Providers on rent levels of up to 80% of open market rents
ASBO	Anti-Social Behaviour Order – a civil order made by the Court against perpetrators of anti-social behaviour. The ASBO will usually restrict behaviour in some way, for example, it may state that they are not to be abusive to neighbours or are not to enter a certain area
Choice Based Lettings (CBL)	A system to advertise available social housing that enables applicants to bid on properties that they wish to be considered for. Once the advert closes, a shortlist is run and the property is allocated to the applicant with the highest housing need
Common Housing Register (CHR)	A single waiting list for all social housing in West Berkshire, managed by the Council
Common Travel Area	The United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland
Hibernated Application	The application is, in effect, suspended and each time the applicant logs in they will be asked to complete a form to provide updated details on their circumstances. Applicants cannot bid whilst their application is hibernated.
Homeseekers	Applicants who do not currently live in social housing but who wish to move into social housing
Multi-Agency Public Protection Arrangements (MAPPA)	A statutory process through which the Responsible Authorities (Probation, Police and Prison Services) work together with Duty to Cooperate Agencies such as Mental Health/YOS/Housing/Social Care (children and adults) Job Centre Plus/Health to manage the Risk and help reduce the re-offending behaviour of Sexual and Violent Offenders in order to protect the public including the victims from serious harm
Reasonable Preference	Groups of people to whom preference must be given for an allocation of social housing under the Housing Act 1996
Registered Providers (RPs)	Housing providers who are registered with the Homes & Communities Agency

Section 106 Agreement	A legal agreement under the Town & Country Planning Act 1990 that sets out planning obligations that the developer is required to meet as part of the planning consent. A Section 106 Agreement can be used to require the developer to provide affordable housing and, in the case of rural exception sites, to restrict occupancy of that social housing to people with a specified local connection
Suspended Application	The application is suspended so the applicant is unable to bid. However, unlike a hibernated application, the applicant is not asked to complete a form detailing the change in their circumstances.
Social Rent	Tenancies let by Registered Providers on rent levels set at 'target' rents (usually 40-50% of open market rents) set by the Homes & Communities Agency. These are traditionally the cheapest rents in the market
Transfers	Applicants who are currently living in social housing but who wish to move to alternative social housing

## Other Relevant Documentation

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Appendix One – Housing Needs Assessment

## Appendix One Housing Needs Assessment

Each application is assessed in accordance with the housing needs assessment, which awards points for each housing need issue.

General Needs Applications	Notes	Points awarded
Overcrowding	<p>A separate bedroom is deemed to be needed for:</p> <ul style="list-style-type: none"> <li>~ every adult couple (married or unmarried)</li> <li>~ any other adult aged 16 or over</li> <li>~ any two children of the same sex aged 16 or under</li> <li>~ any two children aged under 10</li> <li>~ any other child.</li> </ul> <p>Child only counts if born and birth certificate has been submitted.</p> <p>Assessment is based on the basis of the rooms available for use as a bedroom, regardless of how the household chooses to use those rooms.</p> <p>For the purposes of overcrowding assessments, a bedsit or studio flat will be counted as if it has one bedroom.</p>	10 points for each bedroom short of this target, up to a maximum of 20 points
Under Occupancy	Only applicable to transfer tenants in social or affordable rented housing in West Berkshire, who wish to move to smaller, more suitable accommodation.	50 points
Lacking or sharing any amenities listed Toilet, Bath or shower, kitchen, living room, water, electricity	<p>Sharing with people who are not on the applicant's CHR application</p> <p>Lacking, only to be awarded subject to verification visit by the Housing Service</p>	<p>10 points</p> <p>20 points</p>
Security of Tenure	<i>At Risk of Homelessness:</i> this includes applicants who are in private rented, forces or tied accommodation who have been served notice that will expire within the next 2 months and where the local authority believes the Landlord will act; owner-occupiers who have been issued with a possession order	20 points

	by the court; Care leavers who are ready to move on and whose current accommodation will end within the next two months, as confirmed by Childrens Services. Wherever possible, Childrens Services are encouraged to provide Housing Services with 6 months notice that a young person will be leaving care and to ensure that the young person has a Leaving Care Plan	
	<i>Homeless or Supported Housing:</i> this includes applicants to whom a housing authority owes a duty under section 190(2), 193(2) or (195(2) of the Housing Act 1996 (as amended); applicants who are occupying accommodation secured by a housing authority under section 192(3) of the Housing Act 1996 (as amended); applicants who are 'homeless at home (subject to confirmation by the Housing Options Team); applicants who live in a hostel, supported lodgings, refuge; applicants who live in supported independent living who are ready for move-on; applicants who are awaiting discharge from hospital but whose home is not longer suitable and cannot be made suitable either through a care package or adaptations; applicants who are street homeless (subject to a verification visit).	10 points
	<i>Family &amp; Friends or NFA:</i> this includes applicants who are living with family or friends or who are deemed to be no fixed abode (potentially sofa-surfing).	5 points
	<i>Other:</i> applicants who live in private rented accommodation, armed forces accommodation, social or affordable rented (whether Council or RP) and owner-occupiers (whether shared or full) who are not subject to a notice and who do not fall into one of the groups identified above.	0 points
Families	With children under 10 years and no access to a garden	5 points

	<p>With children under 5 years and living in accommodation above ground floor level or in accommodation with a external access that is below ground floor (e.g. a basement flat).</p> <p>Housing Managers have discretion to apply this award to children older than the specified age who are disabled, where there is relevant evidence to support the award.</p>	5 points
Medical	<p>A Medical Assessment form must be completed and submitted for each household member who may qualify for medical needs points.</p> <p>Assessed by the Housing Register Supervisor and another Housing Manager.</p> <p>Application must demonstrate how the condition is affected by the current accommodation and how it would be relieved by a move to alternative accommodation.</p> <p>Evidence from the applicant's GP or other medical practitioner may be sought prior to assessment.</p> <p>Conditions may be attached to award of points.</p>	<p>10 points for the first household member.</p> <p>5 points for each subsequent household member</p>
Welfare & Social Needs Factors	<p>Awarded to reflect circumstances where people need to move on welfare grounds, for example, to give or receive care or support, to address child or adult protection issues, to move-on from supported housing where support is no longer required or to address urgent multiple issues that can only be resolved by a move.</p> <p>A Welfare &amp; Social Needs form must be completed by an appropriate professional on behalf of the applicant. The form will be returned if it is completed incorrectly.</p> <p>Assessed by a Panel of two Housing Managers.</p> <p>Conditions or time limits may be placed on awards.</p>	0/5/10/20/30/40/50 points.

Disrepair	<p>Applicants must submit photographic and documentary evidence.</p> <p>Assessed by the Housing Register Team.</p> <p>Disrepair points will not be awarded for damp and mould arising from lifestyle.</p> <p>EH guidance may be sought in extreme cases.</p>	10 points
Armed Services Personnel in Urgent Need	<p>Must meet the criteria for Service personnel (Section 12) AND either be homeless (within the meaning of Part 7 of the Housing Act 1996) or be owed a duty under section 190(2), 193(2) or 195(2) of the 1996 Act or have overcrowding or disrepair points or have medical or social needs points AND need to move urgently due to a life threatening illness or disability or be statutorily overcrowded or be homeless or at risk of homelessness as a result of violence or threats of violence.</p>	5 points
Discretionary Factor	<p>To be agreed by Service Manager in consultation with the Head of Care Commissioning, Housing &amp; Safeguarding</p> <p>Only awarded on advice of a professional in rare and exceptional cases (for example, public protection) that cannot be covered by the usual housing needs assessment.</p>	0-100 points as appropriate

## ELIGIBILITY TO JOIN THE HOUSING REGISTER

We are proposing to make an amendment to the 'local connection' qualifying criteria. The current local connection qualifying criteria states:

"Qualifying households will:

- have been resident in West Berkshire for 6 months out of the last 12 months OR they have been resident in West Berkshire for 3 years out of the last five OR they have a parent or sibling who has lived in West Berkshire for 6 months out of the last 12 months OR they have a parent or sibling who has lived in West Berkshire for 3 years out of the last 5 year OR they have been employed in meaningful paid employment within the district, for 16 hours or more a week, for at least the last 6 months"

We are proposing that this should be changed to the following:

"Subject to being eligible for an offer of accommodation (see Section 8 above), an applicant will qualify for the CHR if they, *or an adult member of their household:*

- have been resident in West Berkshire *for at least 2 consecutive years immediately prior to their application being made* OR they have a parent or adult sibling or adult child who has lived in West Berkshire for 5 consecutive years OR they have been employed in meaningful paid employment within the district, *for 16 hours or more a week, for at least the last 2 consecutive years . The local connection criteria must be maintained for the duration of the application"*.

The other two qualifying criteria would remain unchanged.

The rural exception site cascade has also been amended to reflect the proposed new qualifying criteria.

### **Why are we making this proposal?**

West Berkshire Council introduced local connection qualifying criteria in 2013. The Government has published guidance which

states that *“The Secretary of State believes that including a residency requirement is appropriate and strongly encourages all housing authorities to adopt such an approach. The Secretary of State believes that a reasonable period of residency would be at least two years”*.

We are therefore proposing to adapt our local connection qualifying criteria to reflect the ‘reasonable period’ set out by the Secretary of State.

Do you agree with this proposal?

- The residence criteria do not take account of residents in shorthold tenancies who may have moved for short periods across the border into other LA areas, such as Reading or Hampshire, and then moved back. The parent/sibling/child criteria do not specify when the 5 consecutive years needs to have been (e.g. immediately prior to the application being made)
- Priority should be given to people who have lived and worked in Newbury all their lives.
- Truthfully, the people in government of the state do not seriously live around ordinary people who either are (very poor or ill health or a lone). These people(in brackets) really struggle to get the important resources they need to live, eg, hospitals,doctors,food shops, positive communities. Serious knowledge/experiences people who understand and live in conditions need to be involved in discussions to help.
- Don't think its fair how people who are not working or have no intentions of working seem to get more help than people who are working hard to provide a good life for their families. I have been registered for over a year and have worked since I was 16. My daughter goes to nursery while I study and work part time (24 hours) and I don't seem to be even prioritised!!
- I have always supported one county one family. Every resident should have the freedom to choose to live anywhere within Berkshire.
- Not sure if I agree or not. Although I match the criteria now when I arrived back to this country I did not and was quite desperate to find housing for myself and my children. The district I spent the first 30 years of my living and working life in, the only place I had ever lived in this country told me I had no local connection and told me they could not help me. I felt totally lost because my father had moved to an area of London that was not right for my kids and in my mind I had no connection with only my Fathers residency. Therefore I feel in some circumstances the local connection is questionable when people need help.



- I have lived in west berks for over 20 years and people that don't have the need for housing seem to get put straight to the top of the list
- It all looks straight forward and looks fair
- Although I meet the old AND new criteria's I still cannot get housing even though I am a one parent family
- Have a parent, adult siblings and adult child living in west Berkshire, but we have been wiped off all our previous points for no reason as to the new proposal.
- Through various circumstances people may have had to leave their 'local' area leaving their children/parents there. Especially when one ages, one should be able to move back to their local town/area if their children or parents are still resident there and have been for the past 5 years. This is fair to people who have lived in the area prior to a move and who still have local family connections.
- This is taking up homes for people that were born and bred in west Berkshire and it wouldn't be fair to allow people that have been here hardly any time at all.
- I was informed I don't qualify to be re housed I work in Berkshire have done 5 years
- Your be letting people in that don't NEED to be in west Berkshire when I have been born and bred here I just want to continue living here when I'm being priced out my home land
- I think it is reasonable.
- As a zero hours employee it would affect my suitability to live within the area although I am employed within the area. I also have a sibling who lives within the area but I believe she may have not been resident within the area for 4 years. Both these criteria may affect my application.
- People that have full connection to their home town should have the chance of housing. Not just anyone.
- Far to many immigrants coming to the uk & getting housing & benefits straight away! 2 years is a great idea! Will give the people who deserve a property & have lived in the uk all their life a good chance.
- I think this fair
- This is a much better proposal and makes people need to be here for a while rather than and getting housed straight away
- I think this is a way for the council to house more immigrants over people's children who have lived here all their lives

**EXCEPTIONS TO LOCAL CONNECTION QUALIFYING CRITERIA TO ENCOURAGE LABOUR MOBILITY FOR CURRENT SOCIAL TENANTS**

The Housing Allocations Policy currently makes exceptions to local connection qualifying criteria for some households who fall within the following groups: armed services personnel; fleeing domestic abuse or violence; witness protection; looked after children; and homeless households.

We are proposing to add a further group to this list as follows:

*“An exception to the local connection criteria will be made where a current social tenant wishes to move to take up a job or to be closer to their work and:*

*~ they have a permanent contract for 16 or more hours each week*

*~ their place of work (not the head office) is within the district of West*

*Berkshire*

*~the travelling time if they do not move will exceed one and a half hours or more each way by a route and means of travel that is appropriate to their circumstances or circumstances of employment (based on current DWP guidance)*

*~ the travelling time is unreasonable because of the applicant’s health or their caring responsibilities.*

***Social tenants are encouraged to pursue mutual exchange or landlord transfer as a means of meeting their relocation needs as they may encounter a lengthy wait for accommodation through the Common Housing Register”.***

### **Why are we making this proposal?**

The Government has published statutory guidance that states “we expect housing authorities to make appropriate exceptions to their residency test for social tenants so as not to impede labour market mobility”.

Do you agree with this proposal?

- If you would like to say why you gave us this answer, please tell us below:
- Min 39 hours, as in full time work
- This needs thought, jobs and travel go together these days, surviving making ends meet - money, work, travel. Shortage of homes, difficult choices, housing, schools. Needs positive balance, honest answers, care of wellbeing. Equality towards all tenants, no rushed applications from housing - agents who just care about the rent to be paid! Serious thinking.
- This follows on to my last answer.
- There used to be a 'key worker' clause which would cover all teachers, social workers, medical staff and such. I believe the 'key worker' clause should still be implemented but VERY careful consideration must only be given to those working in the local area who can show they are reliable employees and will endeavour to stay in local employment for a certain amount

of time. Otherwise you will have all and sundry applying for housing in Newbury such as builders, shop workers, casual workers etc who may not stay in the town ordinarily but who will take housing away from genuine local people.

- Priority should be given to the already housed tenants as they clearly need to move into larger or smaller accommodation and by them moving on or around frees up the next property for a new tenant
- Because I currently fall within the group that needs a move to be able to take up employment, having been jobless since my position as a carer ended with the passing of my mother, and living in a remote location with a bus every two hours whilst I cannot drive has not made me desirable to employers.
- If the residents that are already housed and need moving into larger/smaller homes it will help the CHR move on and round as it will free up homes quicker than home swapper
- What about big issue sellers they can work any hours to get benefit
- Although they should try mutual exchange or private lets first

#### **FOSTER CARERS**

The Housing Allocations Policy sets out guidelines for the size of property that households will be entitled to based on their current household make-up. Foster children usually require their own room, regardless of their age, but the Housing Allocations Policy makes no allowance for this.

We are proposing to amend the bedroom allocation criteria for foster carers as follows:

*“The council recognises the contribution that foster carers make towards ensuring that children in West Berkshire are cared for. For this reason, one additional bedroom can be awarded to those applicants approved to foster and where recommendation is made by Social Services to provide accommodation because the current accommodation is not large enough or would cause overcrowding. A check will be made with the Family Placement team prior to allocation to ensure that the applicant is still an approved foster carer.*

*Housing Benefit Regulations allow approved foster carers an extra bedroom for use by a foster child or children under the size criteria rules where:*

- ~ *Approved foster carers have a child placed with them*
- ~ *Approved foster carers who are between placements but only for a period of up to 52 consecutive weeks from the date of the last placement*
- ~ *Newly approved foster carers but only for a period of up to 52 consecutive weeks from the date of the approval, if no child is placed*

*with them during that period.*

*A decision to award an additional bedroom to approved foster carers for the purposes of the CHR is not an indication that Housing Benefit will be paid.*

*Applicants will therefore need to ensure that they are able to meet any potential rental shortfall if they do not fall into one of the above categories or cease to be an approved foster carer”.*

**Why are we making this proposal?**

The Council has a role as a ‘Corporate Parent’ and is responsible for looked after children. The amendment to the policy will support the excellent work that foster carers carry out supporting and providing for children who need to be looked after.

Do you agree with this proposal?

- If you would like to say why you gave this answer, or make suggestions on what you feel is the sufficient income level please tell us below:
- I believe that our country is seriously in need of care, children are our future, a secure loving home and positive up-bringing for the children hopefully will provide a better world to come. Its time adults need to ensure and practice caring homes that are positive, positive outcomes.
- Sufficient income level .say from 20 000 pounds a year
- In recent times i.e. "Rotherham" we don't know if children are looked after
- Foster carers are paid a substantial amount of money to care for their temporary family members and many are adults whose children have now flown the nest. If a foster parent who is living in social housing needs another room to accommodate another child, the best remedy would be to have a housing exchange department who would cater for these people. Giving foster parents larger houses for children who may or may not arrive is not financially or socially responsible. Most foster parent applicants do apply because they have a spare room already. The number of fosterers would rise if the carrot for a larger home was dangled, in my opinion.
- But I would worry that not enough regular checks have been made and it will lead to people sitting on large family homes when they do not need the home. or will force them to move on again should fostering cease
- I feel there could be bedroom tax issues or people sitting on bigger homes for a long time and getting away with it when other people really need it

- I am a single mum who cannot get help. Foster carers should be able to home the child if going ahead with it.
- As long as it can be proven.
- Foster careers do a great job, but the question differs back too, if they decide in the long run that fostering isn't for them? Will they still be eligible to stay in that properly with spare bedrooms?
- Lots of families suffer from overcrowding why should a foster carer be any different just because the child is not their own. This is unfair to others
- We care for are grandson who is in care but live in a \*\*\*\*\* \*\*\*\*\* \*\*\*\*\* \*\*\*\*\* people so no child interaction we applied but we're told we had to sell are home and pay private landlords this is wrong we saved to help our children not some person with more than they will have

### **HOMELESS HOUSEHOLDS**

The homelessness process and the housing register are two very distinct processes. Not all homeless households, will receive an offer of accommodation through the Common Housing Register and for many, the private rented sector will be best placed to meet their needs. Regardless of the final offer, the Council needs to ensure that homeless households are able to effectively manage and sustain a tenancy prior to making an offer of accommodation, to ensure that households do not fall into a cycle of repeat homelessness.

We are proposing to amend the Housing Allocations Policy relating to homeless households as follows:

*“Applicants to whom a full housing duty has been accepted and who are placed in temporary accommodation will have their CHR application deferred for a minimum of 4 months. This is to allow the Housing Service time to identify any ongoing support needs and to confirm that the applicant is able to effectively manage and sustain a tenancy prior to being offered settled accommodation.*

*The Housing Service will review the deferral after four months but may extend this period if the tenancy is not being satisfactorily maintained. Applicants in temporary accommodation who have had notice served on them, either for rent arrears or for breach of tenancy agreement will remain deferred until such time as the notice expires or the breaches/rent arrears are remedied/cleared”.*

### **Why are we making this proposal?**

Many households to whom a full housing duty is owed have never held their own tenancy or have experienced issues, for

example, breaches of tenancy or rent arrears, during previous tenancies that they have held. Deferring a homeless household's application for a minimum period of four months will allow the Council to identify ongoing support needs and confirm that an applicant is able to manage and sustain a tenancy. This will mean that homeless households will not be moved on before they are ready and will reduce the number of households that fall into a cycle of repeat homelessness.

Do you agree with this proposal?

- It's important that humans don't live in squalor, that we keep our homes respectable. People are really struggling to make ends meet, choice = food or bills. Working or none working people, the government don't really care, housing agents try their best, while the government eat and live well, ordinary people die or suffer everyday trying to live, pay rent, keep a home, to keep them from being homeless.
- I agree with the principle of this proposal, however the four month deferral period should be longer, as the WBC Allocations Policy gives overriding priority to homeless households which in my opinion encourages people to take this route in order to secure social housing very quickly. As a result, many hard working households living in the private sector are not given the necessary priority to secure more affordable social housing.
- I firmly believe this will get me housed quicker and efficiently
- This is an excellent proposal. Many long term homeless persons are unable to care for themselves and may find it difficult to take on the responsibility of a tenancy without adequate 'home team' guidance and support.
- 4 months is an extremely long time for someone that is in temporary accommodation what if you were sharing a room with two children in the middle of nowhere away from school, work and family 4 months is a very long time. each case needs to be individually assessed rather than tarring all homeless people with the same brush - every case is different
- The house I currently rent was up for sale, I was being made homeless and 8 months pregnant I contacted west berks for help and they did NOTHING!. I would have to be homeless and living in my car before they could do anything, I even said "what do I have more chance of flying to the moon, her reply YES!. I left school at 15 and have worked since then! Never claimed benefits. but it seems the council does not want to help working people like myself who pay in to the system's would be very much interested on your opinion on this thank you
- but I fear this could affect homeless people who need a home and need to move the last thing they need is their account being frozen 4 months is a long time in a studio flat sharing a bed with an 8 year old miles away from school/work for instance
- If you have children I think 4 months would be a little unsettling for the children if in a B&B & away from the area. for single people it wouldn't & shouldn't cause a problem.

- I think the money spent housing young girls in private houses is ridiculous I no one whose rent was 900 a month there are so many buildings empty that could home men who are homeless they're the ones who need help just because they can't get pregnant to get a property

**OTHER AMENDMENTS**

We are proposing a number of other minor amendments. These are primarily to offer clarification on the Housing Allocations Policy, to remove inconsistencies and to reflect current operational practices and terminology. These amendments affect the following:

- Sanctions
- Rural Exception Site cascade mechanism
- Overcrowding
- Lacking and sharing needs assessment
- False or misleading information and fraud prevention
- Cancelling, Suspending & Deferring Applications
- Assisted bidding
- Bypassing applicants
- Assessment of bids
- Glossary

Having read the proposed amendments Housing Allocations Policy, are there any other comments that you wish to make?

- 7.5.1: very welcome 7.5.6: supported - what form of evidence would the RP be expected to supply? 7.6.6: welcome 16.7-9: welcome provided that is linked to DHP 21.4 & 5: very welcome & could link with financial & other capacity building work with household 30.4: very welcome
- Can any housing association provide 100%? Governments give out new rules, housing agents work hard to comply to them, considering seriously a care of needs and wellbeing to all tenants 1st priority.
- I have read all through the proposed policies which I have agreed on all, but there isn't anything I would like to add thank you.
- Greater clarification is needed to these proposed changes.
- Why should those people without a job take priority on the housing needs than someone who works hard but can't afford for all their salary to be spent on accommodation?!?!

- There is no help or guidance for those that are disabled, the housing teams collaborate amongst themselves and hold personal grudges against individuals - I am relating to \*\*\*\*\*, \*\*\*\*\*, \*\*\*\*\* and \*\*\*\*\*.
- Some of the proposals are good in a way but the proposal that anyone with parents, siblings and children in West Berkshire are able to gain a house through you deems to be wrong in our eyes. It seems this has not been the case for me and my family. We have been on the housing register for 10+ years and we have now had all of our previous points wiped due to these new proposals and aren't being offered any properties regardless of bidding most weeks.
- Assessment of bids
- I think that we should get more help with medical as I don't feel that we are getting all the point and help needed
- I have just completed this survey and wrote in this box on the last one but didn't realise they are anonymous so I didn't put my name, I was saying that I had my points taken off last year and my rent is £850 a month, just wanted to clarify who i am. \*\*\*\*\*. If you could get back to me I would be very grateful. Many Thanks
- I would like to know why all my points were removed last year and why I got taken off the list, I understand we are in privately rented accommodation and according to you we can afford the rent of £850 every month but that is all we can afford, we have hardly anything left out of our wages after the bills have gone out. It took me a long time to build those points up and I had some hope of getting a social house and actually being able to afford to live rather than all our money going on rent. I just think it is totally unfair. My understanding of this survey is that I can go back on the list but how can you take away all my points last year and expect me to start right from scratch again when in a couple of years time I would of had enough points to get a property. It is putting so much stress and pressure on our family life with having so much rent and bills to pay, I was better off on benefits than i am now with me and my partner working, it's ridiculous. I would be grateful if you could re look at this and my situation. Many Thanks
- The local council must be committed to local housing applicants or those with a local connection before considering those who have migrated into the area. A team of housing assistants, house to house callers who assist those with social difficulties that may fall into arrears is needed (and you may well already have such), and during the 4 months deferred period those waiting for housing should agree to undergo some 'living in your own home' training such as how to pay bills, rent and buy food - how to clean and take pride in their homes etc. Otherwise, I am aware of how West Berkshire Council has successfully supported many local people by working with Sovereign Housing Association and others by allocating a high standard of properties.
- Points awarded for not having a garden are silly now considering most homes now are flats and don't have this luxury and most people don't actually want one. the option should be asked on the form if they want a garden I hate seeing people with gardens that are over grown and unloved by tenants when I'm stuck in a flat and would really love a garden. also pets should be more of an option on the form as pet owners require gardens but proof of dog owner ship for say 18 months



should be given otherwise people will just get pets.

- I think that by and large the majority of the changes make sense in the current financial and employment crisis that we find ourselves in. However I was surprised that foster children regardless of age were not allocated a bedroom to themselves already.
- My policy was deferred my points went down to zero
- Yes but makes no difference for me as I have no chance at all in getting a council house. They must be saved for special people
- I need house please .I don't have anywhere to live!!!
- I think reviews need to be made on gardens, or whether the person on the CHR wants a garden not giving those points because they don't have one. It's very frustrating to drive/bus past people's homes with extremely un kept gardens of families who have been given them when they clearly don't deserve or want the garden. Priority to pet owners also (if they can prove they have owned the pet for longer than 18months) pets make up a lot of families be that old or young and they have proven to be some of the best tenants they are stable and content.
- I found it very interesting
- Work all my life finished work to look after my 4 year old son 18 months ago now in shared accommodation due to landlord wanting back is house not good that people can jump the list from Europe
- Help people who are trying to help themselves. I am in a one bed without a garden with a child. I own the house but cannot rent it and put the rent towards a bigger one as its classed as an income. I cannot do rent and buy as I already own a home etc. My son and I are totally stuck and can do nothing to help ourselves as we are blocked at every avenue.
- I have been bypassed on 12 occasions due to my disability (I was not allowed any houses), but I am able to walk and fully mobile. Has this changed as I was told it had?
- I have been given a year's ban for possession of small quantity of class b drug and this despite my being on sick for having drug issues and this also despite a period of homelessness stretching over three years...not right
- I was nearly made homeless, not by any fault of my own. I use to rent a room and my circumstances changed a lot when my ex wife dumped my son on the door step. When I asked for help from the local council, I was surprised by the lack of help I received, as my son and I had to share 1room, a bedroom that was it, no other room. It was cramped and we had no space to ourselves it was a trying time. The best I was told was to rent privately, but having no money this was a challenge. I got myself sorted in the end, and everything worked out for us, I was allocated 25 points at the time, which is pretty pointless to win anything on the housing list... I believe the whole housing thing needs looking at.
- I think it's unfair. A friend of mine who lived in kersey crescent wasn't housed in time and was given a two bedroom house. Just him and his girlfriend. Yet me, my husband and son all live in a first story flat in one bedroom and have done now for

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ten months with no extra points yearly now it's impossible to be housed. The points stay the same and there is no way to get to the top of the priority list.

- I don't agree with any of this I have been on the register for a long time now and I'm still in the same place where I started
- After talking with family and my foster children that I am still in touch with I think no matter what anyone says the policy will be whatever the council decide
- Councils should always, if the tenant is claiming benefits pay the landlord directly thus avoiding arrears in rent for the tenant.
- I wish it was easier for families like us to secure a property. All we want is a place to call our own we want to feel secure and not worry about having to move etc and not being able to decorate etc. Been on the list now since 2007 only having ten points and my medical problems are caused mainly by worrying over housing etc.
- Yes. I have been waiting now for over 18months and I think the overcrowding issue is much needed as there are 7 of us in a three bedroom house which I don't feel us healthy for me and my 4 year old. One bathroom and too many distractions. I think that the new policy in place with regards to having lived in the. UK for a certain amount of time is great. As I'm all for people living in our country but we have allowed so many people in now that thus us now affecting people who were born here and not only that overcrowding in schools, docs etc .

Appendix C

Proposed Amendment	Reason for Proposal	Sections of Policy
<p>Qualification – amend local connection qualifying criteria to residency or meaningful paid employment of at least 16 hours a week for 2 consecutive years. Other aspects of local connection qualifying criteria to remain the same.</p>	<p>New statutory guidance.</p>	<p>7.1 7.2</p>
<p>Sanctions – to amend the sanction for ‘unsuitable to be a tenant’ from deferred to removal</p>	<p>To reflect the seriousness of the circumstances that lead to a household being deemed ‘unsuitable to be a tenant’.</p>	<p>7.5.1</p>
<p>Sanctions – money owed to the Council for ‘housing-related costs’.</p> <p>To place onus on applicant to demonstrate that the deferment should be lifted e.g. by provision of receipts.</p>	<p>To reflect the range of ‘housing-related’ debts that may be owed by applicants and to apply the sanction fairly and consistently. Onus is on the applicant.</p> <p>To ensure staff resources are appropriately focused.</p>	<p>7.5.2</p>
<p>Sanctions – rent arrears. Amended wording but no change to policy.</p>	<p>To prevent confusion and clarify the policy.</p>	<p>7.5.3</p>
<p>Sanctions – Violence and Abuse towards staff. To place the onus on the applicant to demonstrate that the deferment should be lifted or a new application should be accepted.</p>	<p>To ensure staff resources are appropriately focused.</p>	<p>7.5.6</p>

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Social tenants and labour mobility – to allow for exceptions to local connection qualifying criteria to be applied to certain social tenants who need to move in order to sustain or take up employment.	New statutory guidance	7.6.6
Rural exception cascade mechanism – to amend the length of employment required to 2 years to tie in with qualifying criteria.	Consistency with qualifying criteria which has had to be amended due to new statutory guidance.	13.3 (1) and (5)
Rural exception cascade mechanism – reference to qualifying and non-qualifying applicants in last two tiers of the cascade.	To prevent confusion and clarify the policy.	13.3 (6) and (7)
Overcrowding – wording to confirm that a bedsit or studio flat is deemed to have one bedroom for the purposes of overcrowding assessments.	Bedsits/studio flats are built as live/sleep accommodation.  To prevent confusion and clarify the policy.	14.5 16.3
Lacking and Sharing points – wording to confirm that lacking points place an applicant in reasonable preference whilst sharing points so not.	To prevent confusion and clarify the policy.	14.13
Foster carers – inclusion of a policy to award an additional bedroom for approved foster carers.	To reflect the Council's role as a corporate parent	16.7 16.8 16.9
Reference to Change of Circumstances Form	To ensure Policy uses consistent terminology to	17.1 19.1

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	that seen by applicants who log into Locata	19.3 19.4 19.5 20.1
Reference to 'hibernated' applications	To ensure Policy uses consistent terminology to that seen by applicants who log into Locata	19.3
Homeless households – to clarify that CHR applications are suspended whilst homelessness applications and reviews are determined.	To prevent confusion and clarify the policy.	21.2
Homeless Households – new wording inserted to allow deferral of a CHR application for a minimum period of 4 months when a household is placed into temporary accommodation following acceptance of a full homelessness duty.	To ensure that homeless households, to whom the Council owes a full duty, are able to effectively manage and sustain a tenancy before moving on to more settled accommodation.	21.4 21.5
False or misleading information and fraud prevention – to allow applications to be removed for a period of 12 months.  To place the onus on the applicant to re-apply..	The policy was inconsistent, referring to both deferral and removal.  To prevent confusion and clarify the policy	23.5
Cancelling, Suspending & Deferring Applications – amended to reflect changes detailed above	To prevent confusion and clarify the policy	24.1 24.2
Assisted Bidding – changes to reception	To reflect operational changes in use of	27.4

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desk times	reception desk function	
Assessment of Bids – clarification that qualifying applicants are always considered before non-qualifying or deferred applicants.	To prevent confusion and clarify the policy	28.3
Bypassing Applicants – new wording to reflect practice by some Housing Associations to carry out a pre-tenancy assessment to ensure that property is affordable to applicant.	To prevent confusion and clarify the policy	30.4
Glossary – amended to include reference to Hibernated applications and Suspended applications	To prevent confusion and clarify the policy	Glossary

# Agenda Item 11.

<b>Title of Report:</b>	<b>Insurance fund</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	2 December 2014

**Purpose of Report:** To introduce to the Overview and Scrutiny Management Commission background information for the examination of the operation of Council's Insurance Fund.

**Recommended Action:** To note the contents of the report and conduct scrutiny accordingly.

<b>Overview and Scrutiny Management Commission Chairman</b>	
<b>Name &amp; Telephone No.:</b>	Councillor Brian Bedwell (0118 942 0196)
<b>E-mail Address:</b>	bbedwell@westberks.gov.uk

<b>Contact Officer Details</b>	
<b>Name:</b>	Ian Priestley
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# Executive Report

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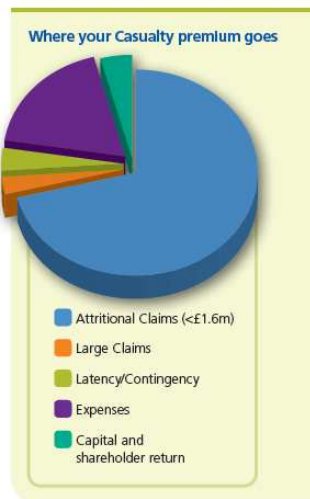
## 1. Introduction

- 1.1 At its meeting of 8 April 2014, the Overview and Scrutiny Management Commission agreed to examine the operation of the Council's Self Insurance Fund.
- 1.2 In requesting that the topic be considered, Councillor Alan Law advised that the Commission's review should:
- (1) Identify and recommend the required level of reserves to be held in the fund
  - (2) Recommend the balance that should be held between the assumed level of risk and size of the reserve
  - (3) Review the last 3 years of claims and performance.
- 1.3 The aim of this report is to provide a brief outline of the way insurance operates at West Berkshire Council to provide an understanding of the purpose of the Insurance Fund.
- 1.4 The report covers the following:
- (1) Purpose of insurance
  - (2) The Council's approach to insurance
  - (3) The Council's risk appetite
  - (4) Fund size
  - (5) Outline of how the Fund works at WBC
  - (6) Outline of the key results of the Actuarial review
  - (7) Other pressures on the Fund
  - (8) Claims governance and performance

## 2. The purpose of insurance

- 2.1 In common with most organisations the Council uses insurance to transfer financial risk. In return for a premium, an insurer guarantees to pay for insured losses. Insurance simply allows the Council to smooth the cost of losses over the longer term and share the impact of losses with other insured organisations, but at a significant cost. The chart below, provided by Zurich Municipal (ZM) which is currently one of the Council's insurers, outlines how an insurer uses premiums.





- 2.2 The graph relates to Casualty (Liability) Insurance, and indicates that roughly 75% of the premium goes towards paying claims and that the remaining 25% covers admin and profit for the insurer. That 25% represents the cost to the Council of transferring risk to the insurer, and highlights that this form of risk transfer is very expensive. Indeed central government avoids this cost by funding its own losses, with what is euphemistically referred to as “Crown Indemnity”.
- 2.3 The Council, however, is not able to copy central government’s approach because Council funding is very limited in comparison to the potential losses that may occur. For example Shaw House is insured for £24m and Littleheath School for £30m, and our Liability insurance provides cover for claims up to £40m. Raising such sums would be problematic for the Council.
- 2.4 On the other hand the Council can, and does, minimise the cost of using insurers, by funding a proportion of losses incurred by taking an excess (deductible). The extent to which losses can be funded this way is determined by the size of the excess which is in turn dependent on the ability of the Council to cover losses below the excess. The insurance fund plays a key part in enabling the Council to fund such losses.

### 3. The Council's approach to insurance

- 3.1 The Council lets separate contracts for six discrete classes of insurance. These are:
- (1) Combined Liability - which covers Public and Employers Liability, Professional Indemnity and Officials Indemnity (also known as Casualty).
  - (2) Property - for buildings and contents
  - (3) Motor - for the staff leased car scheme and the Highways transport fleet.
  - (4) Engineering - which covers statutory inspection and insurance of lifts and pressure vessels (boilers)
  - (5) Personal Accident
  - (6) Off site activities - mainly for school trips.
- 3.2 Of the above, only the first two have any impact of the Council's insurance fund. These contracts, with the exception of off site activities, were re-tendered in 2012

with the new contracts coming into effect on 1 November 2012. The contracts are let on Long Term Agreements (LTA) for the period of 5 years, plus 2 plus 1 - ie till 2020. The LTA works as follows:

- (1) Property – the premium quoted at tender is expressed as a percentage of the total sums insured. For subsequent years the premium is then calculated by applying the same percentage to the revised sums insured.
- (2) Liability – the premium quoted at tender is expressed as a percentage on the total payroll cost. For subsequent years the premium is calculated by applying the same percentage to the revised payroll costs

3.3 The above works well for property, and, in normal circumstances for liability. However, over the last few years a combination of pay restraint and cuts in staffing has meant that liability premiums have fallen within LTA's. However, cuts in staffing have increased risk as layers of management and associated controls have been removed from councils. This may help explain the decision of Travelers (the Council's previous insurers) to break all of their LTA's with councils over the last 12 months, requiring very significant increases in premiums.

3.4 As noted above the principle remains that the better able the Council is to fund its own losses the more cost effective that will be, over the long term. The way the Council manages this is through taking an excess (deductible in insurance speak), and by not purchasing insurance for some risks.

3.5 The ability to fund losses derives from the size of the insurance fund. The larger the fund, the higher the levels of excess that can be managed and the lower the premiums will be. Two examples illustrate the effect:

- (1) A County Council operate with an excess of £5m per claim. To support this they have an insurance fund of £35m. Premiums for this County Council will be, relatively, very low as a consequence.
- (2) Until 2006, West Berkshire Council operated with an excess of £25k on liability, after when it was increased to £100k. In return for taking an extra £75k risk per claim the insurer reduced the annual premium by £160k. As a consequence, over the period 1 November 2006 to 31 October 2012 the Council has saved £960k on premiums less the additional costs of claims of £320k leaving a net saving of £640k to date. (This may reduce if further claims come through for this period).

#### **4. WBC Risk appetite for insurance**

4.1 In simple terms this refers to the extent to which the Council wishes, and is able, to fund its own losses. Taking the top three insurance risks, noted in 3.1 above:

- (1) Combined liability policy, is with Zurich Municipal, (from 2012, previously with Travelers) and operates with a £100k excess. Prior to November 2006 the Council operated with a £25k excess. This policy provides cover for claims up to £40m. The Council will have to fund losses above this level.

- (2) Property, is with Aspen and operates with a £250k excess. This level of excess has been in place since 2000. The policy excludes subsidence and terrorism, ie the Council has to cover any such losses itself.
- (3) Motor policies are with Zurich Municipal, (from 2012, previously with Risk Management Partners) – Staff Leased Cars operate with third party only cover, the Highways Transport fleet operates with a £2k excess. Prior to 2010 the Highways Transport fleet had a £250 excess.

4.2 The other factor that affects the funding of losses is the "stop loss" or "aggregate" concept. This provides a limit on the total funding of losses by the Council in any one year. The aggregates are:

- (1) Property Policy - £450k
- (2) Combined liability - £375k at tender in 2012, raised on renewal in 2013 to £425k, and raised again on the 2014 renewal to £468k.

4.3 The aggregates do provide a measure of certainty and they are relatively low. The main reason they are so low is that at the time of retendering the Council's insurances on 1 November 2012, no claims for either property or liability had exceeded the Council's policy excesses, so the Council's insurers had not paid a penny on either of these policies. This claims experience made the Council very attractive to insurers.

## 5. Size of fund

5.1 The size of the insurance fund has varied over the last 10 years. In 2004 the size of the fund was circa £400k. This was increased over the years to £1.6m, and is now £1.2m. Initially the increases were made through the use of underspends at year end. However, in circa 2009-10 the process was changed to limit further transfers into the fund and to use the fund as a safety valve for claims. So at the year end the main insurance cost centres are cleared to zero by either transferring an underspend into the fund, or transferring from the fund to cover any overspend on those cost centres.

5.2 A further change was made in 2011-12 when Management Board agreed a proposal to change the way claims are funded. Up until then 50% of the first £12k of any loss had been covered by the relevant service unit. From 2011-12 service units have to cover the first £10k of any loss. The purpose of doing this was two fold:

- (1) It reduced the pressure of the cost of losses on the insurance fund
- (2) It significantly increased the incentive for services to manage their risks effectively and so reduce the incidence of losses.

5.3 The Council has undertaken benchmarking of insurance within the CIPFA scheme. The table below indicates the range of insurance fund sizes in comparison with the excess for the Liability and Property insurance. What this table indicates is that WBC has the second smallest fund of the 15 Unitary Councils who provided returns.

### Comparison of Reserves with levels of Excess

	Reserve £	Liability Excess £	=A/B	Property Excess £	=A/D	=C+E
	A	B	C	D	E	F
A	1,100,000	212,000	5	100,000	11	16
West Berkshire	1,200,000	100,000	12	250,000	4.8	17
B	600,000	60,000	10	50,000	12	22
C	3,200,000	155,000	21	1,000,000	3.2	24
D	7,500,000	250,000	30	250,000	30	60
E	4,000,000	100,000	40	100,000	40	80
F	4,300,000	100,000	43	100,000	43	86
G	2,900,000	100,000	29	50,000	58	87
H	1,500,000	25,000	60	25,000	60	120
I	7,900,000	125,000	63	125,000	63.2	126
J	4,700,000	100,000	47	50,000	94	141
K	5,400,000	100,000	54	50,000	108	162
L	9,000,000	123,000	73	100,000	90	163
M	2,600,000	25,000	104	25,000	104	208
N	12,700,000	200,000	64	50,000	254	318

5.4 The councils above the line in the table could be considered as “risk takers”. When you get down to Council H and beyond you are dealing with very “cautious” councils which could be considered to have more cash in their reserves than they need, for the level of excess that they are carrying.

## 6. Fund Review

6.1 Determining, with any precision, how much cash will be needed to hold in an insurance fund is difficult. Officers are effectively trying to predict what will happen in the future, based on what has happened in the past. If a school burns down tomorrow, then the Council will have to find £250k – if a second school then burned down the day after, then we would be looking for a further £200k (taking us up to the aggregate of £450k in total). In addition, we would also find our Property Insurer reviewing, and most likely increasing significantly, our premiums.

6.2 The way the Council and the insurance industry deals with this uncertainty is through use of actuaries. By reviewing past claims experience, an actuary will provide an assessment of the likely fund requirement to cover future claims.

6.3 The Council periodically obtains actuarial reviews through its insurance broker Jardine Lloyd Thompson (JLT). Such a review was carried out in 2012 and a further review has just been completed for this scrutiny. The review uses very complex maths to derive its conclusions. The conclusions centre on three figures.

- (1) Reserve - The sum required to pay for losses that either we don't know about yet, or are unable to predict what, if any, the financial impact might be.
- (2) Provision - The sum required to fund losses that we are aware of and have a reasonable idea of the financial impact. For example, at any one time we have a large number of Liability claims in progress, most of which we will repudiate, but some of which will involve payment by the Council and very occasionally by our insurer. Sometimes we have

admitted liability and are challenging the level of compensation and we know we will incur cost.

- (3) Injection - The required sum to put into the fund to maintain the Reserve / Provision to the required level. Otherwise as claims are paid the fund would gradually dwindle away.

6.4 The Council operates somewhat differently, with 1 & 2 (Reserve & Provision) combined as a balance sheet Insurance Fund. 3 (Injection) is effectively covered by revenue budget allocations that sit within the insurance cost centres, and contributions that come from service units paying the first £10,000 of each loss.

## **7. Actuarial review**

7.1 An actuarial review was completed in July 2012 and again in October 2014. Over that period the Council's position has worsened significantly. The forecast funding requirement has changed:

- (1) 2012 - £1.5m
- (2) 2014 - £2.4m

7.2 In addition the review is predicting that the Aggregate for Liability cover will be breached for 2009/10 and that on renewal in 2014 our insurer is likely to require a significant increase in the Aggregate. Indeed, as already noted, the Liability Insurer ZM has in fact increased the aggregate.

7.3 There are a number of reasons for the worsening position. These are:

- (1) A number of claims are now being settled at significantly higher cost than was anticipated. For example on re-tender in November 2012 the Council's Liability insurer had not had to pay out on any claims for the previous 5 years. However, this position has now changed significantly and it now appears likely that the insurer will end up paying more in claims than they received in premiums.
- (2) The estimate of the costs relating to the insolvency of Municipal Mutual Insurance (MMI) have risen significantly.
- (3) Claims are coming through relating to Mesothelioma from the 1960's when no insurance cover was in place.
- (4) No allowance was made for property losses in the 2012 Actuarial review, but these have been included in the 2014 review.

## **8. Fund pressures**

8.1 There are a number of additional pressures, both actual and potential that need to be considered when determining an appropriate level of funding for the insurance reserve. These include:

- (1) The MMI failure
- (2) Additional significant claims
- (3) Claims handling costs
- (4) Tightening of the insurance market for liability insurers

8.2 Of the above 1 & 2 have been covered by the actuarial review. 3 was a particular problem in 2012-13, with over 500 liability claims in the year. The insurer provides a price to handle claims based on an estimate of the number of claims. Their initial

estimate based on past experience was around 250. Consequently the fee increased by £20k in 13-14 to take account of the higher numbers.

- 8.3 The tightening market in Liability insurance is a particular problem that has emerged over the last 18 months. At present there are only 3 insurers that are competent and willing to tender for local authority liability insurance. These are Risk Management Partners, Travelers and Zurich Municipal. Approximately a year ago Travelers started breaking all of the Long Term Agreements they have by requesting increases in premiums ranging from 300% to 800%. The reason for this was that the company realised the level of losses they had on their books was actually much higher than they had thought. Different councils reacted in different ways. In some cases they took an increase in their excess as an alternative. For example a council moved their excess from £250k to £500k. Others have retendered, but even then have faced increased premiums.
- 8.4 West Berkshire Council moved from Travelers to ZM in the 2012 retender, to take advantage of a small reduction in premium. Consequently we were not immediately affected. However, ZM have now increased our premiums above the rate set in the LTA by 52% from 1 November 2014. Given the very limited market the option of retendering the contract was considered to be unviable. ZM have outlined the reasons for the increase, see appendix A.

## **9. Claims performance**

- 9.1 The critical area of insurance, in terms of performance, is Liability claims. Property is straightforward – losses are clear cut. With liability a claim can be made some years after the date of an incident. Once a claim is made it can take a number of years to resolve, particularly if the claim goes all the way to court. This element of the report therefore focuses solely on liability claims.
- 9.2 Note that the effective date, for determining which insurer deals with the claim, is the date the incident / issue occurred, not the date the claim is made or the date payment, if any, is made.
- 9.3 There are three areas of potential conflict over any claim.
- (1) Whether we are liable
  - (2) If we accept liability then the level of compensation is open to question.
  - (3) The level of legal fees of the claimant's solicitors can be challenged.
- 9.4 All of the above are open to "negotiation" or formal mediation – ultimately the final arbiter is the Civil Court, with decisions being based on the balance of probabilities.
- 9.5 The range and complexity of these claims is considerable. There are a number of issues worth noting:
- (1) A key feature of liability claims is the way the scale of the claim grows significantly as solicitors become involved, on both sides, and as a case heads towards a court hearing. So a personal injury claim of say £2000 may end up costing around £30,000 if the claim goes all the way to court, and the Council loses and may still cost around £5,000 (our costs) if the Council wins.
  - (2) The claims can take time to materialise – which can make analysing liability very difficult. Also, with the exception of Highways

Maintenance, who have the highest volume of claims, record keeping tends, to be less good. Liability claims are often complex, with case law playing a major part.

- (3) Even when a high volume of claims are received, as in 2012-13 the insurance team have to focus on the claims that are heading into court, because they are, by then, usually large claims and also because it is imperative that the Council wins cases in Court. The Insurance Team aim to determine liability and settle quickly any claims that we feel the Council cannot win and so avoid the involvement, and cost, of solicitors.
- (4) The value of the claims varies significantly. Damage to a vehicle caused by a pothole can lead to a claim of less than £100. At the other extreme the highest paid, liability, claim to date incurred a cost of £680k. The Council bore the first £100k leaving the insurer to cover the remaining £580k.

9.6 The fact that we appear to live in a “compensation culture” does not help. See appendix B for the view of the Local Government Association.

## **10. Governance Arrangements**

10.1 The Council's scheme of delegation provides that the Head of Finance will be responsible for "All insurance arrangements and settlement of claims." (Para 3.5.18 of the Scheme of Delegation).

10.2 Our insurers actually handle the claims on our behalf. However, as in the vast majority of cases claims fall below the excess and will be paid for by the Council, the Insurance Team in Finance have a very close oversight of all claims.

10.3 The Council retains full control of decision making around claims, until the value of the claim approaches the excess. There is then a shared ownership of the claim, unless the value significantly exceeds the excess, then the insurer takes full ownership of the decision making process. In practice, limits are not defined precisely, because each claim is unique. Also there will always be consultation between the Council and insurer, regardless of the value of the claim.

10.4 Where the Council has control of the claim, decisions on low value, usually up to £10,000 claims, are determined by the Chief Internal Auditor, on advice from the Senior Insurance Officer, and in consultation with the Head of Service where the claim sits. For claims beyond £10,000 then the Head of Finance with the Head of Legal take any decision, again in consultation with the relevant Head of Service. There is full auditable trail which covers the process followed in these cases.

10.5 In addition, the Insurers, in consultation with the Council have retained legal advisors for the Council's insurance claims. On our advice, Zurich Municipal accept the use of Blake Morgan solicitors who specialise in this area of the law. Blake Morgan are involved on any complex claims and on any claims where legal action is taken by the claimant. Blake Morgan have proved exceptionally effective not only in helping us repudiate claims and but in reducing levels of settlements.

10.6 The policy we follow in the Council is to fight claims wherever we feel we can defend a claim. So for example we do not use the “economic” argument, ie we do not pay a claim where it would be cheaper to pay than it would to fight. We only pay

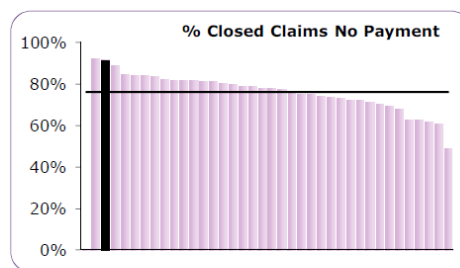
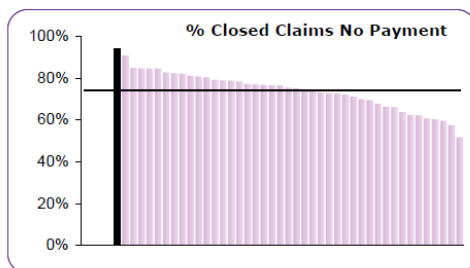
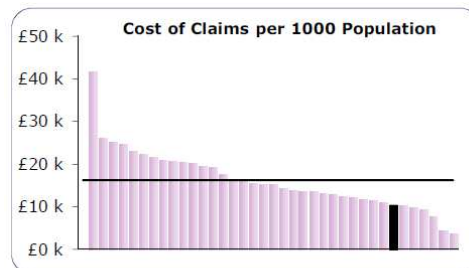
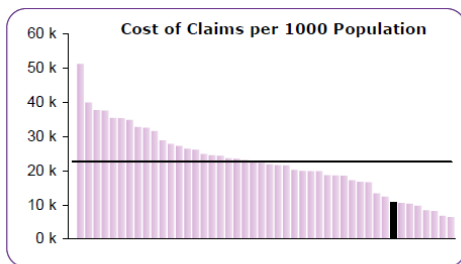
a claim where we feel we are likely to be found liable in Court, or where we lose a case in Court. The exception to this is where the insurer may take a different view and agree settlement in cases where the value of the claim is considerably above the excess of £100,000.

- 10.7 Measures of performance in relation to Liability claims are difficult to interpret, because of the complex nature of the Council's business, and the wide range of external factors that can impact on that business, eg cold winters and highways related claims.
- 10.8 However, CIPFA runs an insurance benchmarking service for insurance and the Council took part in this exercise in 2012 and 2014. The graphs below give a reassuring view of the Council's performance, for Liability Claims. The one area that has dipped is Employers Liability Claims “% closed claims no payment”. The percentage has dropped from 78.6% to 38.5%. The percentage shift is high because the number of claims involved is low, 14 in 2012 and 11 in 2014.
- 10.9 The figures are based on the five years from 1 November 2006 to 31 October 2011, for all Public Liability claims, with a comparison with 41 Unitary Councils in 2012 and from 1 November 2008 to 31 October 2013 for 37 Unitary Councils in 2014.

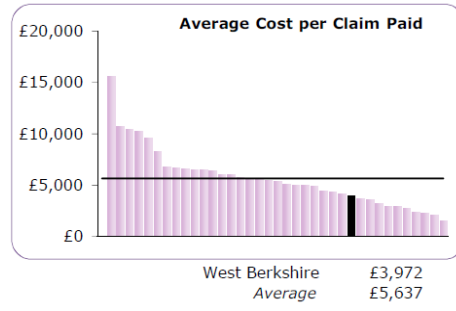
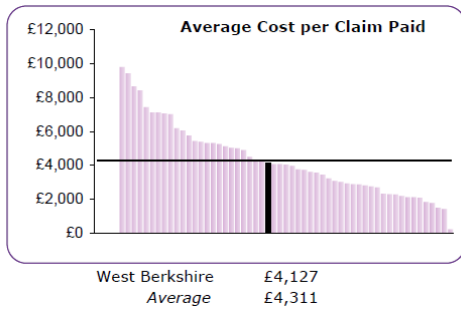
### Public Liability

2012 exercise

2014 exercise



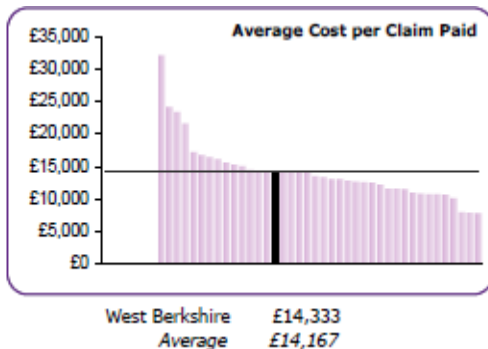
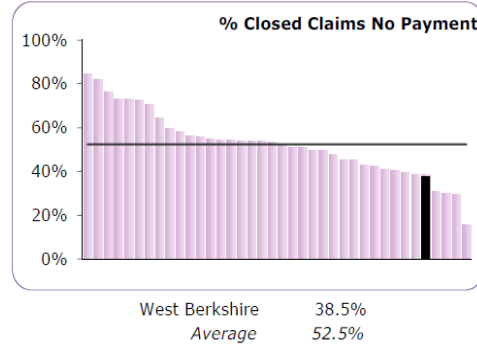
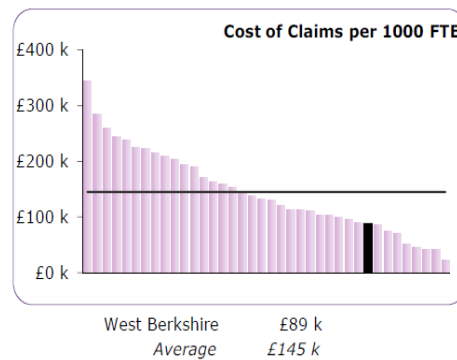
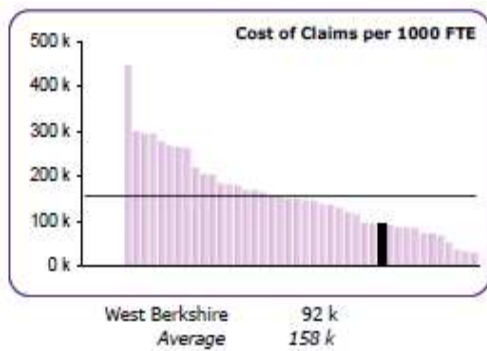




## Employers Liability

2012 exercise

2014 exercise



10.10 A more detailed summary of the claims experience for the Council is set out in Appendix C. This covers all claims made over the last 5 years.

## **11. Conclusions**

- 11.1 The insurance market, for liability insurance, has changed significantly in the last two years, and premiums are rising very steeply. At the same time the volume of claims being dealt with by the Council is rising. This reflects not just the Council's experience, but also the wider public sector experience, as outlined by Zurich Municipal. On top of this the Council's recent claims experience has worsened, and this is reflected in the recent Actuarial review.
- 11.2 The recommendation from the Actuary is that the Council should add to the £1.2m insurance fund. In fact, given recent claims settlements, it is anticipated that the fund will reduce further in this financial year.
- 11.3 Maintaining an insurance fund provides financial security to the Council, ensuring that claims can be paid without an immediate impact on the bottom line. It also provides flexibility, so that as premiums rise, there is the option of raising the level of the Council's excesses, as a way of offsetting the impact of premium increases. This, as noted, worked successfully in 2006.
- 11.4 However, given the financial challenges facing the Council, it is unlikely that additional funding will be made available to increase the size of the insurance fund.

## **12. Recommendation**

- 12.1 The Council should continue to hold an insurance fund, adding additional funding if and when the Council's financial position improves. The size of the fund should reflect the advice of the Actuary, ie presently £2.4m.
- 12.2 The Council should continue to look at the option of increasing further the levels of excess carried, in order to minimise the impact of rising premiums, where this appears cost effective.

## **Appendices**

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Appendix A	Zurich Municipal briefing re premium increases
Appendix B	Local Government Association – press release 11 August 2014 “no win no fee compensation culture”
Appendix C	Claims summary, all claims made in the last 5 years.

# Factors influencing Insurance Premiums



## Factors influencing insurance premiums



**At Zurich Municipal we are dedicated to serving both the Public and the Voluntary Sectors. We are committed to being here for you when it matters so ensuring the sustainability of our business is vital to helping the sustainability of yours.**

One aspect of this is helping you to understand the factors that affect insurance premiums and other related costs. Our aspiration is to ensure that our pricing is transparent and that we clearly explain the business rationale for any movements.

Insurance premiums will of course increase and decrease depending upon the capacity available in the insurance market, however there are also many additional influential and external factors. This is why maintaining a clear and consistent pricing methodology is so important.

As insurance and risk experts we're keen to share this information with you and I hope that you find this information useful. As always I welcome any feedback you may have.

Best Wishes

**Anne Torry**  
**Managing Director, Zurich Municipal**





**Our underwriting philosophy underpins the desire to provide stable capacity and sustainable pricing for our customers.**

By explaining the factors that influence insurance premiums our aim is to help you understand the short term rating changes that occur, thereby avoiding greater volatility in the future.

The principle of the common pool in which the contributions of the many pay for the losses of the few sets the basis for premium calculations. Contributions are required to cover:

- Claims costs
  - Anticipated attritional claims consisting of smaller more frequent losses
  - An allowance for large and catastrophic claims, that will happen to some customers
- A proportion for reserves, for claims which we are not yet aware of or even expect under a policy, this is particularly relevant for liability policies
- Reinsurance premiums, where purchased
- Costs of running our business

Your insurance premiums are primarily based on the specific risks you face and your individual claims experience, however factors such as claims inflation, investment returns and the expenses in providing the insurance service itself will have an impact.

This document aims to explain the various factors influencing pricing for particular types of cover, as well as providing you with some risk management guidance. By working together we can manage the impacts.

**Anne Griffiths**  
**Head of Underwriting, Zurich Municipal**

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## Key factors influencing your insurance premiums:

### Regulation and legislative changes



#### New or existing legislation

This is an on-going and constant pressure on premiums. Legislation places additional responsibilities on companies, public bodies or individuals around products and services, health and safety requirements and statutory duties. It can also fundamentally change processes and procedures. Relevant examples of regulatory and legislative changes would include the Localism Act 2011, the Public Health transition and Solvency II.

#### Ministry of Justice reforms

A host of changes also came into effect in 2013 as part of the Ministry of Justice claims reforms and the review of civil litigation costs by Lord Justice Jackson, which are set out in the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) and in secondary legislation, including amendments to the Civil Procedure Rules. The reforms present a potential opportunity to address some of the increasing legal costs faced by insurers, however general damages will also increase by 10% in consequence.

#### Health and Safety reforms

You may also be aware of the Health & Safety reform agenda, which makes changes to guidance and may result in a potential deterioration in standards. We consider the impact of all legislation within our pricing.

### What you can do to mitigate the effects

- Recognise new responsibilities arising from new legislation and ensure that you are taking action to fulfil these new requirements.
- Seek to optimise the quality of your inspections and risk assessment records as these could be used as evidence of compliance to regulations.
- With respect to the Health and Safety, ensure effective procedures are implemented, including appropriate training and high quality equipment; even in times of austerity, legislation indicates that health and safety simply cannot be compromised.
- Understand the new requirements the Ministry of Justice reforms bring and ensure you are able to respond to them – if in doubt, please contact us and we can support you in gaining a further understanding of this area.



## Claims trends



### Climate change

Volatility in weather patterns is continuing and losses related to severe weather represent a disproportionate percentage of claims costs. This trend is a trend for careful consideration in your planning, ensuring you have major incident response plans ready to deploy from an insurance premium perspective, the increase in extreme weather events is incorporated in our pricing approach.

### Changing behaviours

The UK's legal framework, a proliferation of claims management companies and a perception of 'easy' compensation gains have led to an overall increase in claims frequency. The industry has seen an 18% rise in reported claims between 2007 and 2011 (Source AM Best & Co Rate Increase Report Oct 2012).

### Claims inflation

The cost of settling claims has been steadily increasing for many years across all lines of business due to rising costs of property repairs, labour, materials at a rate greater than inflation. In addition the rising cost of care, increasing legal costs and the growing use of Periodic Payment Orders (PPOs) are also influencing the cost of claims. The continued influx of Claims Management Companies is also having a negative impact on loss ratios.

## What you can do to mitigate the effects

- With respect to severe weather events, integrate resilience and resistance measures into Property and Business Disaster Recovery Plans and work in tandem with local community initiatives.
- Ensure that you are planning for new and emerging risks such as cyber attacks that cause disruption to your organisation.
- Report all claims promptly to minimise delays, which may lead to increased legal costs and a poorer claims outcome.
- Be alert to possible fraudulent claims – we can support you with this, so please contact us if you need any further information.
- Notify your insurer in the event of any new claims/trends occurring – the earlier the notification is, the quicker claims trends can be identified and action taken to mitigate the costs or to make adjustments to the reserving policy as necessary to cater for these incidents.



## Austerity and recession

### Effects of austerity

Socially we are experiencing a difficult economic environment and austerity measures may mean fewer resources are available for such things as training, maintenance and repairs. An increase in social unrest has also been experienced and is predicted to continue.

### Recessionary losses

Theft, arson, fraud and malicious damage all increase as a consequence of financial pressures. Sustained levels of unemployment are increasing the

potential for losses and fraudulent claims are reportedly costing the insurance industry over £2 billion a year.

### Quality and management

With reduced budgets and a more competitive environment, we are seeing deteriorations in claims experience due to reduced funding for risk management. An awareness of the financial stability of key suppliers is also needed to minimise the risk of failure of critical services in supply chains.



## What you can do to mitigate the effects

- Look at ways to ensure health and safety is not compromised if spending cuts in relevant areas have to be enforced. Remember to consider the positive cost benefits from an operation that is well maintained.
- Be aware of any potential risks which may arise from your supply chain, such as single supplier dependencies. Make sure you include these in your business continuity planning.
- Make sure you identify all passengers in third party vehicles, where your insured driver is to blame.
- Photographs of the accident site and the vehicles involved are helpful in supporting the claims where circumstances permit.
- Consider the potential for any social unrest within your community and through implementing risk management, plan for responding to this.
- Ensure your contracts work process is well managed from tender to final handover of the completed works and manage unoccupied buildings carefully.





## Financial

### Investment returns

Insurance companies previously enjoyed significant investment returns made from the premiums that are collected and held in reserve, to pay claims at a later date, which meant that there was less focus on making an underwriting profit. Very low interest rates have prevailed in the last few years to help stabilise the economy. However this has significantly reduced the investment returns insurers are now able to make. Therefore, in the current environment, rates need to increase to reflect the fact that there will be lower investment income earned. This is affecting all lines of business and is an industry-wide issue for insurers.

### Solvency II

Insurers have to prove to the regulators that they can meet their liabilities to their policyholders and that they hold the required margin of capital. Good fiscal practice is, therefore, essential for insurers and a lot of resource has been put into being ready to fully satisfy these requirements. Zurich is proud of its financial rating and is confident in meeting the capital requirements. The importance of an insurer's stability should not be underestimated, as insurers pay long tail claims (such as liability claims) and need to be here in the future, not just for now in order to offer value. There is a cost attached to having a strong balance sheet, however, it is critical to ensure longevity and security.

### What is Zurich Municipal doing to manage these influences?

We are actively managing the legal, claims, recessionary and financial impacts for you.

To mitigate claims inflation our claims teams invest in improving processes, systems, technical expertise and supply arrangements across all lines of business.

In Motor we have invested in the market leading V-case system provided by Validus which helps us combat credit hire claims, ensuring that each claim is robustly validated, our processes have been improved too, allowing our handlers to take ownership of the claim and make sound financial judgements to reduce significantly the potential for unsubstantiated large hire claims.

We have worked closely, supported by our legal panel, with the key decision makers at the Ministry of Justice to represent our customers' and our view points to influence the recent reforms to deliver a balanced set of measures that will present opportunities to significantly redress the balance between damages and legal costs.

We have won awards for our strong defensive position to combat fraud, a claims supply panel to reduce claims costs and an award winning risk management team.

## What you can do to mitigate the effects

- Review and take into account an insurers financial strength when deciding where to place your business.
- In order to manage the volatility that the insurance cycle brings, at the outset, ensure your insurance programme fully reflects your budget, appetite for risk and capabilities in areas such as claims handling and risk management.

**As an organisation we have a vested interest in the Public Services and Third Sector and will do all we can to defend claims on principle. We work closely with you to defend claims, including those where there is a risk of a precedence being set that would have detrimental consequences for you and others. A recent example that demonstrates our commitment:**

In the case of Summers v Fairclough Homes the claimant grossly exaggerated his claim following a genuine injury at work. We used our technical insight and experience within Zurich Municipal to recognise that the application of the law in the case of fraud & exaggeration committed by claimants required changing.

In this land mark case we invested significantly in our legal defence to successfully argue that it is possible to strike out a third-party claim in its entirety at any stage of the process. We took this stance because of the impact of allowing claims where gross exaggeration and fraud were costing the industry and our customers many millions of pounds.

Although we did not succeed in having the whole of Summers's claim struck out for abuse of process the legal precedent was created and successfully applied in a subsequent case, Fari v Homes for Haringey. In this case a successful application was made by the defendant to strike the claim out as an abuse of process because of the gross exaggeration of the injuries sustained by Fari, even though the defendant had admitted liability for the tripping accident before the trial. In both cases surveillance techniques were used to provide evidence of the gross exaggeration by the claimants.

Overall we strive to minimise the impact of influences on pricing or the cost of claims by investing in our people and developing their expertise, investing in technology, having a robust investment strategy to minimise the impact of low returns, lobbying government on issues that matter to you, defending claims robustly, keeping you informed on the latest developments with publications (such as Court Circular) and continually focusing on reducing fraud.

# Motor

## Influencing Factors on insurance costs

### Frequency of injury claims

For 2011 the frequency of third party bodily injury claims increased by 6% contrasting with a decline in the number of accidents by 11% (Source: Actuarial Profession Updated Report on Third Party Claims Sept 2012). This trend is continuing to negate the effect of reduced claim numbers overall. It is estimated that motor insurers are currently receiving around 1,500 claims a day for 'whiplash' injury with total costs running at £2 billion a year.

### Fraudulent Claims/Crash for Cash

Staged collisions, theft and arson claims have all increased during the economic downturn. It is estimated that approximately 51% of all fraudulent claims experienced by insurers are motor related.

### Changing Landscapes

There are currently more cyclists and motor cyclists on the road resulting in an increased frequency of death and serious injury losses from more vulnerable road users. In 2011, 107 cyclists were killed and 3,085 seriously injured, a 15% increase from 2010. The figures for motor cyclists saw an increase in death and serious injury of 8% to 5,609 in 2011. (Source: Datamonitor April 2013).

### Future Care Costs

Increasing life expectancies with the advancement of medical treatment has led to substantial escalation in future care costs for those seriously injured. The increasing frequency of the use of Periodic Payment Orders to ensure adequate future care provision for the most vulnerable claimants is adding substantially to major injury awards. In PPO settlements, claimants requiring long-term care due to serious bodily injury receive an initial lump sum award together with inflation-linked annual payments, as opposed to a larger, single lump sum that permanently settles the case. This leaves significant uncertainty for insurers in the amount they will pay out in total for a claim. This means that when calculating premiums many assumptions on future mortality experience, the ASHE indexation, discount and inflation rates will need to be made. According to research carried out by Towers Watson, between 2008 and 2010, the number of large motor claims over £1m settled by PPO rose from 18% to 35%, a significant leap.

### Credit Hire

While the costs of parts and labour for vehicle repair continue to rise with inflation, repair costs increase substantially when credit hire and/or credit repair providers become involved.

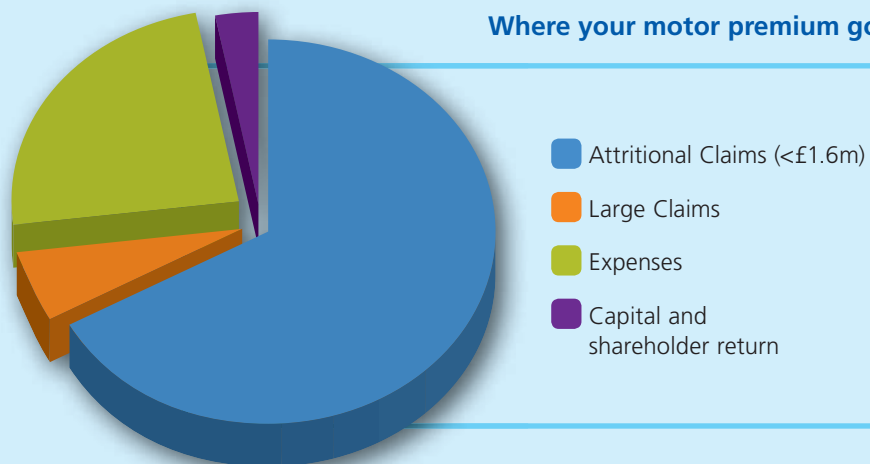
## What you can do to mitigate the effects

- Review your fleet management arrangements to ensure you are doing all that is possible to avoid or mitigate the effect of motor accidents.
- Ensure that the policy and procedures you have implemented to assess, analyse and understand the risks remain effective, particularly when looking at your drivers, the journeys they make and the vehicles they drive.
- Check that the precautions you have identified are being implemented and remain appropriate. These could relate to the selection of appropriate vehicles, maintenance and inspection of vehicles, driver assessment and training, driving licence checks, depot traffic management etc.
- Ensure that your fleet management/ vehicle records are adequate. Your records can often help us to defend a claim, so it is essential they contain all the vehicle information, maintenance records, training details etc.
- In-vehicle technology is increasingly providing invaluable operational and risk management information in the control of all motoring costs.
- Consider the use of telematic boxes in your vehicles. They may have the effect of improving driving standards. Some devices could potentially have other benefits too, such as anti-theft tracking, or personalised records of employees driving.
- It is essential to report a claim as soon as possible and to ensure claim notification arrangements are robust. Early sight of third parties involved in a fault incident can avoid additional claims costs, which normally results from the involvement of credit hire or credit repair operators.
- Consider the use of the Zurich Approved Repairer Network for your own vehicle repairs, to keep your claims costs as low as possible.
- Advise us if you suspect any fraudulent claims so we can investigate on your behalf.



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Where your motor premium goes



# Casualty

## Influencing Factors on insurance costs

**Fraudulent liability claims** – Across the insurance industry, we have seen an increasing number of fraudulent liability claims in the current economic environment. Statistics show that fraudulent liability claims have the highest average cost across the insurance market. Fraud rings have identified that where the Police and Insurers have developed sophisticated tools to tackle motor insurance fraud; fraud rings are moving to focus on other lines of business.

**Ensuring good risk management practices** – Whilst good risk management is something that we actively encourage, with the tightening of budgets, it is likely that financial resource will be allocated elsewhere. This may mean that health and safety employees, processes and training are not protected from spending cuts. Areas such as plant maintenance, machinery and inspection regimes, particularly of public facilities such as highways, footpaths, parks and open spaces tend to deteriorate under financial pressures. Reduced spending on risk management and safety monitoring systems however, can be a false economy and will lead to increased claims and a difficulty in providing the evidence to defend them.

**Increasing care costs** – With increasing life expectancies and the advancement of medical treatment, injury claims costs are escalating considerably. Furthermore, costs are spiralling as we are seeing an increase in the number of bodily injury claims that require long term care. As a result of these factors, we are seeing the costs increase dramatically.

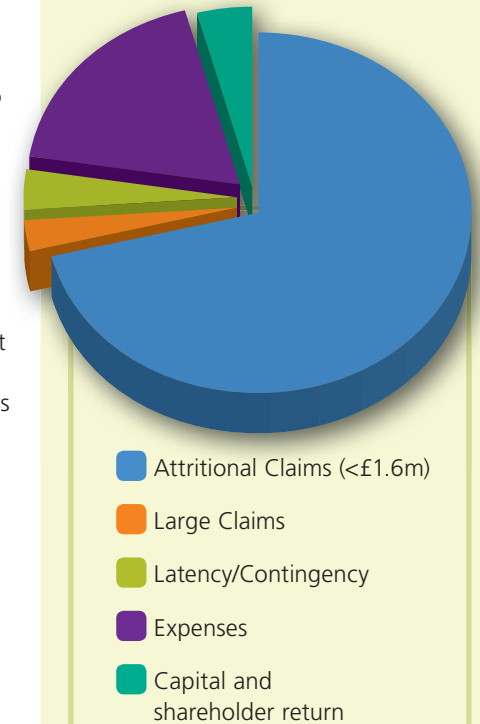
**Emerging claims/risks** – It is important that rates are set at the right level to reflect the potential for emerging risks. Historic claims related to asbestos exposures 30-40 years ago are well known but we are seeing an increase in other exposures developing such as abuse of children and vulnerable adults and noise induced hearing loss. Noise induced hearing loss is currently affecting insurers as these claims have become a further target for 'no win, no fee' companies. There will be other emerging risks, currently unknown, which will become the 'asbestos' or 'deafness' claims of the future. We must allow for emerging risks within our premium calculations, to provide cover for those claims that may have occurred, but have not yet been reported.

What you can do to mitigate the effects

- Consider the positive cost benefits from an operation that remains appropriately resourced and recognise the potential false economy of spending cutbacks – particularly on health and safety procedures and processes. The perceived short term gain in a financially pressured environment will often lead to higher costs in the long term.
- Maintain senior management commitment and leadership on health and safety managements and ensure that an adequate, structured and robust approach to managing the risks remains in place.
- Where changes are necessary, ensure that the risk implications of these are properly considered. In particular, look at ways to ensure health and safety is not compromised if spending cuts in some areas have to be enforced.
- Ensure that key competencies are retained including providing competent advice on matters such as health and safety. Ensure that roles and responsibilities remain clearly defined, particularly where significant changes are anticipated.
- Maintain the uniformity or consistency of risk management standards applied across areas involved in any re-organisation.
- Ensure that performance monitoring and the review of arrangements and procedures put into place to mitigate risk remains suitably robust to control risks.
- By implementing a proactive – and recorded system of managing risks including risk assessment and inspections, you will be better placed to reduce the number of incidents and claims and also be better placed to defend those claims that do arise. Early notification of potential risks from a regular inspection process can avoid injuries occurring or at least provide some defence against legal liability. It is important that you continue a regular inspection programme, complete any repairs promptly and maintain written records.
- Advise us if you suspect any fraudulent claims so we can investigate on your behalf.
- Legal costs in particular increase with time so it is important to report claims and respond to requests for information as soon as possible. New legislation may help but failure to respond within tight deadlines could prejudice any defence.

- Following the implementation of the MOJ reforms for Employer's and Public Liability claims in July 2013, timescales to manage claims will reduce significantly and you'll need to be aware of the changes to ensure the right claims are kept within the portal and legal costs are kept to a minimum. For example, it is critical that all relevant documentation to support the defence of a claim is provided to us in good time. In addition, we will need your support to help us investigate claims quickly, supply wages information on EL claims in a timely manner and work with us to make quick decisions on liability. All of these factors will help us, help you. For more information please refer to our separate communications bulletins on the MOJ reforms or please contact us.

Where your Casualty premium goes



# Property

## Influencing Factors on insurance costs

### Property claims frequency –

Whilst numbers fluctuate, recessionary pressures can have an effect, particularly in relation to theft (metals), malicious damage and arson.

**Fraudulent claims** – Recent increases in the volume of potential fraudulent claims reported have been identified in certain areas.

**Risk improvement** – A lack of available funds and postponing of capital funded risk improvement projects leads to a decline in the overall property risk quality if the building maintenance is neglected and physical security is inadequate. This has led to an increase in Escape of Water claims in particular.

**Climate change** – Volatility in weather patterns, coupled with population migration with subsequent increased exposure to higher risk areas; such as flood plains and storm water run-off areas.



### Large catastrophe losses –

Greater incidence of storms, flooding and earthquakes have led to reinsurance costs rising. The cost and frequency of the events themselves are significant. Pricing assumptions for catastrophe losses have been increased accordingly.

**Escape of water losses** – The main contributory factors to an increasing trend of escape of water claims are; cold winters, a surge in renting and subletting, a lack of maintenance, poorer construction methods used combined with a shortage of skilled trades leading to the increased use of transient and unskilled workers. This together with the upgrading of properties to include increased numbers of bathrooms, showers and wet rooms, more plumbed appliances than ever before inside our properties as well as an increase in DIY improvements and repairs have further compounded the issue.

**Social habits** – The use of chip pans, candles, electrical equipment and smoking are all social habits which can result in severe fires. Chip pans and candles may catch fire if left unattended or too close to flammable materials, faulty electrical equipment or power sockets can be overloaded with multiple devices and cigarettes which have not been properly extinguished all present a fire risk

**Health & Safety** – Fire brigades will not generally send their personnel into burning buildings unless there is a threat to human life, plus their coverage is reducing. This can increase the severity of losses, thereby increasing claims costs.

**Building regulation** – Changes to meet the carbon footprint reductions and other environmental targets are increasing inflationary costs with respect to partial and total building reinstatements.

**Modern methods of construction** – Greater use of combustible materials such as timber frames and polystyrene insulation, as well as fast build lightweight constructions have led to an increased severity of losses, particularly in respect of fire and storm events.



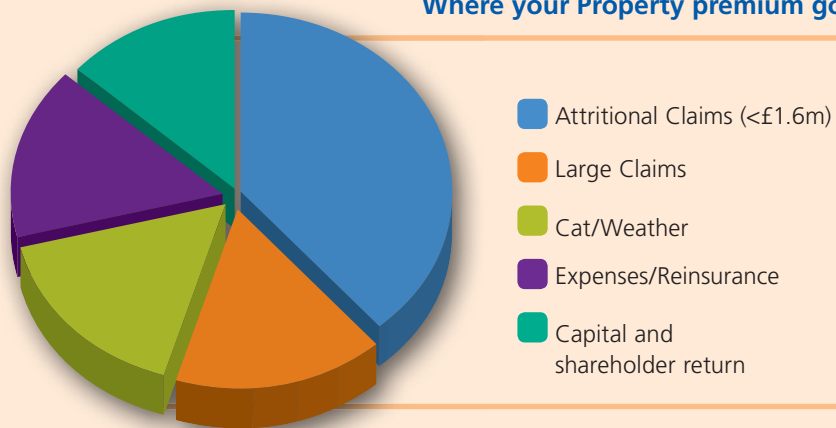
## What you can do to mitigate the effects

- Improve your security with installation of improved fencing, locks, intruder alarms or CCTV.
- Advise us if you suspect any fraudulent claims so we can investigate on your behalf.
- Carry out identity and background checks on tenants.
- Ensure that adequate resources are set aside for regular maintenance and carry out checks on the quality of any work carried out.
- Whilst you can't control the weather you can plan for its effects. Regular maintenance is key plus you may also wish to consider the replacement of lightweight materials with something more robust.
- We can help you identify high risk locations where you can prioritise resources to improve facilities and be more prepared for the consequences of a major event.
- Ensure pipework is adequately maintained, keep property temperatures at a minimum of 10 degrees centigrade even when unoccupied to stop the risk of pipes freezing and bursting, use appropriately qualified workmen, ensure pipes and tanks are well lagged and ensure you or your tenants know

where to find stop cocks and how to shut off the water supply quickly in the event of a leak.

- Give clear guidance to employees and tenants about the risks involved and ensure smoke alarms are fitted and working. Ensure electrical appliances owned or provided with properties are regularly tested.
- Consider improving your own fire protections with the installation of fire sprinkler, suppression or detection systems.
- Carry out periodic revaluations of your properties to ensure you have adequate rebuilding sums insured and keep abreast of the current building regulations.
- Avoid the use of more flammable materials in new or replacement building. More robust alternatives are usually available and although they may sometimes be more expensive now the long term costs could be more beneficial and minimise health and safety issues in the future.

Where your Property premium goes



# Conclusion

We hope this document has helped you to better understand the different factors influencing insurance premiums and claims costs.

We also hope that the information provided enables you to improve your risk management and helps you to influence the cost of your insurance and your budgeting in the future.

If you would like more detailed information on any of the points covered within this guide please contact us.

In the current economic environment, you can be sure that you're working with risk experts who will support you to create organisational resilience.



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## Appendix B

# Councils warn over 'no win no-fee' compensation claims

## LGA press release 11 August 2014

**Government is being urged to clamp down on opportunistic 'no-win no-fee' compensation claims which are draining taxpayers' money from schools and important local services, council leaders say.**

The Local Government Association (LGA), which represents councils in England and Wales, is warning that claims for often trivial or minor incidents risk having a detrimental impact on road repairs and education budgets. Many of these claims arise from lawyers talking people into making a claim with the offer of free legal fees.

The cost of compensation claims related to the condition of roads last year amounted to £31.6 million, once staff time for processing them had been factored in. This amount of money is equivalent to the cost of filling more than 600,000 potholes. It comes at a time when councils are tackling budget cuts while trying to fix a £12 billion backlog in road repairs which has arisen as a result of decades of underfunding from successive governments.

Recent figures showed that compensation claims related to incidents in schools amounted to £2.7 million last year, with the total cost to local authorities reaching £6 million once claimants' expensive legal fees were added.

The £6 million paid out is equivalent to the government funding allocation for the teaching of 1,300 pupils.

While councils and schools will have insurance policies in place to cover payouts, the number and cost of these claims will be reflected in insurance premiums.

Cllr Peter Fleming, Chairman of the LGA's Improvement Board, said:

"It is absolutely right that compensation is made available to people with genuine cases. But councils have feared for a long time that some lawyers are clogging up the system with spurious claims from people just chancing their arm.

"The vast majority of lawyers do a commendable job. However, there is a small but significant minority of opportunistic lawyers leeching away money which would be much better spent improving our schools and fixing our roads. Some of the claims being made and fees being charged beggar belief.

"Popular local services like leisure facilities, children's centres and pothole repairs are likely to bear the brunt of funding cuts over the next two years. At a time when councils are contending with the biggest cuts to local service budgets in living memory, the extra burden of spurious compensation claims poses a real threat to councils' ability to protect the services people value most.

"Public safety is a priority for local authorities who take seriously their responsibility to avoid these types of claims occurring in the first place by ensuring people do not come to any harm.

## Appendix B

"All too often the only real winners are the lawyers whose huge legal fees can dwarf the compensation payouts received by their clients.

"Government has already gone some way towards reforming no-win no-fee claims, but we need a further and fuller overhaul of the system to stop opportunistic lawyers lining their pockets at the public's expense."

### Notes for editors

1. The Legal Ombudsman's report on No-Win No-Fee, published earlier this year, concluded that: "The no-win, no-fee model has played its part in fostering a culture of ambulance chasing and fraudulent claims which has inadvertently driven up insurance premiums."

[Complaints in focus: 'no win, no fee' agreements](#)

2. The average cost of filling a pothole for local authorities in England last year was £52. Compensation payouts related to damaged roads, including the cost of staff time to process them, amounted to £31.6 million.

[Asphalt Industry Alliance](#)

3. The schools block per pupil unit of funding for England in 14-15 is £4,555. £6 million would pay for the revenue cost (teaching and non-teaching) of 1,300 pupils.

See link to Excel document below:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/331673/DSG\\_allocations\\_spreadsheet\\_2014\\_to\\_2015\\_final.XLS](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/331673/DSG_allocations_spreadsheet_2014_to_2015_final.XLS)

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**ends**

Appendix C - Employers Liability

POLICY YEAR	NO OF CLAIMS RECEIVED	NO OF CLAIMS CLOSED AT NIL	% OF CLAIMS CLOSED AT NIL	NO OF CLAIMS PAID	% OF CLAIMS PAID	CLAIMS PAID UP TO £25,000	AMOUNT PAID BY WBC £	CLAIMS OVER £25,000	AMOUNT PAID BY WBC £	TOTAL PAID BY WBC £	INTERNAL RECOVERY £	AMOUNT PAID BY INSURER £	NO OF CLAIMS OUTSTANDING	% OF CLAIMS OUTSTANDING	AMOUNT OUTSTANDING £	CLAIMS OUTSTANDING OVER £25,000	Amount Outstanding £
2009/2010	8	1	13%	6	75%	5	42,946.74	2	180,893.88	223,840.62	24,000.00	144,414.63	1	13%	30,000.00	1	30,000.00
2010/2011	4	3	75%	0	0%	0	0.00	0	0.00	0.00	0.00	0.00	1	25%	15,100.00	0	
2011/2012	2	0	0%	1	50%	1	12,430.85	0	0.00	12,430.85	0.00	0.00	1	50%	75,000.00	1	75,000.00
2012/2013	3	0	0%	1	33%	1	3,300.00	0	0.00	3,300.00	0.00	0.00	2	67%	23,926.50	0	
2013/2014	2	1	50%	0	0%	0	0.00	0	0.00	0.00	0.00	0.00	1	50%	6,050.00	0	
<b>TOTALS</b>	<b>19</b>	<b>5</b>	<b>26%</b>	<b>8</b>	<b>42%</b>	<b>7</b>	<b>58,677.59</b>	<b>2</b>	<b>180,893.88</b>	<b>239,571.47</b>	<b>24,000.00</b>	<b>144,414.63</b>	<b>6</b>	<b>32%</b>	<b>150076.5</b>	<b>2</b>	<b>105000</b>

as @ 20.10.2014

SCHOOL EXCESS = £500/£1,000/£2,000

SERVICE EXCESS = £10,000

POLICY DEDUCTIBLE = £100,000

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Appendix C - Highways Fleet

POLICY YEAR	NO OF CLAIMS RECEIVED	NO OF CLAIMS SETTLED @ NIL	NO OF CLAIMS PAID	WBC PAID £	WBC RECOVERED £	WBC NET COST £	INSURER PAID TO TP £	AMOUNT OUTSTANDING £	NO OF CLAIMS OUTSTANDING
<b>2009/2010</b>	73	14	59	55,660.81	44,118.49	11,542.32	24,854.21	0.00	
<b>2010/2011</b>	51	5	46	31,002.72	30,929.35	73.37	3,025.36	0.00	
<b>2011/2012</b>	38	4	34	18,418.92	18,363.89	55.03	4,960.85	0.00	
<b>2012/2013</b>	44	6	38	36,661.46	36,660.86	0.60	3,354.81	0.00	
<b>2013/2014</b>	37	3	19	14,658.18	11,003.22	3,654.96	834.56	5,565.01	15
TOTALS	243	32	196	156,402.09	141,075.81	15,326.28	37,029.79	5,565.01	15

@ 20.10.2014

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Appendix C - Property

YEAR	NO OF CLAIMS RECEIVED	NO OF CLAIMS CLOSED AT NIL	NO OF CLAIMS PAID	PAID £	INTERNAL RECOVERY £	AMOUNT PAID BY INSURER £	NO OF CLAIMS OUTSTANDING	AMOUNT OUTSTANDING £
2009/2010	27	4	23	167,383.90	35,181.32	0.00	0	0.00
2010/2011	24	13	11	50,136.75	8,000.00	0.00	0	0.00
2011/2012	12	7	5	57,505.84	10,000.00	0.00	0	0.00
2012/2013	4	1	2	89,284.01	3,000.00	0.00	1	0.00
2013/2014	19	6	3	90,294.75	13,880.00	0.00	10	49,958.96
<b>TOTALS</b>	86	31	44	454,605.25	70,061.32	0.00	11	49,958.96

@ 20.10.2014

SCHOOL EXCESS = £500/£1,000/£2,000

SERVICE EXCESS = £10,000

POLICY DEDUCTIBLE = £250,000

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Appendix C - Public Liability

POLICY YEAR	NO OF CLAIMS RECEIVED TO DATE	NO OF CLAIMS CLOSED AT NIL	% OF CLAIMS CLOSED AT NIL	NO OF CLAIMS PAID	% OF CLAIMS PAID	CLAIMS PAID UP TO £25,000	AMOUNT PAID BY WBC £	CLAIMS PAID OVER £25,000	AMOUNT PAID BY WBC £	TOTAL PAID BY WBC £	INTERNAL RECOVERY £	AMOUNT PAID BY INSURER £	NO OF CLAIMS OUTSTANDING	% OF CLAIMS OUTSTANDING	AMOUNT OUTSTANDING £	CLAIMS OUTSTANDING OVER £25,000	Amount outstanding £
	334	309	93%	21	6%	20	89,225.73	2	161,380.22	250,605.95	73,514.70	580,000.00	3	1%	272,882.60	2	262,000.00
2009/2010	183	156	85%	19	10%	19	54,258.88	0	0.00	54,258.88	42,933.01	0.00	8	4%	205,655.00	6	202,000.00
2010/2011	125	107	86%	13	10%	13	21,327.09	0	0.00	21,327.09	9,491.97	0.00	5	4%	64,515.00	0	0.00
2011/2012	498	458	92%	16	3%	16	22,377.39	0	0.00	22,377.39	12,141.07	0.00	24	5%	126,493.24	0	0.00
2012/2013	298	107	36%	7	2%	7	9,027.53	0	0.00	9,027.53	3,064.00	0.00	183	61%	1,306,647.58	2	1,134,000.00
2013/2014	1438	1137	79%	76	5%	75	196,216.62	2	161,380.22	357,596.84	141,144.75	580,000.00	223	16%	1,976,193.42	10	1,598,000.00

TOTALS

is @ 20.10.2014

SCHOOL EXCESS = £500/£1,000/£2,000

SERVICE EXCESS = £10,000

POLICY DEDUCTIBLE = £100,000

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Appendix C - Staff Fleet

Staff Fleet

POLICY YEAR	NO OF CLAIMS RECEIVED	NO OF CLAIMS SETTLED @ NIL	NO OF CLAIMS PAID	WBC			INSURER PAID TO TP	AMOUNT OUTSTANDING	NO OF CLAIMS OUTSTANDING
				WBC PAID £	RECOVERED £	WBC NET COST £			
2009/2010	108	4	104	93,264.94	40,196.06	53,068.88	25,310.02	0.00	
2010/2011	104	2	101	113,861.88	50,287.43	63,574.45	23,745.81	9,400.00	1
2011/2012	103	10	87	104,278.46	38,542.51	65,735.95	36,447.79	1,250.73	6
2012/2013	79	2	74	69,019.81	37,023.86	31,995.95	2,060.63	5,375.00	3
2013/2014	78	4	34	39,213.21	15,850.15	23,363.06	1,989.37	1,726.76	40
TOTALS	<b>472</b>	<b>22</b>	<b>400</b>	<b>419,638.30</b>	<b>181,900.01</b>	<b>237,738.29</b>	<b>89,553.62</b>	<b>17,752.49</b>	<b>50</b>

@ 20.10.2014

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<b>Title of Report:</b>	<b>Scrutiny Recommendations Update Report</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	2 December 2014

**Purpose of Report:** To inform the Commission of the progress of scrutiny recommendations approved by the Commission during the previous year.

**Recommended Action:** To note the information.

<b>Overview and Scrutiny Management Commission Chairman</b>	
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# Executive Report

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## 1. Introduction

- 1.1 The purpose of this report is to inform the Commission of the progress of scrutiny recommendations approved by the Commission.
- 1.2 Since December 2013, the Commission has approved 22 recommendations for submission through the Executive cycle. To date 22 have been adopted by the Executive.
- 1.3 9 of these recommendations are recorded as having been implemented within 12 months and a further 13 are on track to be implemented within the required timescale.

## 2. Recommendations

- 2.1 It is recommended that Members of the Commission note the update and consider any further action as appropriate.

## Appendices

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Appendix A – Scrutiny Recommendations Update

Review title	Recommendation	Owner	Date Agreed by OSMC	Date Adopted by Executive	Link to Exec Report	Update	Implemented within 12 months?
Schools Place Strategy	A mechanism be established for the reporting and monitoring of the accuracy of school placement forecasting data	Ian Pearson	21/05/13	14/10/13	Letter sent directly to the Executive Member for Education on 7 June 2013		Yes
	Efforts should continue to obtain the data held by General Practitioners in order that the forecasting model is as robust as possible	Ian Pearson	21/05/13	14/10/13			Yes
	All avenues should be pursued to secure financial contributions from Reading Borough Council for the provision of school places in the east of the district.	Ian Pearson	21/05/13	14/10/13		An initial meeting with Reading re pupil numbers has taken place. However, discussions about funding have not begun	on track
ASC Eligability Criteria Review	(1) The Head of Adult Social Care should keep the Council's Fair Access to Care Services eligibility criteria at 'critical' and continue to ensure that appropriate levels of funding remain for the provision of preventative services outside of that required for assessed care packages (currently £700,000 per year).	Tandra Forster	10/12/13	13/02/14		Implemented	Yes
	(2) The Head of Adult Social care should ensure, through annual review, that in its operation of the Fair Access to Care Services Policy the Council continues to comply with its statutory duties. In addition to any required policy changes, the reviews should incorporate an assessment of equality impact.	Tandra Forster	10/12/13	13/02/14		moving to a national eligibility as part of Care Act implementation. Project group established and EIA will be completed as part of that work.	on track
	(3) The Head of Adult Social Care should monitor the effectiveness of the steps that have been taken to reduce both the time taken to complete Section 47 assessments and the backlog of those cases awaiting assessment. Additionally, a further action might be a cessation of the practise of the Access for All team fielding telephone calls for other social care teams and the allocation of more staff time for the completion of assessments. Reports on effectiveness and progress should be made quarterly to the Overview and Scrutiny Management Commission	Tandra Forster	10/12/13	13/02/14			Yes
	(4) The Head of Adult Social Care should evaluate the operation of the Access for All team to ensure that its position within the organisational structure provides the most effective operational environment. Any changes to the role, formation or positioning of it should ensure that staff in this crucial team are appropriately trained, resourced, focussed and supported.	Tandra Forster	10/12/13	13/02/14		completed as part of Workforce project in Care Act programme of work.	Yes
	(5) The Head of Adult Social Care should continue to review and evaluate the effectiveness of the Multifunctional Assessment/Review Document to further improve its effectiveness and ensure that the administrative burden it necessarily imposes is kept to an absolute minimum.	Tandra Forster	10/12/13	13/02/14			Yes
	(6) The Head of Adult Social Care should ensure that those completing the Multifunctional Assessment/Review Document understand that the information it contains will be used by the Resource Panel to make decisions on the provision of care. If necessary, training should be provided to ensure that the delays caused by incomplete or poorly completed forms are reduced.	Tandra Forster	10/12/13	13/02/14			Yes
	(7) The Head of Adult Social Care should ensure that all staff undertaking social care assessments understand the need to keep those undergoing the process fully appraised of progress. This should ensure that expectations are managed and that dissatisfaction is resultantly kept to a minimum.	Tandra Forster	10/12/13	13/02/14			On track
	(8) The Head of Adult Social Care should ensure that the lessons drawn from the Transitions Project (which examined the period when people move from children's social care to adult social care) are widely communicated and fully understood both by those going through it and the staff supporting them.	Tandra Forster	10/12/13	13/02/14		4 weeks since approval by The Executive - No update at this stage	Yes

Review title	Recommendation	Owner	Date Agreed by OSMC	Date Adopted by Executive	Link to Exec Report	Update	Implemented within 12 months?
	(9) The Head of Adult Social Care should undertake further work to test the perception of some stakeholders that some groups, regardless of the level at which the eligibility criteria are set, are being disadvantaged. Should a disproportionate adverse effects be determined to be present then measures should be introduced to mitigate them.	Tandra Forster	10/12/13	13/02/14		See point 2	on track
	(10) The Head of Adult Social Care should review and then re-issue the guidance to staff about the necessity to ensure a holistic assessment is carried out in line with the 'Cross team working protocol'.	Tandra Forster	10/12/13	13/02/14			On track
	(11) The Head of Adult Social Care should give consideration to the introduction of measures to meet the needs of carers	Tandra Forster	10/12/13	13/02/14		Carers project within Care Act.	On track
	(12) The Head of Adult Social Care should strengthen the links between their service and GPs to ensure that the unique and trusted status of GPs is used to identify an early need for social care or the provision of support for carers.	Tandra Forster	10/12/13	13/02/14		being dealt with as part of wider integration work	On track
	(13) The Head of Adult Social Care should disseminate widely to their service the report on the findings of the public consultation in order that improvements in operational systems, processes and practise might be further identified.	Tandra Forster	10/12/13	13/02/14		4 weeks since approval by The Executive - No update at this stage	Yes
UTILISATION OF SHAW HOUSE	The target for the number of heritage visitors each year should be increased to at least 5,000 from 2016/17. Targets for the years prior to this should also be increased commensurately	Steve Broughton	20/05/14	04/09/14		awaiting update	
	Volunteers should be recruited to assist with the running of the House, for example with school parties, the provision of information to heritage visitors and the maintenance of the garden	Steve Broughton	20/05/14	04/09/14		awaiting update	
	The development of the garden should be given a high priority and the garden maintenance budget should be increased to reflect its larger size	Steve Broughton	20/05/14	04/09/14		awaiting update	