



BWRDD GOFAL CYMDEITHASOL, IECHYD A LLES Y CABINET

***Yn syth Yn dilyn y Pwyllgor Craffu ar
DYDD LLUN, 5 GORFFENNAF 2021***

O BELL TRWY TEAMS

1. Penodi Cadeirydd
2. Croeso a galw'r rhestr
3. Cyhoeddiadau'r Cadeirydd
4. Datganiadau o fuddiannau
5. Cofnodion y Cyfarfod Blaenorol (*Tudalennau 3 - 6*)
6. Blaenraglen Waith 2021/2022 (*Tudalennau 7 - 8*)
7. Polisi Gosodiadau Tai A Rennir Ymgynghorol Drafft Cyngor Castell-Nedd Port Talbot A Tai Tarian 2021 (*Tudalennau 9 - 146*)
8. Trefniadau Adrodd Am Berfformiad Y Gwasanaethau Plant A Phobl Ifanc A'r Gwasanaethau I Oedolion Ar Gyfer 2021-22 (*Tudalennau 147 - 158*)
9. Canolfan Adnoddau Ymyrryd Yn Gynnar A Chyfiawnder Ieuenctid Cnpt (*Tudalennau 159 - 178*)
10. Adolygiad Swyddfa Archwilio Cymru O Drefniadau Corfforaethol Ar

Gyfer Diogelu - Castell-Nedd Port Talbot, Dyddiedig Mis Mawrth 2020. (*Tudalennau 179 - 208*)

11. Polisi Codi Tâl Am Ofal Preswyl A Dibreswyl
(*Tudalennau 209 - 222*)
12. Eitemau brys
Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ôl disgresiwn y Cadeirydd yn unol ag Offeryn Statudol 2001 Rhif 2290 (fel y'i diwygiwyd).

K.Jones
Prif Weithredwr

**Canolfan Ddinesig,
Port Talbot**

29/07/2021

Aelodau'r Cabinet:

Cynghowyr: A.R.Lockyer a/ac P.D.Richards

Nodiadau:

- (1) *Os nad yw unrhyw aelod o Fwrdd y Cabinet yn gallu bad yn bresennol, gall unrhyw aelod arall o'r Cabinet gyflenwi fel aelod etholiadol ar y pwyllgor. Gofynnir i'r aelodau wneud y trefniadau hyn yn uniongyrchol ac yna i hysbysu is adran y pwyllgor..*
- (2) *Ystyrir barn y Pwyllgor Craffu blaenorol wrth wneud penderfyniadau (proses craffu cyn penderfynu)*

EXECUTIVE DECISION RECORD

13 MAY 2021

SOCIAL CARE, HEALTH AND WELLBEING CABINET BOARD

Cabinet Members:

Councillors: A.R.Lockyer (Chairperson) and P.D.Richards

Officers in Attendance:

A.Jarrett, A.Thomas, J.Hodges, N.Jones and T.Davies

Invitee:

Councillor: C.Galsworthy (Scrutiny Chairperson)

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor A.R.Lockyer be appointed Chairperson for the meeting.

2. **MINUTES OF PREVIOUS MEETING**

That the minutes of the previous meeting held on the 1 April 2021, be approved.

3. **FORWARD WORK PROGRAMME 2021/2022**

That the forward work programme for 2021/2022 be noted.

4. **RESIDENTIAL AND NON-RESIDENTIAL CARE CHARGING POLICY**

At the request of the Director, it was agreed that this item be removed from consideration at today's meeting, in order to align the policy more closely to legislation. It would be brought to a future meeting for decision.

Decision:

That the report be deferred for consideration at today's meeting.

5. **REGIONAL CO-PRODUCTION PACK FOR THE REGIONAL PARTNERSHIP**

Decision:

Given due regard to the circulated Integrated Impact Assessment, the endorsement of the West Glamorgan Regional Co-Production Pack, which consists of a Co-production Framework, Co-production Toolkit and Co-production Charter, be approved.

Reason for Decision:

To further improve co-production when undertaking the West Glamorgan regional programmes, projects and forums.

Implementation of Decision:

The decision will be implemented after the three day call in period.

6. **WELSH GOVERNMENT HOUSING CAPITAL GRANT PROGRAMME**

Decision:

That the report be noted.

7. **FIVE YEAR WEST GLAMORGAN REGIONAL CARERS STRATEGY**

Decision:

Given due regard to the circulated Integrated Impact Assessment, the endorsement of the Five Year West Glamorgan Regional Carers Strategy and supporting Quick Reference Guide document, be approved.

Reason for Decision:

To further improve the identification, recognition and support to carers across the West Glamorgan region.

Implementation of Decision:

The decision will be implemented after the three day call in period.

CHAIRPERSON

Mae'r dudalen hon yn fwriadol wag

Social Care, Health and Wellbeing Cabinet Board

Immediately following Scrutiny Committees starting at 2pm

Meeting Date	Agenda Item	Type	Contact Officer
29 July	Western Bay Youth Justice and Early Intervention Plan	TBC	Alison Davies/Keri Warren
	CSSiW (title to be confirmed)	Information	Angela Thomas
	Grant Agreements for the delivery of Pilot Projects Funded by the Housing Support Grant	Decision	Chele Howard
16 September			
21 October	Remodelling of Adult Social Care (following Consultation)	Decision	Angela Thomas
	Quarter 1 2021/22 Quarterly Performance Report	Monitor	Shaun Davies
	Carers Partnership Annual Report	Monitor	Celle Howard

Tudalen 7

Eitem yr Agenda 6

	Liberty Protection Safeguards Report	TBC	Angela Thomas
9 th December	Quarter 2 2021/22 Quarterly Performance Report	Monitor	Shaun Davies



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Social Care Health & Well-being Cabinet Board

5 July 2021

Report of the Head of Adult Services - A. Thomas

Matter for Decision

Wards Affected: All wards

NEATH PORT TALBOT COUNCIL AND TAI TARIAN CONSULTATIVE DRAFT SHARED LETTINGS POLICY 2021

Purpose of the Report

To inform Members of the Neath Port Talbot Council & Tai Tarian Consultative Draft Shared Lettings Policy 2021, attached at Appendix 1 and seek approval to subject it to a 90-day public consultation exercise.

Executive Summary

The Council and Tai Tarian are required to periodically review their shared housing lettings policy and the most recent joint review has just been completed. The consultative draft policy, a copy of which is attached at Appendix 1, now needs to be the subject of a public consultation exercise.

Background

Following housing stock transfer in 2011, the Council retained its role as the Local Strategic Housing Authority. In that role, the Council has the legal responsibility to formulate, adopt, and amend an allocation scheme and where appropriate, consult on proposed changes to it. Under the 2010 transfer agreement, a Shared Lettings Policy between the Council and Tai Tarian (then NPT Homes) was therefore agreed and both now share that ongoing responsibility for alterations or changes to the Joint Lettings Policy, including its periodic review.

The Review

The last periodic review of the Policy was completed in 2015 and the current review process began in 2017. This review was more comprehensive than the last and so was not substantially completed until early 2020. The Covid-19 pandemic then prevented the necessary further work to complete the process taking place until very recently.

The consultative draft Policy attached at Appendix 1 is consequently not likely to require further significant revision for some time to come and it has therefore been decided that the Policy will only be routinely reviewed every 5 years in future.

It is however acknowledged that there may be need to undertake an ad-hoc review, following any substantial changes in any relevant legislation or guidance, or any other emerging factor that impacts substantively on the content of the Policy or its implementation.

The general thrust of the review was to facilitate as many interested officers as possible from both organisations working together, to ensure that the content of the Policy was as reflective as possible of the operational reality of its day-to-day implementation by Tai Tarian, whilst ensuring that the role of the Policy in meeting the Council's duties under the Housing (Wales) Act 2014, as well as its wider strategic Housing objectives, continued to be optimised.

The reviewed document consequently went through numerous iterations, such that it would be extremely difficult and arguably counter-productive to attempt to outline in detail the substance of the many changes made to it, in this report.

However, In addition to the Policy itself, the following documents will be made available, as a part of the consultation exercise:

- A Summary Policy document (copy attached at Appendix 2);
- an online and hard-copy consultation questionnaire with targeted questions (copy attached at Appendix 3);
- a consultation booklet for those unable to access the Council's Consultations webpage (copy attached at Appendix 4);
- a summary Plan on a Page document (copy attached at Appendix 5); and
- an Easy-read outline of the consultation exercise (copy attached at Appendix 6)

Appendices 1 to 6 will all be made available in Welsh during the consultation exercise.

Furthermore, both Council and/or Tai Tarian officers could make themselves available for a separate consultation meeting with interested Members, during the 90-day consultation period, if that was considered necessary and helpful.

In any case, following the consultation exercise, a further report will be brought to Members outlining the final version of the Policy, as determined by consultation outcomes, and supported by a refreshed Full Integrated Impacted Assessment, similarly informed.

Financial Impacts

There are no known or anticipated financial implications for the Council as result of the proposal, other than those associated with the consultation exercise itself, which are budgeted for.

Integrated Impact Assessment

A first stage impact assessment was undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. This first stage impact assessment indicated that a more in-depth assessment was required.

An overview of the Full Integrated Impact Assessment outcome is set out below but it is recommended that Members read the Full Integrated Impact Assessment, which is attached to the report at Appendix 7, for the purposes of the meeting.

- “There are potential gaps in the available equalities data because the data set only relates to 10% of current applicants to Tai Tarian for housing - i.e. those applicants who chose to provide it;
- the current document is however only a consultative draft;
- it will therefore be subject to further change, following the proposed 90-day public consultation exercise;
- as part that exercise, an equalities impact question will be asked and information on the protected characteristics of respondents requested;
- there are no currently known or anticipated negative impacts on any applicant, including any by virtue of the protected characteristics of any member of their household; and
- the potential positive impacts are maximised, as far as is currently possible.”

The full Integrated Impact Assessment will be refreshed following the public consultation exercise to take into account any relevant new information provided.

Valleys Communities Impacts

The policy has no spatial impact on our valleys communities and does not link to the impacts identified in the Cabinet's response to the Council's Task and Finish Group's recommendations on the Valleys.

Workforce Impacts

There are no known or anticipated workforce implications associated with this proposal.

Legal Impacts

The Policy has been reviewed and is to be consulted on in line with the requirements of all relevant Housing legislation and guidance.

Risk Management Impacts

There are no known or anticipated risks associated with this proposal.

Crime and Disorder Impacts

Section 17 of the Crime and Disorder Act 1998 places a duty on the Council in the exercise of its functions to have "due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent:

- a) Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment);
- b) The misuse of drugs, alcohol and other substances in its area; and
- c) Re-offending the area"

There is no known or anticipated impact under the Section 17 of the Crime and Disorder Act 1998 from the proposal contained in this report.

Counter Terrorism Impacts

The proposal contained in this report is neither known nor anticipated to have any impact on the duty to prevent people from being drawn into terrorism.

Violence Against Women, Domestic Abuse and Sexual Violence Impacts:

Section 2(1) of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 introduced a general duty where a person exercising relevant

functions must have regard (along with all other relevant matters) to the need to remove or minimise any factors which:

- (a) increase the risk of violence against women and girls, or
- (b) exacerbate the impact of such violence on victims.

The proposal contained in this report is neither known nor anticipated to have any negative impact on the above duty.

Consultation

The consultative draft document is to be the subject of a public consultation exercise as is required.

Recommendations:

It is recommended that Members grant permission for Officers to undertake a 90-day public consultation exercise on the consultative Shared Lettings Policy 2021 attached at Appendix 1.

Reasons for Proposed Decision

To ensure that the Council & Tai Tarian comply with their shared responsibility to periodically review their Shared Lettings Policy and subject the reviewed document to public consultation.

Implementation of Decision

The decision is proposed for implementation after the three day call-in period.

Appendices:

Appendix 1

Consultative Draft Neath Port Talbot County Borough Council & Tai Tarian Shared Lettings Policy 2021.

Appendix 2

Policy Summary

Appendix 3

Consultation Questionnaire

Appendix 4

Consultation Booklet

Appendix 5
Plan on a Page

Appendix 6
Easy-read

Appendix 7
Integrated Impacts Assessment

List of Background Papers
None

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Neath Port Talbot County Borough Council

and

Tai Tarian Limited DRAFT SHARED LETTINGS POLICY 2021

Document Control			
Version Number	5 (BM 16/02/21) kjre	Previous version No.	N/A
Applicable To:	All Staff/Board Members Prospective Tenants	Date approved by Tai Tarian Board: Date approved by NPTCBC Board:	
Responsible Officer(s)	Tai Tarian Director of Housing & Corporate Services NPTCBC Director of Social Services & Housing	Next Review Date	TBC

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SECTION 1 – Introduction

- 1.1 Neath Port Talbot County Borough Council (the **Council**) has a statutory obligation to formulate, adopt and amend an allocation scheme and where appropriate consult on proposed changes.
- 1.2 The Council in partnership with Tai Tarian has adopted this Lettings Policy. The policy meets the requirements in Part VI of the Housing Act 1996 (the **HA 1996**) (as amended by Homelessness Act 2002 and the Housing (Wales) Act 2014) (the **HWA**)), giving reasonable preference to those applicants in greatest need.
- 1.3 The Council retains full responsibility for the policy itself including any requirement to consult with stakeholders on any proposed changes to the policy. The Council has transferred to Tai Tarian the administrative functions and operation of a housing register (the **Housing Register**), which includes:-
 - a) The receipt of housing applications.
 - b) All assessment matters and decisions regarding eligibility under the scheme.
 - c) Carrying out any statutory review of a decision made.
 - d) Making sure that advice and information is given on allocations.
- 1.4 The allocation of properties by Tai Tarian will be undertaken in accordance with the provisions of this policy, which incorporates the following:-
 - Homes by Choice Scheme: applicants included on the Housing Register (or if authorised, the Council's Housing Options Team on behalf of such applicants) will be entitled to "bid" for vacant properties owned by Tai Tarian which are available for letting.
 - Banding Scheme: where applicants are placed in one of four bands of housing need according to their circumstances.
- 1.5 In addition to Tai Tarian properties, other Registered Social Landlords (**RSLs**) have agreements in place with the Council and information on these arrangements is contained in **Section 9** of this policy.
- 1.6 An Assured Shorthold Tenancy or Assured Tenancy will be offered by Tai Tarian (subject to legislation changes) to the successful applicant in accordance with the policy which takes into account the applicants' housing history. When the Renting Homes (Wales) Act 2016 (**RHWA 2016**) becomes operational, successful applicants will be given either standard occupational contracts or secure occupational contracts depending upon their housing history.
- 1.7 A summary of the Lettings Policy is available free of charge on request. A copy of the Lettings Policy is available on the Council's website (www.npt.gov.uk) or Tai Tarian's website (www.taitarian.co.uk). A hard copy (full or summary) will be available from Tai Tarian and the Council upon request and may be provided in larger print, in braille or in a different language.

SECTION 2 – The Legal Framework

- 2.1 Part VI of the HA 1996, as amended by the Homelessness Act 2002 and the HWA sets out the legal framework for the allocation of accommodation by Local Authorities and RSLs.
- 2.2 Tai Tarian will maintain the Housing Register and only qualifying persons will be placed on it. The Welsh Ministers may by regulations add to or change the definition of a qualifying person. In accordance with the terms of the HA 1996 and related regulations, Tai Tarian will determine who may and who may not be included on the Housing Register.
- 2.3 A separate 'holding list' of persons who have not yet met the criteria for the Housing Register will also be maintained by Tai Tarian.
- 2.4 The Council as a housing authority has a duty under Section 167 of the HA 1996 to ensure that in letting its properties it gives reasonable preference to certain categories of people housing need. These are:-
- People who are homeless.
 - People owed certain homelessness duties.
 - People living in unsatisfactory housing conditions (including insanitary or overcrowded housing).
 - People with a particular need to move on medical or welfare grounds.
 - People with a particular need to move to avoid hardship.

Subject to this requirement, the Lettings Policy may also reflect local priorities.

- 2.5 In applying this policy, in accordance with Section 149 of the Equality Act 2010 (the **EA 2010**), regard will be made to the need to:-
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EA 2010.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2.6 In framing the Lettings Policy to provide a choice of accommodation to applicants, the policy and any adopted procedures will meet any obligations by other existing legislation, in addition to Part VI of the HA 1996, including:-
- Housing (Wales) Act 2014.
 - The Human Rights Act 1998.
 - The Freedom of Information Act 2000.
 - Data Protection Act 2018 and UK General Data Protection Regulations (the "**UK GDPR**") (together the "**Data Protection Legislation**").
 - The Equality Act 2010.
 - Housing Act 2004.

- The Homelessness Act 2002.
 - Anti-Social Behaviour, Crime and Policing Act 2014.
 - The Rent (Agriculture) Act 1976.
- 2.7 Regard will be given to the EA 2010 (Statutory Duties) (Wales) Regulations 2011 and the Council's Strategic Equality Plan.
- 2.8 Nothing contained in this policy shall prevent the Council and Tai Tarian from developing and agreeing local lettings policies to meet specific local issues and where relevant these local lettings policies shall apply in addition or instead of the provisions in this policy. Any such local lettings policy drawn up and entered into will be published. All local lettings policies will be monitored by the Council to ensure that overall this policy operates to give reasonable preference for allocations to applicants in the reasonable preference categories (s.167(2) of the HA 1996). Prior to being implemented and upon review, all local lettings policies will need to be equality impact assessed to ensure they do not unlawfully discriminate against any of the protected characteristics listed in the EA 2010.
- 2.9 All local lettings policies must have clear aims and be linked to creating balanced and sustainable communities. They will be based upon evidence which demonstrate a need for the intended approach.

SECTION 3 - Data Protection

3.1 Data Protection

3.1.1 All personal data processed by Tai Tarian is subject to the requirements of the current Data Protection Legislation. This means that Tai Tarian must have a lawful basis to process personal data about the applicant or any household member included in that application. Whilst one such lawful basis is consent of the applicant, the Data Protection Legislation provides for other lawful bases for processing personal information that do not require consent – please see below for further details in relation to such lawful bases.

3.1.2 Further information as to how Tai Tarian process personal information can be found in Tai Tarian's privacy statement - <https://www.taitarian.co.uk/privacy-statement/>.

3.2 Processing Personal Data

3.2.1 An applicant's personal data may be processed (including shared with other organisations) about an applicant or any household member included in the application where there is a lawful basis to do so. This may include the following instances:-

- Tai Tarian have the applicant's consent to process their personal data (for example, if the applicant want Tai Tarian to discuss their tenancy or application with a member of their family or another representative we will ask for their consent).
- The processing is necessary for the performance of a contract to which the applicant is a party (for example, Tai Tarian may need to conduct a credit check before they offer the applicant a property to ensure they can afford to maintain the rent payments and/or to administer the tenancy agreement with the applicant).
- Processing is necessary for compliance with a legal obligation to which we are subject to (for example, for the prevention or detection of crime and fraud, or safeguarding issues).
- Processing is necessary in order to protect the vital interests of the applicant or another person (for example, where there is a serious threat to the applicant or third party, including staff or appointed contractors or to safeguard vulnerable adults or children).
- Processing is necessary for the purposes of our legitimate interest (for example, for the efficient running of the Tai Tarian organisation, to develop and improve the properties).

3.3 Information Sharing

- 3.3.1 Normally, only Tai Tarian staff will be able to see and process applicants' personal information. However, there may be times when Tai Tarian will share relevant information with others for the purposes listed below or where the law requires to do so. When sharing personal information, Tai Tarian will comply with all aspects of Data Protection Legislation.
- 3.3.2 Information on applicants will be shared with and made available to the Council in accordance with our Information Sharing Protocol. Information will only be shared between the Council, Tai Tarian and other bodies where we have a lawful basis to do so in accordance with the Data Protection Legislation. This will usually be on the basis of processing is necessary for compliance with a legal obligation to which Tai Tarian is subject or processing is necessary for the purposes of Tai Tarian's legitimate interest.
- 3.3.3 Data sharing with other agencies may take place where we have a lawful basis to do so in accordance with the Data Protection Legislation. This will usually be on the basis of the applicant's consent, processing is necessary for compliance with a legal obligation to which Tai Tarian is subject or processing is necessary for the purposes of Tai Tarian's legitimate interest.
- 3.3.4 Information may also be made available to other housing providers for the purpose of allocating housing, assessing applications or identifying current or former tenant arrears. Again, this will usually be on the basis of the applicant's consent, processing is necessary for compliance with a legal obligation to which Tai Tarian is subject or processing is necessary for the purposes of Tai Tarian's legitimate interest.
- 3.3.5 Tai Tarian may conduct credit reference checks to obtain information on an applicant's circumstances to assess their application for housing. The lawful basis Tai Tarian usually rely on for this purpose is legitimate interest.
- 3.3.6 Tai Tarian may enter into information sharing protocols with other agencies such as the Police.
- 3.3.7 Before sharing information, Tai Tarian will ensure that the organisation given the information shall fully comply with the requirements of the Data Protection Legislation.

SECTION 4 – Access to Housing

4.1 The Housing Register

4.1.1 Tai Tarian will manage the Housing Register which comprises both existing tenants wishing to transfer to another dwelling owned by Tai Tarian and new applicants for accommodation.

4.2 Who Can Apply

4.2.1 The Housing Register is open to all individuals who are not excluded as defined in the HA1996 or deemed to be ineligible (see **Section 4.4 - Exclusions**).

4.2.2 Anyone can register an application who is aged 16 years and over, unless they are subject to immigration control or excluded on the grounds of “unacceptable behaviour” (see **Section 4.4**), providing they are not already registered for housing on their own or on some else’s application.

4.2.3 Persons under the age of 16 years will be considered on an individual basis depending on their personal and housing circumstances, provided that:-

- They have not already made an application or are included as an applicant on someone else’s application.
- Tai Tarian is satisfied that they have the sufficient capacity to understand the rights and obligations required of them to occupy a property let by Tai Tarian.

4.2.4 If an applicant is aged under 18 years they cannot legally hold a tenancy. In such cases, the legal tenancy will be held on trust for the minor, until they reach 18 years. When RHWA 2016 applies, an applicant under the age of 18 years cannot be granted an occupational contract and will need to be granted a licence or a tenancy held in trust.

4.2.5 If a joint application is made by two persons, one of which is under 18 years then the legal tenancy will be held on trust by the applicant aged over 18 years until the other applicant reaches 18 years, when they can legally become the joint tenant. This will also be the position under RHWA 2016 with occupational contracts.

4.2.6 All 16 and 17 year old lone parents who cannot live with their parents, carer or partner and who are allocated housing under this policy, will be assessed to ascertain if they need accommodation with support. Tai Tarian will liaise with parents or carers and the relevant support agencies to ensure an appropriate support package and plan is in place before any offer of accommodation is made. Tai Tarian will require support agencies to provide evidence of the assessment and the support package which is in place.

4.2.7 Under Section 166 of the HA 1996, all applications must be considered. An applicant who is subject to immigration control can make an application for housing but any application must be rejected because Section 160A of the HA 1996.

4.2.8 Section 160A of the HA 1996 states that a Local Housing Authority shall only allocate housing accommodation to people who are eligible to join the scheme. The following persons are not eligible to join the Housing Register:-

- Persons from abroad who are subject to immigration control and not re-included by regulations. Further guidance is included at **Appendix 1**.
- Any other person as prescribed by the Welsh Ministers.
- Where an applicant or a member of the household is considered to be guilty of unacceptable behaviour which is serious enough to make them unsuitable to be a tenant and at the time of their application for housing and they are still considered unsuitable to be a tenant due to that behaviour (see **Section 4.4**).

Note that the above immigration eligibility rules do not affect the eligibility of a person who is already:-

- A secure or introductory tenant.
- An assured tenant of housing accommodation allocated to him by a Local Housing Authority in Wales.
- When operational, a contract holder under the RHWA of a property owned by a RSL or local authority.

Such applicants will be eligible regardless of their immigration status.

4.2.9 Any application by a person subject to the Asylum and Immigration Act 1996 (or any succeeding legislation) will be assessed in accordance with the provisions of that Act.

4.2.10 Social Housing tenants (those who have an existing tenancy with any local authority or RSL or Registered Provider in England) within the household making the application should be registered as either the applicant or a joint applicant, so that when a new tenancy is accepted their existing home will be vacated.

4.3 **Making an Application for Housing**

4.3.1 All applicants will be required to register an interest in applying for accommodation by following the instructions on how to apply on Tai Tarian's website (www.taitarian.co.uk). If the applicant is not considered eligible at this stage an application will not be deemed to be "live". This means the application will not proceed to the assessment stage but will be put on hold until it is considered eligible. Information on personal circumstances may then be verified and they will be informed of the likelihood of their being accommodated in the near future.

- 4.3.2 Advice and assistance is available for anyone who experiences a difficulty in applying for housing.
- 4.3.3 Applicants will be informed if they are required to provide certain information to Tai Tarian to determine how their application will proceed. In addition, checks will be made with the appropriate sources to complete and/or verify the information provided such as credit checks.
- 4.3.4 A full assessment where required will be undertaken using the most appropriate method. Applicants will be informed that if their application is successful, they will be required to pay rent in advance in accordance with the tenancy agreement at the start of the tenancy.
- 4.3.5 Translations of any forms and notes including translation and interpreting facilities will be made available upon request from applicants.
- 4.3.6 Applicants may use correspondence addresses as detailed below:-
- **No Fixed Abode** – If an applicant is applying as “No Fixed Abode” (NFA) then they should provide a correspondence address if at all possible. This could for instance be the Housing Options Team or a support agency. If an applicant who is of NFA cannot provide a care of address as a correspondence address then they will be asked to provide an e-mail address and/or telephone number, so that any communications to them can be made via those methods.
 - **‘Care of’ Correspondence Address** – We recognise that due to personal circumstances some applicants may wish to have all correspondence relating to their application sent to a different address other than the one they are residing at. The applicant will be required to provide the address and accommodation details for where they are residing as banding will be assessed on where the applicant is living.
- 4.3.7 At any stage during the application process Tai Tarian may undertake a visit to the applicant's current place of residence to verify the circumstances provided by the applicant in the application.
- 4.3.8 An applicant has the right to request a review, which includes those decisions relating to eligibility for or an offer of accommodation, the band and the property size category they have been allocated to. See **Appendix 9** for further details.

4.4 Exclusions from the Housing Register

- 4.4.1 All applicants will be assessed for their eligibility for inclusion on the Housing Register. This will be considered taking into account their immigration status, as detailed above, past and present conduct and other relevant matters.

- 4.4.2 Persons subject to immigration control, under the Asylum and Immigration Act 1996 are statutorily excluded from accommodation unless they fall within certain exception categories (see **Appendix 1**).
- 4.4.3 An applicant may be excluded from the Housing Register as a result of unacceptable behaviour. If it is reasonable and proportionate to do so, we will take into account all relevant factors such as vulnerability, health and individual circumstances when making decisions on exclusion.
- 4.4.4 The only behaviour that may be regarded as unacceptable is defined as behaviour by an applicant or member of their household which would, if they were a secure tenant of a local authority, entitle the landlord to a possession order under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985.
- 4.4.5 The procedure and principles to be applied in determining exclusion are set out in **Appendix 2**.
- 4.4.6 Subject to **Section 4.4.4** this policy allows for applicants or members of their prospective household to be registered on the Housing Register but their application **may not be considered 'live'** until such time as they have addressed current or past behavioural issues. The following criteria will apply where the applicant or a member of their prospective household has:-
- failed to maintain their current or any previous social rented or private sector rented property within the terms of their tenancy agreement; or
 - committed acts causing or likely to cause nuisance or annoyance to their neighbours or others in the locality of where they live or where they previously have lived.
- 4.4.7 In such instances as described in **Section 4.4.6** above, the applicant and members of their prospective household will be informed of the action(s) that they will need to take before the application will be made 'live'. This may include co-operation over a period of time with support agencies, social services or other organisations where the express outcome is that there is a significant improvement in their conduct. Any action required to be undertaken must be reasonable and proportionate, and take into account the protected characteristics of the individual.
- 4.4.8 A Tai Tarian appointed person will decide whether sufficient action has been taken by the applicant to address the issue so that an offer of accommodation can be made. The status of the application will be reconsidered when there is evidence that:-
- the applicant (or a member of their prospective household) has addressed their behaviour to the satisfaction of a Tai Tarian appointed person: and
 - there has been no cause for complaint against the applicant (or members of their prospective household) for a continuous period of 6 months from the point where action has been agreed with the applicant to address their or a

member of their prospective household's behaviour or other identified problems.

4.5 Applications from Board Members, Staff or their Close Relatives

4.5.1 The following persons can apply for accommodation under this scheme, subject to the limitation set out below:-

- a) An officer (which includes a Board Member) or employee of Tai Tarian.
- b) A person who at any time within the preceding twelve months has been a person within paragraph (a).
- c) A close relative (as defined in the Determination) of a person within paragraph (a) or (b).

On applying they must declare their position within Tai Tarian, their employment with Tai Tarian or their relationship to a Tai Tarian employee.

4.5.2 On applying to join the Housing Register they will neither be advantaged nor disadvantaged as a result of their position or relationship.

4.5.3 If an applicant fulfils the above criteria their application is determined in accordance with this policy and in accordance with the Permitted Payments and Benefits (Wales) Determination 2010 (the **Determination**) and the Welsh Assembly Government's Circular RSL 005/10 (or under any amended version as appropriate, on permitted payments and benefits).

4.5.4 If such an applicant is to be made an offer of accommodation, approval must be sought from the Tai Tarian Schedule 1 and Membership Committee (acts in accordance with delegated authority from the Board) and for Board Members from the Welsh Government, prior to any accommodation being allocated to them.

4.6 Incomplete Applications

4.6.1 If an application has commenced and it is considered that further information is required and it has not been provided by the applicant within a reasonable period of time (28 days) from the request, Tai Tarian may not register the application and a new application may be required.

4.6.2 Applications may not be considered 'live' until all information requested has been provided by the applicant. Applicants will be asked to provide documentation which is reasonably required for the purpose of assessing their application and which they can reasonably be expected to provide.

4.6.3 Until an application has been deemed 'live' it will remain on the holding list and the applicant will not be eligible to bid for accommodation.

4.6.4 There may be occasions where an incomplete application can be made live. This will generally apply where an application is complete except for evidence to substantiate an award of further priority. In such instances the application

may be made live and the applicant placed in the appropriate band based on the information and documentation available at that time.

- 4.6.5 An award of further priority will not be made until such a time as information is provided to substantiate that further priority.
- 4.6.6 If as a result of information given at the assessment stage a visit is required to the home of the applicant the application will not be made 'live' until the satisfactory completion of the visit.

4.7 False or Withheld Information

- 4.7.1 If an applicant provides false or misleading information when their application is assessed they may be excluded from the Housing Register.
- 4.7.2 If it is found that an existing applicant who is already on the Housing Register has provided false or misleading information, they may be removed from the Housing Register and may be found ineligible for future applications.
- 4.7.3 Where there is a suspicion, or an allegation has been made that a person has either provided false or misleading information, or withheld information, the application will be 'Held' pending the outcome of the investigation into the application.
- 4.7.4 If the outcome of the investigation reveals that false or misleading information was not provided, or the withholding of information was found to be inadvertent, then the application will be re-instated from the date of entry into the band.
- 4.7.5 Where the investigation shows that false or misleading information was provided, or information deliberately withheld, then the application may be removed from the Housing Register and the applicant may be ineligible for future applications.
- 4.7.6 Ground 17 in Schedule 2 of the Housing Act 1988 enables Tai Tarian to seek possession of a property where it has been let as a result of a false statement made by either the tenant or a person acting at the tenant's instigation.
- 4.7.7 Under Section 171 of the HA 1996 a person commits an offence if, in connection with the exercise by a Local Housing Authority of their functions under this Part 6 of the Act:-
- They knowingly or recklessly makes a statement which is false in a material particular, or
 - They knowingly withhold information which the Authority have reasonably required them to give in connection with the exercise of those functions

A person guilty of an offence under this Section is liable on summary conviction to a fine of up to £5,000.

4.8 Deliberately Worsening Circumstances

4.8.1 Applicants must not deliberately worsen their housing circumstances to gain greater priority under the scheme. Examples follow but this is not an exhaustive list.

Examples of this are:-

- *Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.*
- *Applicants who have moved from previously suitable or more suitable accommodation which it were reasonable for them to continue to occupy, into a less suitable property.*
- *Homeowners who have transferred their property to another family member within the last 5 years from the date they make their application to the Register.*
- *Giving up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household;*
- *Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.*

4.8.2 Where Tai Tarian believes this to be the case the applicant will be awarded the band that they would have been entitled to had they not worsened their housing circumstances.

4.8.3 The above applies to action by any person acting with the knowledge or consent of the applicant.

4.8.4 When assessing whether an applicant has deliberately worsened their housing circumstances, regard will be made to whether the act giving entitlement to additional priority was justified and reasonable in all the circumstances of the case.

4.9 Change in Circumstances

4.9.1 It is the responsibility of the applicant to advise Tai Tarian of any change that may affect their housing application.

4.9.2 When a change in the applicant's circumstances results in the applicant moving to a different band their effective date will be in accordance with **Section 5.2.1**.

4.9.3 In some cases a change in circumstances may require a further assessment to be undertaken at which point the application will be 'held' until the satisfactory completion of the new assessment.

4.10 Applicants Who May Require Support

4.10.1 Where an applicant may be unable to properly fulfil the terms of Tai Tarian' s Tenancy Agreement or has specific high level support needs (due to vulnerability, specific support requirements or factors that relate to the application), an assessment will be made of all the available information. This may include a needs assessment for specific accommodation such as Haven and/or a tenancy management assessment, as well as a capacity assessment.

4.10.2 Following consideration of the information a decision will be taken to, either:-

- Allow the application to proceed with no special conditions so that a bid can be made for any accommodation the applicant qualifies for.
- Allow the applicant to bid for properties but on the condition that an offer of accommodation will only be made where there is a commitment from the appropriate support agencies to provide a support package and plan, and where the applicant accepts support including tenancy support/intensive management from the start of the tenancy.
- Allow the applicant to be considered for special accommodation that may only be found through supported housing and in certain areas allocated outside the Lettings Policy. This may involve referring the applicant to another organisation so that suitable accommodation can be considered.

4.11 Local Connection

4.11.1 Anyone living outside the Neath Port Talbot County Borough Council area (the **County Borough**) can apply to join the Housing Register subject to their eligibility. However, to meet local housing need, certain priority in terms of banding will be given to persons who have a local connection to Neath Port Talbot.

4.11.2 For the purposes of the Lettings Policy a 'Local Connection' is defined as follows:-

- An applicant or a member of their household currently lives in the County Borough
- An applicant or member of their household is employed within the County Borough. This refers to where they work and not where the employer's Head Office is located. Employment will only qualify under this section if it is permanent or long term work and for a minimum of 15 hours every week
- An applicant or member of their household has a close relative (mother, father, brother, sister or adult child) who lives in the County Borough and has done so for the past five years on a continuous basis
- The applicant has just been or is about to be discharged from the British Armed Forces and who lived in the County Borough immediately before joining the Armed Forces

- The applicant has special circumstances, such as medical or support services that are only available in the County Borough. Cases of this nature are considered to have a local connection on exceptional grounds.
- Where the applicant is a serving member of the Armed Forces then they, and other persons who normally live with them as part of their household, do establish a local connection with the County Borough by virtue of serving, or having served, there while in the forces.

4.11.3 An applicant who applies under 'No Fixed Abode' will need to prove a local connection to the County Borough. If they cannot do this they will be placed in the Bronze Band.

4.11.4 Where an applicant (other than an applicant at risk of domestic abuse – as defined in Section 58 of the HWA) has no local connection to the County Borough they will be placed in the Bronze Band. If an applicant has a health or welfare need which does not require a move solely to the County Borough they will remain in the Bronze Band and advised to contact their own Local Authority for assistance.

4.11.5 Where an applicant is assessed as at risk of domestic abuse (as defined in Section 58 of the HWA) and has no local connection to the County Borough they will be placed in the Urgent or Gold Band in accordance with the Council's duty under the HWA.

4.12 **Cancelling an Application**

An application may be cancelled for one or more reasons. Examples follow but this is not an exhaustive list.

- An applicant requests that their application is cancelled.
- An applicant accepts an allocation through the Lettings Policy.
- There is a change in the applicant's circumstances that makes them ineligible.
- An applicant fails to respond to a review of their application.
- An applicant is found guilty of providing false or misleading information that is serious enough to remove their application from the Housing Register.
- An applicant with a housing need who has not bid for suitable properties in their area of choice for 6 months or more.
- Applicants who bid or are subject to direct bids and who fail to respond to potential offers of accommodation (**Section 8.3**).
- Where the Council's Housing Options Team closes the application it must send its reasons for doing so to Tai Tarian.
- An applicant has been re-housed in a secure or assured (including a Starter Tenancy) (or occupational contract under the RHWA 2016) by another RSL in or outside the County Borough.
- An applicant who is already an RSL tenant has a mutual exchange.
- Where an applicant has been excluded under **Section 4.4.3** due to unreasonable behaviour and they have failed to respond to a review of their application or they have failed to provide evidence of a change in their behaviour which would allow for consideration of eligibility within a reasonable timescale.

- Where a decision has been made under **Section 4.4.2** that the applicant is ineligible on immigration grounds and they have not asked for a review of that decision within the time limit or they have asked for a review and the decision has been upheld upon review.

4.13 **Notification of Decision**

4.13.1 Following an assessment of their application, if deemed eligible for the scheme, the applicant shall be advised of the outcome which details the following:-

- The band in which their application has been placed.
- Their applicant category, which demonstrates the size and type of accommodation they can bid for.
- Their chosen area/s.
- A unique reference number, which can be used for any contact.
- Any other relevant information.

4.13.2 If the applicant is deemed ineligible for the scheme then the applicant will be informed of the reason their application is considered ineligible.

4.13.3 Tai Tarian may, at any time (including after notification of the band and/or category) review the decision (irrespective of whether or not new information is available) and may, where the review concludes that the earlier decision was incorrect, amend the decision (including the decision on the band and/or category). If Tai Tarian does so, it will write to the applicant setting out its reasons for the change in the band or category.

4.13.4 An applicant has the right to request a review of various decisions as detailed in **Appendix 9** of this policy.

4.14 **Application Review**

4.14.1 There will be a regular review of the Housing Register which includes a review on the anniversary of each application. This will help ensure applicants' positions within bandings are correct and bidding activity is appropriate. If an applicant fails to respond to the periodic review then their application may be cancelled. As part of the review process, we will ask the applicant to provide updated details about their circumstances which are relevant to their application. In addition, applicants' details are reviewed when bids are being considered and at the point of allocation.

4.14.2 Any change of circumstances or where an applicant with a housing need has not bid for suitable properties in their area of choice for 6 months or more could result in:-

- Them being placed into a different band.
- Another eligibility assessment.
- Their application being cancelled.

SECTION 5 – Assessment of Need

5.1 How an Application is Assessed

- 5.1.1 To assess applicants a needs based banding system will be operated.
- 5.1.2 An applicant will be placed in the band which reflects the level of their housing need, so the higher the housing need, the higher the band. This is based upon their lead need and not a cumulative number of housing needs.
- 5.1.3 The applicant will be notified of their eligibility and also the band they have been placed into according to their housing needs following the assessment of their application. Information will be given on the size and type of accommodation the applicant will be considered for depending on the number of people in their household. This will help the applicant assess the likelihood of when an offer of suitable accommodation may be made.
- 5.1.4 Consideration will be given to determining whether an applicant is unable to resolve their own housing need.
- The first stage is to identify an applicant's particular housing needs. Each applicant will have different housing needs of varying degrees. The procedures for assessing applications require that an applicant's identified housing needs are recorded on the assessment documentation.
 - The second stage is to assess whether the applicant can reasonably meet those housing needs themselves. Regard will be given to the applicant's financial ability to reasonably meet their own housing needs. Consideration will also be given to an applicant's age, health and other personal circumstances in order to establish if they are able to themselves meet their identified housing needs.
- 5.1.5 Financial assessments may be carried out at housing application stage to complete affordability checks and help ensure future tenancies are sustainable. Assessments are focused upon applicants who receive benefits, those who may be ineligible for benefits, are subject to the bedroom tax, in low paid employment or who have former tenant arrears. Prior to any allocations being made, checklists for allocations and affordability are completed to assess applicants' ability to pay their housing costs. Consideration is also given to the housing costs of various property types which may be allocated. Where it is identified that applicants require assistance, benefits, budgeting and digital advice is offered to maximise income and help match applicants in terms of what they can afford to suitable property types.
- 5.1.6 An applicant has the right to be informed of any decision about the facts of their case and how those facts are to be taken into account when considering whether to allocate housing to them.

5.2 How Housing Need is Assessed

5.2.1 Eligible and qualifying applicants will be placed in one of the following four bands in date order. The bands provide reasonable preference to those seeking assistance in accordance with Section 167(2) HA 1996.

5.2.2 Urgent Band – Urgent Housing Need

5.2.3 This band is for applicants who have an urgent housing need, who need immediate re-housing and who are unable to resolve their housing need on their own. Priority within the Urgent Band is determined in date order of entry into the Urgent Band and not by the original application date.

5.2.4 Applicants who are placed within the Urgent Band will have their case reviewed after three months to ensure their circumstances still demonstrate an urgent housing need and that they are actively bidding for suitable available properties. A review will also be undertaken of what properties have become available. This may result in either:-

- A direct let – usually for statutory homeless applicants living in temporary accommodation (see **Section 7.2**).
- Priority being maintained.
- Moving into a lower priority band if the circumstances under which they were placed in the Urgent Band no longer apply.

5.2.5 Gold Band – High Housing Need

5.2.6 This band is for applicants whose housing need is high and who are unable to resolve their housing need on their own. Subject to below 'Applicants Who Move Between Bands' section, priority within the Gold Band is determined in date order of entry into the Gold Band and not by the original application date.

5.2.7 Silver Band – Medium Housing Need

5.2.8 This band is for applicants who have a medium housing need and are unable to resolve their housing need on their own. Subject to below 'Applicants Who Move Between Bands' section, priority within the Silver Band is determined in date order of entry into the Silver Band and not by the original application date.

5.2.9 Applicants in the Silver Band will either have a lesser degree of reasonable preference than those applicants in the Gold Band or some other housing need.

5.2.10 Bronze Band – Low/No Housing Need

5.2.11 This band is for applicants with either:-

- Low housing need
- No recognised housing need
- With a housing need and no local connection as detailed in **Section 4.11**.

5.2.12 Due to demand for properties, applicants are unlikely to receive an offer of accommodation in many areas of the County Borough under this scheme. Priority within this band will be arranged in order of entry into the band.

5.2.13 **Appendix 3** of the policy contains detailed criteria for each of the bands.

5.2.14 **Applicants Who Move Between Bands**

5.2.15 Where an applicant's case is reviewed and they move downwards between bands then their date priority in the new band will be the date on which they went down into the new band.

5.2.16 Where the reason is due to a change in the housing applicant's circumstances which Tai Tarian has been notified of; their date priority in the lower band will be the original date of entry into the higher band.

5.2.17 When a change in the applicant's circumstances results in the applicant moving up a band, their effective date will be the date of the decision following notification of the change and not their original registration date.

5.3 **Discretion to award no priority or adjusted priority where applicant/household member has been guilty of unacceptable behaviour**

5.3.1 A Tai Tarian appointed person may, pursuant to Section 167(2C) of the HA 1996 decide not to award the reasonable preference band that an applicant would otherwise have been entitled to by reason of them falling within one or more of the categories in Section 167(2) if satisfied that:-

- The applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant of the authority, and
- In the circumstances at the time their case is considered, they deserve by reason of that behaviour not to be treated as a member of a group of people who are to be given preference by virtue of sub-section (2).

5.3.2 If the decision is to award, "no/adjusted priority" then it will be communicated to the applicant, setting out the reasons for the decision together with information about their right to request a review of that decision. **Appendix 9** sets out the review procedures. See **Appendix 2** of the policy for more details about how an applicant may be awarded no priority or adjusted priority due to their previous unacceptable behaviour.

5.3.3. With homeless applicants who are owed certain duties by the Council's Housing Options Team, notification will also be sent to the Housing Options Team of the intention to award no/adjusted priority to such applicants (see **Appendix 2** for full details).

5.4 **Applicant does not have a local connection but falls within Section 167(2)**

- 5.4.1 Applicants who fall within one or more of the five “reasonable preference categories” in Section 167(2) of the HA 1996 but who do not have a “local connection” with the County Borough will be placed into Bronze Band.
- 5.4.2 Applicants who are assessed as being at risk of domestic violence (as defined by Section 58 of the HWA) but do not have a local connection with the County Borough where the Council has accepted a statutory duty will be placed into the Urgent or Gold Band.
- 5.4.3 There may be exceptional circumstances when it is not deemed appropriate to reduce priority to an applicant who would otherwise fall within one of the higher bands (Urgent, Gold, Silver) but who does not have a local connection with the County Borough. If exceptional circumstances exist, an applicant may be placed in one of the higher bands.

5.5 **Environmental Health Assessment**

- 5.5.1 The Council’s Environmental Health Department in accordance with their responsibilities for enforcing environmental health legislation, will where appropriate, conduct assessments for applicants relating to insanitary, overcrowded or unsatisfactory housing conditions (see **Appendix 8**).

SECTION 6 – Allocations Through Homes by Choice

- 6.1 Most Tai Tarian properties that are vacant and available for letting will be let through the Homes by Choice Scheme. This scheme offers applicants' choice by advertising vacant properties on a regular basis. However applicants need to be aware that if they do not accurately list their chosen areas, this may affect their ability to bid on a property in any Homes by Choice advert.
- 6.2 Any applicant who wishes to be considered for a property on the Homes by Choice Scheme will be expected to submit a bid for that property in accordance with the process as outlined below.
- 6.3 All applicants on the Homes by Choice Scheme will be placed in a band, based on their housing need as detailed in **Section 5** and the size of property that matches their household size (see **Appendix 4** for Property Size and Type of Property).
- 6.4 Applicants will receive formal notification of their category, their chosen area/s and also the size and type of accommodation they can bid for following the assessment of their application.
- 6.5 When a property is advertised as available through the Homes by Choice Scheme it will detail the category, size and type and which applicants can apply to bid for that property.
- 6.6 A property advertised through Homes by Choice may be withdrawn at any time at the discretion of Tai Tarian.
- 6.7 Applicants should be aware that available accommodation is limited in certain areas of the County Borough so that choice may be limited.
- 6.8 The Council wishes, as far as possible, to give choice to applicants seeking accommodation. However, giving choice must be set against the need for the Council to resolve some applicants' housing situation urgently; for example, where there is a homeless household to whom there is a statutory duty to provide housing or households at risk of violence. As a result, in certain circumstances choice may be limited.
- 6.9 For any applicant owed a homelessness duty under section 66, 73 or 75 of the HWA (or under Part 7 of the HA 1996 for applications made before 27 April 2015) the Council may make a direct bid (defined as bidding on their behalf or making a direct bid outside of the Homes by Choice Scheme) at any time and is not constrained by any time period to allow an applicant an opportunity to bid for accommodation. The offer of accommodation could be made in any area of the County Borough. The decision to make a direct bid could be where:-
 - An applicant is not being realistic in the areas and/or property size they are bidding for and the temporary accommodation they may be occupying may be needed for another newly presenting homeless applicant.
 - Any other financial or operational reasons whereby the Council needs to house households owed a homelessness duty.

- 6.10 The Council will ask applicants owed a homelessness duty to state those areas where they believe they cannot live and account will be taken of such factors. Those households owed a homelessness duty under section 66, section 73, or section 75 of the HWA (or under Part 7 of the HA 1996 for applications made before 27 April 2015) or applicants who are considered homeless within the meaning of Part 2 of the HWA, will lose their priority status banding if the duty owed to them is ended due to the refusal of a suitable offer of accommodation.
- 6.11 As a result, unless they have another reason to be awarded the Urgent or Gold Band they will be moved to a lower band. The offer of suitable accommodation made will also bring to an end any statutory homeless duty and they will be warned in writing of this consequence at the offer stage.
- 6.12 In certain areas of the County Borough where there is an issue of low demand, properties may be advertised for applicants who would under occupy the accommodation. In this case Tai Tarian will carry out a detailed affordability assessment prior to letting the property and if affordability due to under-occupation is an issue the offer will not be made.
- 6.13 When placing a bid for a property the applicant should be mindful of the welfare benefit rules and should seek advice about the potential changes in benefit entitlement before they accept a tenancy.
- 6.14 An applicant can bid for a maximum of five properties from each Homes by Choice Advert. It is the responsibility of the applicant to submit their bid within the set timescales. However, with the agreement of applicants considered to be vulnerable, who cannot obtain internet access to enable them to bid, Tai Tarian will submit bids on their behalf. Also where considered necessary to do so, contact will be made with applicants who have bid during a bidding period, to establish if they wish Tai Tarian to bid on their behalf for other suitable properties during that bidding period.
- 6.15 Applicants should ensure that they only bid for properties that match their chosen area/s and property size criteria unless other categories have been included in the property advert as being applicable for their category. If they do not, their bid may be deemed ineligible. Unless Tai Tarian deem there are exceptional circumstances, an applicant's areas of choice, category or band cannot be changed during a Homes by Choice bidding period.
- 6.16 Where Tai Tarian considers that the property an applicant has bid for is unsuitable for any reason then the bid for that property will not be accepted and applicant will be advised accordingly. The applicant has a right to request a review of the reasons for refusal of a bid (see **Appendix 9** on reviews).
- 6.17 Once an applicant has been matched to a property and an offer made and accepted they will not be eligible to bid for another property unless allowed to do so as a result of exceptional circumstances.

- 6.18 Applicants who are Tai Tarian tenants (transfer cases) assessed as having no housing need and not meeting the transfer criteria will not be allowed to bid unless Tai Tarian considers exceptional circumstances exist and it supports the application.
- 6.19 An offer under the Homes by Choice Scheme will be made to the applicant in the greatest need as defined within the banding system in date order according to the size and type of accommodation that meets their household needs (subject to management discretion in **Section 7** to place an applicant into an appropriate band).
- 6.20 Tai Tarian reserves the right not to make or withdraw an offer of accommodation.
- 6.21 Tai Tarian may review the decision to place an applicant in a particular band or category at any time (including after the applicant has bid for a property) and may amend its previous decisions on banding or category placements.

SECTION 7 – Allocations Outside Homes by Choice

7.1 Decisions which can be made

7.1.1 In the cases listed in **Section 7**, a decision may be made to either:-

- a) Make an offer of a specific property to the applicant outside of the Homes by Choice Scheme; or
- b) Award the applicant whatever banding priority is appropriate in the circumstances of the case. This can include either placing the applicant at the top of the awarded band or simply placing them into a band (in which case they will be considered in date order priority in the usual way); or
- c) Not to support a case or to defer/hold a case until further information is received.

7.1.2 Applicants awarded priority through management discretion under this section will be made one reasonable offer of accommodation only, taking into consideration the needs of the applicant. An unreasonable refusal of the offer will result in the preferences being removed and the applicant being returned to their original place on the Housing Register, subject to the criteria relating to refusal of offers.

7.1.3 Cases listed in **Sections 7.2 and 7.3** will be considered outside the Homes by Choice Scheme by the appropriate Manager and/or the Deputy Director/Director of Housing. All other cases listed in **Section 7** will be considered outside the Homes by Choice Scheme by the appropriate Team Leader. Also where appropriate, those cases which require multi service input may be considered by Tai Tarian appointed person/s.

7.4 Exceptional Circumstances

7.4.1 In some cases due to vulnerability of the applicant or their circumstances are of a sensitive nature then either with the recommendation of a Tai Tarian Manager or Deputy Director, or equivalent Senior Officer from a specific agency, such as Housing Options/Social Services/Police/Probation Service/Health Authority; it is decided by Tai Tarian that it is in the best interests of the individual and/or community that an allocation under this section shall be made.

7.4.2 The Council can request Tai Tarian to exercise this discretion regarding an applicant. If a request is made, Tai Tarian will give due consideration to the request but the decision on allocation rests with Tai Tarian.

7.5 Serious Offenders

7.5.1 It may be necessary to provide housing to offenders to minimise the risk to the community and the applicant, where supervision of the individual can be maintained. This may also apply to individuals currently living in the

community who are considered to pose a risk to themselves **and/or** others, although they may not have been convicted of any offence.

7.5.2 We will work with the Police and Probation Services to assess and manage risk and will apply special arrangements where cases are referred through the Multi-Agency Public Protection Arrangements (MAPPA). A planned and managed re-location of offenders will be agreed and will include a full discussion on housing options, which are most appropriate to the applicant's circumstances and supervision needs.

7.5.3 The above may result in restrictions being placed upon the applicant in their choice of property **and/or** area. This may mean a direct allocation of suitable accommodation outside the Homes by Choice Scheme.

7.6 **No Demand for a Property**

7.6.1 Following an assessment of any applicants' details and even though advertised to applicants who would under-occupy the accommodation, there will be occasions where although a property has been advertised through the Homes by Choice Scheme it does not attract any eligible 'bids'. When this occurs Tai Tarian will consider an expression of interest either directly from the Housing Options Team or from a potential applicant eligible for the Scheme. Only if there is no suitable applicant identified by the Housing Options Team within 24 hours, will expressions of interest from other applicants be considered. Such properties will be advertised and offered on a first come, first served basis.

7.7 **Request for Sole / Joint Tenancy**

7.7.1 At the request of the former joint tenant following the termination/surrender of the joint tenancy by one or both joint tenants, an allocation of a new sole tenancy can be made where that property is still appropriate to the needs of the household.

7.7.2 Where a sole tenant requests that a joint tenancy is created between that person and their partner and the property meets the needs of the household. Requests to create a joint tenancy with a family member will only be considered in exceptional circumstances.

7.7.3 Where a sole tenant requests that their tenancy is allocated to a person who resides with them as a new sole tenant, an allocation of a new sole tenancy can be made where the property meets the needs of the new household.

7.8 **Decanting Tenants**

7.8.1 Tai Tarian tenants may in certain circumstances be required to vacate their home in order that major works or re-development takes place.

7.8.2 If the original home will no longer exist then it will not be possible to return the tenant to the original home. This will be dealt with as a permanent move to a

new property on exceptional grounds. This may be considered as an allocation outside the scheme.

7.8.3 If the property is undergoing major refurbishment and the tenant is required to move out on a temporary basis to allow the works to take place, the decant will be temporary and as such will not be counted as an allocation under this scheme.

7.8.4 In exceptional circumstances a tenant whose property is undergoing major works and would return but requests a permanent move to a new property on exceptional grounds as identified. This may be considered as an allocation outside the scheme.

7.9 Termination of Tenancy

7.9.1 Where a tenant or joint tenants have given notice to quit their tenancy and then sought to withdraw that notice to quit and the withdrawal is agreed by Tai Tarian they may be dealt with under this section of the scheme.

7.10 Request for Succession of a Tenancy

7.10.1 Tai Tarian may decide to treat an applicant as a 'special case' where the following applies:-

- Where there would be a right for the applicant to succeed to a tenancy but that right has already been exercised (up to a maximum permitted number).
- Where the applicant has resided at their existing property for many years but they do not have a right to succeed under the Tenancy Agreement.
- Where there has been a succession to the tenancy but the property is under-occupied and Tai Tarian wishes to make an offer of suitable alternative accommodation in accordance with the Tenancy Agreement provisions and Tai Tarian's procedure on succession.

7.11 Transfers

7.11.1 Consideration will be given to exceptional cases where tenants do not meet the transfer criteria as set out in **Section 8**.

7.12 Adapted Disabled Accommodation

7.12.1 Tai Tarian is committed to addressing the housing needs of disabled applicants but we have a limited stock of adapted accommodation to achieve this. Offers of adapted accommodation will therefore be made outside the Homes by Choice Scheme after being identified as suitable for that applicant.

7.12.2 This will allow Tai Tarian to match an individual applicant's disability to the adaptations undertaken in the property, so as to allocate the limited stock in the best way.

- 7.12.3 Following the assessment of the application, where it is identified that the applicant has specific requirements for an adapted property then the applicant may be required to provide an assessment from an Occupational Therapist or other similar professional person, which details the requirements of the disabled person.
- 7.12.4 Tai Tarian will establish set criteria for assessing both the applicant and the property and retain a separate list of applicants suitable to be considered for adapted accommodation. (**Appendix 5**). Tai Tarian may, at any time, review the decision that the applicant requires adapted accommodation.
- 7.12.5 In such cases, under-occupation of a property may be accepted where the applicant is the person best matched to that particular property.
- 7.12.6 Applicants considered for adapted accommodation will be offered a choice of areas when their application is assessed. To help them secure adapted accommodation they will be encouraged to broaden their choice of areas if at all possible. However they will only be offered a property where they have specified that area as one of their areas of choice. This may mean that some applicants will have to wait longer to be re-housed.
- 7.12.7 Once an offer has been made it will be subject to the same conditions afforded to offers through the Homes by Choice Scheme.
- 7.12.8 Applicants who are considered for adapted properties will still be eligible for the Homes by Choice Scheme but any bid for a property will be subject to the rules in **Section 6**.
- 7.12.9 To best meet the needs of disabled applicants Tai Tarian may share information with other housing providers who offer ADAPT or a similar service to identify suitable accommodation for the applicant. Applicants will be required to confirm an express consent to such sharing of their information with other providers when they submit an application.
- 7.12.10 If Tai Tarian is unable to allocate an adapted property via this section we will advertise and allocate the property through the Homes by Choice Scheme in accordance with **Section 6**.
- 7.12.11 Tai Tarian may, at any time (including after notification of the need for adapted accommodation review the decision (irrespective of whether or not new information is available) and may, where the review concludes that the earlier decision was incorrect, amend the decision. If Tai Tarian does so, it will write to the applicant setting out its reasons for the change in the band or category.

7.13 **Older Persons' Extra Care Housing**

- 7.13.1 Older Persons' Extra Care Housing are properties for older people where additional support services are provided. Tai Tarian does not own or manage

Older Persons' Extra Care Housing. Allocations and monitoring arrangements will be in line with the nominations agreement for Older Persons' Extra Care Housing established between the Council and the appropriate RSL.

7.14 Supported Housing

7.14.1 Some properties will be designated as supported accommodation units which are suitable for applicants with identified support needs, with the support element provided either directly by Tai Tarian or by a third party agency according to the terms of the Personal Housing Plan for the applicant.

7.14.2 These supported accommodation units will be either allocated through the Homes by Choice Scheme as suitable for Category S applicants (applicants who require supported accommodation) in accordance with the Lettings Policy, or be considered as an allocation outside the Homes by Choice Scheme as a direct allocation where there is an exceptional circumstance as determined in **Section 7** of the Lettings Policy.

7.15 Sensitive Lettings (individual properties)

7.15.1 An individual property may be a 'sensitive let' outside the Homes by Choice Scheme. This could be where there is a confirmed history of anti-social behaviour or criminal activity at that property involving the previous tenant or members of their household. A property will only be designated a sensitive let with the approval of a Tai Tarian appointed person. If a property is a sensitive let, certain households will not be considered for that property. Once the property has been let it will no longer be classed as a sensitive let. All sensitive lettings will be subject to monitoring in accordance with **Section 10**.

SECTION 8 – Offers and Refusals

8.1 Offer of Accommodation

- 8.1.1 The applicant with the earliest date order within the appropriate advertised band will normally be offered the property. At the offer stage, applicants will be reminded that rent in advance in accordance with the tenancy agreement is required should they accept the offer. This is subject to the proviso that successful bidders (for example those who get an offer of a property) will only be made one offer per Homes by Choice period.
- 8.1.2 Once an applicant has received an offer of accommodation within a Homes by Choice period, they will not receive any further offers of accommodation within the same Homes by Choice period even if they are well positioned for other properties that they may have bid for.
- 8.1.3 Tai Tarian reserves the right not to make/to withdraw any offer or to offer applicants readily available properties in specific areas/properties which come within the remit of local lettings policies and sensitive lets, subject to any further investigations undertaken.
- 8.1.4 No offer will be made to the following applicants:-
- Applicants will not receive an offer if they do not meet all eligibility criteria, have not provided all required evidence in support of their application and are not able to sustain a tenancy to the satisfaction of Tai Tarian. If an offer has already been made and such circumstances come to light, Tai Tarian reserve the right to withdraw the offer. In terms of being able to sustain a tenancy this includes those not deemed to have capacity to fulfil the terms of a tenancy or have high support needs which would be best met by a form of supported accommodation.
 - An applicant who is deemed to not be able to afford the housing costs (also refer to **Section 5** - assessment of need and ability to pay).
 - An applicant with former tenant debt owed to Tai Tarian, which has not been repaid or where appropriate arrangements have not been made to repay or been maintained.
 - Applicants who are already Tai Tarian tenants are subject to further requirements as detailed in **Section 8.2**.

8.2 Transfers

- 8.2.1 Tai Tarian tenants seeking a transfer can access the Housing Register but they will not be offered a property unless they have a housing need and meet the transfer criteria. However, offers may be made where Tai Tarian deem there to be exceptional circumstances. The transfer criteria are:-
- Have occupied their current property for 12 months.
 - Existing property has to meet the interior and external standards acceptable to Tai Tarian.
 - A clear rent account and no debt owed to Tai Tarian (unless supported due to bedroom tax or Tai Tarian deem there to be exceptional circumstances). If on occasion payments have been missed, the rent account must have

been brought up to date soon after. Also refer to **Section 5** - assessment of need and ability to pay.

- A clear rent account must be established through an established payment plan, with any agreement only becoming valid when actual payments are made as per the agreement. Payments must be made to the satisfaction of Tai Tarian. An application will not be made 'live' until payments as per the agreement are made.
- They have registered on Homeswapper.
- Any alleged anti-social behaviour or other tenancy breaches at the investigative stage have been fully considered and satisfactorily resolved. This requirement has to have been met before an assessment for a transfer can be finalised.

8.2.2 Tai Tarian will not hold open an offer whilst tenants seeking a transfer remedy a breach of their current tenancy agreement. However, Tai Tarian will facilitate the provision of a plan to provide the tenant with any help and support they need to remedy the breach. Until such a time the application will not be 'live'.

8.3 **Timescales for Considering Offers of Accommodation and Viewings**

8.3.1 An applicant who is made an offer of accommodation has 2 working days within which to contact the specified person from Tai Tarian to arrange a viewing of the property. Every effort will be made to initially make a verbal offer or make an offer using the applicants' preferred communication method.

8.3.2 This period of 2 working days will start to run from midnight on the day after the offer of accommodation is made. The Council's Housing Options Team will also receive notification for their cases via their generic e-mail address facility.

8.3.3 Following the viewing, a further 2 working days will be given in which the applicant can either accept or refuse the offer. This period of 2 working days will start to run from midnight on the day of the viewing of the property.

8.3.4 In exceptional circumstances, these timescales may be extended at the discretion of Tai Tarian, for example, when dealing with vulnerable clients, or for other exceptional reasons.

8.3.5 If after the period 2 working days referred to in **Section 8.3.3** (or such other period as may be agreed by Tai Tarian) the applicant has not accepted or rejected the offer, the applicant is deemed to have refused the offer. The offer of accommodation will be withdrawn at this stage. Where there are exceptional circumstances the applicant's application may be held for 28 days prior to any cancellation.

8.4 **Homeless Applicants**

8.4.1 In accordance with this policy, where the offer being made to the homeless applicant is a 'final offer' for the purpose of Section 75 of the HWA (or section

193(7) of the Housing Act 1996 for applications made before 27 April 2015) then the offer shall state that it is a final offer for the purpose of that section. Such an offer shall also inform the homeless applicant of the right to request a review of the suitability of that accommodation within a period of 21 days of the offer being made. A refusal to accept such an offer may result in the Council's duties to the homeless applicant under section 75 of the HWA 2014 being discharged pursuant to Section 76(3) (or its duties to the homeless Applicant under section 193(7) of the HA 1996 being discharged pursuant to section 193(7)).

8.4.2 Reference is made to the provisions in chapter 2 of the HWA regarding discharge of duties to homeless applicants under Section 76 of the HWA and regarding the statutory rights of homeless applicants to ask for a review of the suitability of accommodation offered to them and also of the discharge of duties owed to them under Section 85. For applications made before 27 April 2015, reference is made to the provisions in Part 7 of the HA 1996 and to section 193.

8.5 Accepting an Offer of Accommodation

8.5.1 Once an offer of accommodation has been accepted the applicant will be removed from the Housing Register.

8.5.2 Should the applicant accept an offer and sign a tenancy agreement for the premises but then decide that they wish to terminate the tenancy, the applicant will be required to give at least 4 weeks' notice to end their tenancy and pay the rent that will be due. Discretion may be applied in exceptional circumstances. The applicant can request admission on the Housing Register as a new applicant, though the applicant's housing need will have to be reassessed because it will be a new application.

8.6 Refusal of an Offer

8.6.1 Applicants may only be provided with one suitable offer of accommodation through the Choice Based Letting Scheme. Where an applicant refuses (or is deemed to have refused) an offer of accommodation their application may be placed on the holding list for a period of 3, 6 or 12 months dependent upon their previous bidding history. Upon any such decision to place an application on the holding list, the applicant will be re-assessed at the end of the held period and put into the appropriate band.

8.6.2 The Council's Housing Options Team will decide what further action will be taken where applicants who are statutorily homeless refuse a final offer of suitable accommodation. This may involve a decision to discharge any further duty to assist an applicant under homelessness legislation and termination of their temporary accommodation where this has been provided.

SECTION 9 – Nominating Individuals to Properties

- 9.1 The Council and Tai Tarian have agreed the nomination rights arrangements which apply when the Homes by Choice Scheme is not in operation or when Tai Tarian ceases to participate in such a scheme. The nomination rights arrangements are set out in Schedule 2 to the Transfer Agreement between the Council and Tai Tarian entered into (on or around 14 February 2011).
- 9.2 Agreements are in place with other RSLs operating in the County Borough that allows the Council's Housing Options Team to nominate individuals to an agreed percentage of the RSLs vacant dwellings.
- 9.3 The Council's nominations' entitlement is higher for certain schemes/developments. These are generally schemes/developments of a specialist nature such as extra care and where this is the case, they are subject to a scheme/development specific agreement. These will be dealt with by way of separate nomination agreements independent from this policy between the Council and the relevant RSL.
- 9.4 Where a RSL has a new scheme/development in which the Council has a right to nominate to an agreed percentage of vacant dwellings according to the particular agreement, it will be advertised in accordance with the Homes by Choice Scheme, where applicants will be invited to submit a bid for that particular scheme/development.
- 9.5 Any person who wishes to be nominated to an RSL vacancy should indicate this when they apply for housing and identify the areas of the County Borough area where they would consider living.
- 9.6 All nominations requested on an 'ad hoc' basis will be operated through the Housing Options Team to prevent homelessness and/or discharge its statutory duty to accepted homeless households. Should the Housing Options Team be unable to provide a suitable nominee, an eligible applicant on the Register operated in accordance with this policy will be nominated.
- 9.7 An applicant who wishes to be nominated and then refuses a subsequent offer made by the RSL will be subject to the same refusal rules which apply if they were offered a Tai Tarian' property (see **Section 8**).
- 9.8 The criteria for acceptance and priority for housing in this Lettings Policy applies solely to the letting of Tai Tarian accommodation. Other RSLs set their own criteria, which may be significantly different to this policy. In determining whether an offer of accommodation will be made to an applicant nominated to an RSL, the RSL will have regard to its own Lettings Policy as set out in their nominations agreements with the Council.

SECTION 10 – Monitoring and Reviewing the Lettings Policy

10.1 Monitoring of the Policy

10.1.1 The implementation of this policy will be jointly monitored by the Council and Tai Tarian on a regular basis to ensure that it remains up to date and continues to meet the needs of individuals requiring accommodation in the County Borough.

10.1.2 Any information collected as part of the monitoring process will also be used by the Council as an “enabler” in the development of local housing strategy to provide wider re-housing opportunities. This will also assist Tai Tarian to identify potential development needs.

10.2 How Revisions to the Policy Will Be Managed

10.2.1 This policy will be reviewed periodically to reflect best practice principles and address any changes in legislation or legal decisions. The Council and Tai Tarian will hold a joint review of this policy at least every five years or sooner if requested by one of the parties in writing or where there are changes in legislation, regulations or Welsh Ministers' guidance which materially affects the operation of this policy. In the latter case, the parties may agree to review only those sections of this Policy affected by the changes in law, regulation or guidance.

10.2.2 It may also be necessary to make amendments to ensure that the policy is effective, efficient and that any procedures allow the policy to operate as envisaged. Any amendments will be agreed by the Council and Tai Tarian before being implemented. They will be documented in writing and made available on request.

10.2.3 Under s.167(7) of the HA 1996, before adopting or altering an existing Allocation Policy, the Council and Tai Tarian will:-

- Send a copy of the draft scheme, or proposed alteration, to every housing association with which they have nomination arrangements; and
- Ensure that those housing associations have a reasonable opportunity to comment on the proposals.

10.2.4 In order to ensure the effectiveness of this policy and compliance with the relevant equality duties the Council and Tai Tarian will periodically monitor information about who is applying for and being allocated social housing.

10.2.5 The Council and Tai Tarian will use this information as a basis for policy review and development and to help establish whether identified outcomes are in-line with this policy's objectives.

10.3 Termination

10.3.1 Should either the Council or Tai Tarian decide to withdraw from the Homes by Choice Scheme or this Lettings Policy then the Nomination Rights Agreement set out in Schedule 2 of the Transfer Agreement shall apply in its place.

APPENDIX 1 - IMMIGRATION ELIGIBILITY

The following applicants are to be regarded as eligible regardless of their immigration status (though they may still be regarded as ineligible due to their previous “unreasonable behaviour” or other relevant circumstances:

- A Secure or Introductory tenant.
- An Assured Tenant of housing accommodation allocated by a Local Housing Authority.

Note. This will apply to secure occupational contracts under the RHWA when operational.

Persons Subject to Immigration Control

Persons subject to immigration control, under the Asylum and Immigration Act 1996, are statutorily ineligible for an offer of accommodation unless they fall within the following 8 Categories prescribed by the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (as amended by the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2017, Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2019 and Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) (No 2) Regulations 2019).

- **Class A** – a person recorded by the Secretary of State as a refugee within the Convention relating to the Status of Refugees done at Geneva on 28th July 1951.

- **Class B** – a person:-

Who has been granted by the Secretary of State exceptional leave to enter or remain in the United Kingdom outside the provision of the immigration rules; and

Whose leave is not subject to a condition requiring them to maintain and accommodate themselves and any person who is dependent on them, without recourse to public funds.

- **Class C** – a person who has current leave to enter or remain in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition **other than** a person:-

Who has been given leave to enter or remain in the United Kingdom upon an undertaking given by another person (that person’s “sponsor”) in writing in pursuance of the immigration rules to be responsible for that person’s maintenance and accommodation; and

Who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which the above mentioned undertaking was given in respect of that person, whichever date is the later; and

Whose sponsor or, where is more than one sponsor, at least one of those sponsors, is still alive.

- **Class D** – a person who has humanitarian protection granted under the Immigration Rules.
- **Class F** - 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.
- **Class G** - a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependent on that person, without recourse to public funds.
- **Class H** – 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 been relocated to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the immigration rules.
- **Class I** – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and has Calais Leave to remain under paragraph 352J of the immigration rules.

Persons not Subject to Immigration Control

- A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for an allocation of housing accommodation under Part 6 of the 1996 Act if:-
 - (a) subject to paragraph (2) below, the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland; or
 - (b) the person's only right to reside in the United Kingdom:-
 - (i) is derived from the person's status as a jobseeker or a family member of a jobseeker; or
 - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or
 - (iii) is a derivative right to reside to which the person is entitled under regulation 16(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 16(5) of those Regulations; or
 - (c) the person's only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii); or

- (1) For the purposes of determining whether the only right to reside that a person has is of a kind mentioned in paragraph (1)(b) or (c), a right to reside by virtue of having been granted:-
- (a) limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules; or
 - (b) leave to enter the United Kingdom by virtue of an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules, is to be disregarded.
- (2) The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph (1)(a):-
- (a) a worker;
 - (b) a self-employed person;
 - (c) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);
 - (d) a person who is the family member of a person specified in sub-paragraphs (a) – (c);
 - (e) a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations; and
 - (f) a person who is in the United Kingdom as a result of the person's deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
 - (g) a frontier worker; and
 - (h) a person who is a family member of a person specified in sub-paragraph (g); and has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.

Also, changes to the immigration rules now effectively confer a derivative right to apply for housing for the primary carer of a British citizen (who will usually be a child) who is residing in the United Kingdom and where the denial of such a right of residence would prevent the British citizen from being able to reside in the United Kingdom.

Eligibility of EEA nationals

Under The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020, EEA nationals who resided lawfully in the UK up until 31 December 2020

will retain their existing eligibility under the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (as amended) until 30 June 2021 (the 'grace period').

After 30 June 2021, EEA nationals who had resided lawfully in the UK up until 31 December 2020 and who:-

1. have applied to the EU Settlement Scheme and are waiting on a decision as to their status;
2. have pre-settled status under the EU Settlement Scheme; or
3. meet the definition of a frontier worker,

will be treated as 'persons not subject to immigration control', and their eligibility will be determined in accordance with Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (as amended).

After 30 June 2021, EEA nationals who had resided lawfully in the UK up until 31 December 2020 and who have settled status under the EU Settlement Scheme will be eligible.

Any other EEA national will only be eligible if they fall within another category of person subject to immigration control who are eligible.

The Habitual Residency Test

Habitual residence is usually used to determine eligibility for certain social security benefits or housing assistance from a local authority.

The Habitual Residence Test (HRT) is a test to decide if an individual normally lives in the United Kingdom, the Channel Islands, the Republic of Ireland or the Isle of Man. You can be subject to the HRT if an individual has been absent from the UK and is applying for housing assistance from a local Authority or for benefits such as Pension Credit, Housing Benefit, or Council Tax Reduction Scheme. There is no legal definition of what habitual residence actually is, nor how long an individual may need to have been in the UK to establish habitual residence.

It can take a period of a few days up to six months to satisfy the HRT. A decision maker looks at how strong the individual's 'settled intention' to remain here is and assesses whether an 'appreciable period' of time has passed in making a decision about the HRT.

APPENDIX 2 - EXCLUSIONS/NO PRIORITY/ADJUSTED PRIORITY FOR UNACCEPTABLE BEHAVIOUR

Section 4.4 of the scheme sets out a summary of the grounds upon which an applicant may be excluded for unreasonable behaviour.

Under s.160A(7) of the HA 1996, a local authority may, where it is satisfied that an applicant (or a member of the applicant's household) is guilty of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant of the local authority, decide to treat the applicant as ineligible for an allocation.

Even if we are satisfied that an applicant is unsuitable to be a tenant, instead of deciding that he or she is ineligible for an allocation, we may instead proceed with the application and decide to give the applicant no priority/adjusted priority for an allocation under Section 167(2B) so that the band that they are put into is lower than they would otherwise be entitled to.

Section 160A (8) of the HA 1996 provides that the only behaviour which can be regarded as unacceptable for these purposes is behaviour by the applicant or by a member of his or her household that would – if the applicant had been a secure tenant of the local authority at the time – have entitled the local authority to a possession order under s.84 of the Housing Act 1985 in relation to any of the discretionary grounds in Part 1 of Schedule 2, other than Ground 8. These are fault grounds and include behaviour such as non-payment of rent, breach of tenancy conditions, conduct likely to cause nuisance or annoyance, and use of the property for immoral or illegal purposes. It is not necessary for the applicant to have actually been a tenant of the local authority when the unacceptable behaviour occurred. The test is whether the behaviour would have entitled the local authority to a possession order if, whether actually or notionally, the applicant had been a secure tenant.

Test of Unacceptable Behaviour

Where we have reason to believe that s.160A (7) of the HA 1996 may apply, we will apply a three stage test before deciding whether to use the power to decide that an applicant is ineligible for allocation or will be given no preference.

(i) **Is there evidence of unacceptable behaviour? Was it serious enough to have entitled an authority to obtain a possession order?**

We will need to be satisfied that there has been unacceptable behaviour which falls within the definition in s.160A (8) of the HA 1996. If a court has already made a possession order on one of the discretionary grounds, then we may accept that as evidence of unacceptable behaviour, and proceed to paragraphs (ii) and (iii) below.

Unacceptable behaviour may include the following (this list is non-exhaustive):-

- Non-payment of rent.
- Causing nuisance and annoyance to neighbours.
- Criminal convictions.
- Using a property for illegal or immoral purposes.
- Failing to conduct a tenancy in a satisfactory manner.
- Committing certain criminal offences in the locality of their home and still posing a threat to neighbours or the community.
- Being violent towards a partner or members of the family.
- Allowing the condition of the property to deteriorate beyond a level deemed acceptable by Tai Tarian Ltd.

- Obtaining a tenancy by deception, for example, by giving false information.
- Being subject to an anti-social behaviour injunction or order.
- Tenants who have had their tenancy demoted due to anti-social behaviour.

(ii) **Was the behaviour serious enough to render the applicant or a household member unsuitable to be a tenant?**

Having concluded that there would be entitlement to an order, we will need to satisfy ourselves that the behaviour is serious enough to make the person unsuitable to be a tenant. We need to satisfy ourselves that if a possession order were granted it would have been an outright order. Where we have reason to believe that the court would have suspended the order, then such behaviour should not normally be considered serious enough to make the applicant unsuitable to be a tenant.

Possession Orders are often suspended in rent arrears cases to give tenants an opportunity to clear the rent arrears

- (a) The arrears are relatively modest.
- (b) have been caused by delays in housing benefit/universal credit.
- (c) the tenant does not have a history of persistently defaulting on rent payments.
- (d) the applicant was not in control of the household's finances or was unaware that rent arrears were accruing or is being held liable for a partner's debts.
- (e) the local authority has failed to take steps or provide advice to help the tenant pay their rent.

Factors which may weigh in favour of exclusion are:-

- a) Failure to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt.
- b) A high level of arrears.

Similarly, courts are generally inclined to suspend a possession order in respect of anti-social behaviour where:-

- a) The allegations of nuisance are relatively minor.
- b) The nuisance was caused by a member of the household who has since left.
- c) The court is satisfied that the imposition of a suspended order will serve to control the tenant's future behaviour.

Examples of anti-social or criminal behaviour which could render an applicant unsuitable to be a tenant include:

- a) Conviction for illegal or immoral purpose.
- b) Causing a nuisance and annoyance to neighbours or visitors.
- c) Committing certain criminal offences in or near the home and still posing threat to neighbours or the community.
- d) Being violent towards a partner or members of the family.

(iii) **Is the behaviour unacceptable at the time of application?**

Finally, if satisfied that the applicant is unsuitable to be a tenant by reason of the unacceptable behaviour in question, we must have regard to the circumstances at the time the application is considered and must satisfy ourselves that the applicant is still unsuitable at the time of the application. Previous unacceptable behaviour or even an outright possession order, may not justify a decision to treat the applicant as ineligible where that behaviour can be shown by the applicant to have improved.

Only if satisfied on all three aspects, can we consider exercising our discretion to decide if the applicant is to be treated as ineligible for an allocation. In reaching our decision, we will act reasonably. That means we will consider each application on its own merits. We will have regard for each applicant's personal circumstances (and the personal circumstances of the applicant's household), including his or her health and medical needs, dependents and any other factors relevant to the application. We will have regards to information provided on the application form and supporting information.

If an applicant, who has, in the past, been deemed by us to be ineligible, now considers his/her unacceptable behaviour should no longer be held against him/her as a result of changed circumstances; he/she can make a fresh application. Unless there has been a considerable lapse of time it will be for the applicant to show that his/her circumstances or behaviour has changed. What constitutes a considerable lapse of time will depend upon the individual circumstances of the case and in particular the nature of the unacceptable behaviour. Some applicants may find this process difficult and should be referred to an independent source of housing advice such as Shelter Cymru.

Unacceptable Behaviour – Ineligible or No Priority/Adjusted Priority for an Allocation?

There is no obligation on us to treat an applicant as ineligible for an allocation (s.160A (7) of the HA 1996) due to an applicant's or household member's behaviour. If we do apply the unacceptable behaviour standard and a person is deemed unsuitable to be a tenant, we may treat them as eligible but reduce the priority that is given to their housing application. By virtue of s.167(2B) and (2C) of the HA 1996, an allocation scheme may provide that no preference is given to an applicant where the local authority is satisfied that he/she, or a member of his/her household has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant and the local authority is satisfied that, in the circumstances at the time the case is considered, he/she deserves not to be treated as a person who should be given reasonable preference.

By virtue of s.167(2D) of the HA 1996, the same provisions apply for determining what is unacceptable behaviour for the purposes of deciding whether to give preference to an applicant, as apply to a decision on eligibility (s.160A(8) HA 1996).

Hence, in cases where the grounds for exclusion are made out, we will consider whether it would be appropriate to give no priority or adjusted priority to the applicant as an alternative to excluding them. If we decide to give no priority or adjusted priority then this will result in the applicant being put into a lower band than would otherwise be the case.

Unacceptable Behaviour and Discharge of Duties to People Who Are Statutorily Homeless

It is possible for us where the Council has determined an applicant to be unintentionally homeless and in priority need, to determine also that they are guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant and decide:-

- To treat them as ineligible for an allocation (s.160A(7) of the HA 1996)
- To not afford them any priority for rehousing under their allocation scheme (s.167 (2B and 2C) HA 1996).
- that they are not eligible to apply under the Homes by Choice Scheme but instead consider them only for an offer of specific premises outside of Homes by Choice
- that they are eligible and entitled to bid for any accommodation they are entitled to bid for under the Scheme

It should be noted however that the Council will still have a statutory duty to secure accommodation for such persons though this need not be through a statutory allocation (see Section 159 of the HA 1996) under its allocation scheme. In such cases, the Council has the discretion to accommodate such persons in the private sector or by some other means.

In such cases where the Council's Housing Options Team owes a duty to the applicant to secure them accommodation under Section 75 of the HWA but a decision is being considered to exclude the applicant from the scheme or to give them no/adjusted preference due to unacceptable behaviour then the Housing Options Team will be notified of this and given the opportunity to provide comments/submissions within a reasonable period. A Tai Tarian appointed person considering the case will have regard to any representations made by the Housing Options Team representative.

If a Tai Tarian appointed person comes to a decision to exclude the applicant from the scheme or to give them no/adjusted preference due to unacceptable behaviour then as well as sending the decision to the applicant they will notify the Council's Housing Options Team of that decision, together with the reasons for it. Should an application for a review be put in by the applicant (**see Appendix 9** on Reviews) then a review will be undertaken by a Tai Tarian appointed person and a representative from the Housing Options Team. The decision on the review though will be that for the Tai Tarian representative alone though they will have regards to any representations made by the Housing Options Team representative. See **Appendix 9** for full details of the review procedures.

If there are grounds to exclude a homeless applicant who is owed a duty under Chapter 2 of the HWA (or Part 7 of the HA 1996 for applications made before 27 April 2015) to be secured accommodation by the Council's Housing Options Team then a Tai Tarian appointed person could decide that they are not eligible to apply under the Homes by Choice Scheme but instead consider them only for an offer of specific premises outside of Homes by Choice. The applicant will have the same right to ask for a review of such a decision as they would for a decision to completely exclude them from the scheme or to award them no/adjusted preference.

Procedures for Exclusions and the Awarding of No/Adjusted Preference

Where an application discloses information which could potentially give rise to a decision that the applicant may:-

- Be excluded.
- Given no/adjusted priority.
- Disallowed to bid under Homes by Choice and only considered for offers of specific premises.

Due to unacceptable behaviour then a Tai Tarian appointed person dealing with the application shall request from the applicant whatever information and documentation which is necessary to obtain all relevant facts relating to the behaviour in question.

- a) **Housing related debt** – the applicant may be requested to provide copies of any court orders, rent account details, contact details for the previous landlord to establish the background to the accrual of the arrears. The applicant may be asked to explain how the arrears arose and to put forward any mitigation for the accrual of the arrears. If the applicant asserts that they have cleared the debts then they may be asked to provide proof of that.
- b) **Anti-social behaviour/criminal conviction** – the applicant may be requested to provide copies of any court orders, proof of any convictions, mitigation for the behaviour in question, probation reports, reports from other agencies, etc. A Tai Tarian appointed person will work with the Police, probation services and other statutory and voluntary agencies in sharing information on sex offenders or other violent applicants and, where appropriate, become involved in the management of the risk posed by them.
- c) **Other tenancy breaches/behaviour** – the applicant may be requested to provide documentation regarding the breaches of tenancy in question and invited to provide any explanation or mitigation of those breaches. This could include, for instance:-
 - Allowing the condition of the property to deteriorate.
 - Allowing any furniture provided by the landlord to deteriorate due to ill treatment.
 - Obtaining a tenancy by deception, for example by giving false information.

A Tai Tarian appointed person should avoid unreasonably long delays in processing applications due to having to wait lengthy periods for the production of documentation in connection with the assessment of whether to exclude them.

If a Tai Tarian appointed person considers that there are grounds for excluding the applicant or awarding no/adjusted priority then they will put the application forward with a report setting out all relevant facts and appending all relevant documentation. Where the applicant is owed a duty by the Council to be secured accommodation under chapter 2 of the HWA then a Tai Tarian appointed person will also notify the Council's Housing Options Team of the intention to consider exclusion and/or awarding no/adjusted priority. A Tai Tarian appointed person will consider the report and request any further documentation that they may need. A Tai Tarian appointed person will consider whether the grounds for exclusion are made

out. If they are, then a Tai Tarian appointed person will decide if it's appropriate to exclude the applicant or to remove the preference that they would otherwise be entitled to.

If the decision is to exclude the applicant or remove their preference then a Tai Tarian appointed person will draw up a written decision and issue it to the applicant. Where the applicant is owed a duty by the Council under chapter 2 of the HWA a Tai Tarian appointed person will have regard to any representations made by the Housing Options Team on the applicant's behalf. Any such written decision will set out the full reasons why the applicant has been excluded or had their preference removed, together with what facts a Tai Tarian appointed person had regards to in coming to that decision.

For such a decision Tai Tarian will notify the applicant of their right to ask for a review of the decision and of any facts - see **Appendix 9** on reviews. Where we believe that an applicant may have difficulty in understanding the implications of a decision of ineligibility, arrangements will be made for the information to be explained in person.

In cases where the notification cannot be sent to the applicant or we believe that it may not have been received by him or her, we will make available at our office a written statement of our decision, and the reasons for it, to enable the applicant, or someone who represents the applicant, to collect within a reasonable period.

APPENDIX 3 - DETAILED CRITERIA FOR EACH OF THE BANDS COMPRISING THE SCHEME

Note:

- *The bands are to be considered in conjunction with other relevant sections of the policy, including eligibility for the Register;*
- *Sub categories for all bands will only apply where the applicants' circumstances would be significantly improved by moving to suitable accommodation;*
- *Lists within bands are not exhaustive and some circumstances may not be covered but are relevant for consideration.*

URGENT BAND – URGENT PRIORITY (REASONABLE PREFERENCE PLUS ADDITIONAL PREFERENCE)	
Sub Categories of Band	Examples of Qualifying Circumstances / Summary of Criteria
<p>Homeless applicants where the Council has an interim duty under Section 68 of the HWA to secure accommodation in priority need.</p> <p>Applicants in temporary accommodation under Section 68 HWA and who are owed a duty by the Council under either Section 73 HWA (duty to help secure accommodation for homeless applicants) or Section 75 HWA (duty to secure accommodation for applicants in priority need following the end of a duty under Section 73)</p>	<p>Applicants who have been accepted by the Council as being entitled to temporary accommodation under Section 68 of the HWA.</p> <p>Applicants living in temporary accommodation arranged by the Council to meet its duty under Section 68 of the HWA and where the Council has accepted a duty under either Section 73 or Section 75 of the HWA.</p> <p>Temporary accommodation is any accommodation identified by the Council for an applicant to discharge its duty under Section 68 and which includes refuge accommodation.</p>

<p>MARAC CASES</p>	<p>At risk applicants who are subject to a MARAC (Multi Agency Risk Assessment Conference) which supports an urgent move to suitable accommodation in specified areas. The move will not be within the same area unless it is with the agreement of the Council's Housing Options Team and/or MARAC Co-ordinator. This will be as part of an agreed safety plan for high risk victims who will be eligible for additional preference and will be placed in the Urgent Band. Move-on requirements from refuge accommodation will be considered by a Tai Tarian appointed person.</p>
<p>WELFARE CASE URGENT- Deemed to have a very high social circumstance that is seriously affected by current housing</p>	<p>Examples of applicants who will fall within this Category are below:</p> <ul style="list-style-type: none"> • Where the applicant is the main carer and needs to give constant care and support to a person with an Urgent health need (the nature of which comes within an Urgent band for health) but this is difficult to do at present because: <ul style="list-style-type: none"> (i) Applicant lives too far away, or (j) There is extreme financial hardship for the applicant providing the care and support • Applicant or member of household has received or is threatened with serious physical/sexual, racial or homophobic/transphobic abuse and needs to move away from the locality. • Witnesses of crime or victims of crime who are deemed by the Police to be at risk of intimidation or violence. (Note: Not applicable to applicants who go through homeless route). • It has been established that a serious threat to the well-being, education or safeguarding of a child exists and that their accommodation is a contributory factor to the risk. These are cases where Social Services can confirm that there is an urgent need to move to mitigate the risk to the child. This includes foster carers needing larger home, confirmed by Social Services. <p>The above list is not exhaustive and some circumstances may not be covered but are relevant for consideration as a social/welfare need. Supporting evidence and/or a multi-agency approach to addressing the need is required. The decision on any such award to be at the discretion of a Tai Tarian appointed person considering the application. If an applicant bids for a property that would not achieve the objective of the social/welfare need award that has been given then we may remove the priority awarded under this category for that bid.</p>
<p>HEALTH CASE URGENT – Deemed to have severe health needs. Health is seriously</p>	<p>This applies where the applicant and/or members of their household have a severe health need, examples of which are below:</p>

affected by their current housing making existing accommodation unsuitable – e.g. hospital discharge, currently receiving palliative care, has a life limiting condition, health is so severely affected by the accommodation that it is likely to become life threatening, disabled and assessed as requiring major works of adaptation, overcrowding resulting in a risk of a life threatening infection

- Where the applicant with an Urgent health need (the nature of which comes within an Urgent band for health) is ready for discharge from hospital and either of the following apply:
 - (i) Applicant has somewhere to live but it is deemed unsuitable for their needs and cannot be made suitable through adaptations due to cost, structural difficulties or the property cannot be adapted within a reasonable amount of time, or
 - (ii) Applicant has nowhere at all to live and all other reasonable housing options have been explored.
- Is currently receiving palliative care and urgently requires rehousing to facilitate the on-going provision of this care.
- Has a life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care.
- Health is so severely affected by the accommodation that it is likely to become life threatening, e.g. applicant has severe mental health/learning disability problems that are significantly exacerbated by their accommodation.
- Is disabled and has been assessed as requiring major works of adaptation. As a direct result of the limitations posed by the current property they are unable to carry out day-to-day activities or have difficulty in accessing facilities inside or outside their home. The award of additional preference will not be made where it has been assessed that rehousing would not facilitate a reduction in the limitations identified.
- A Tai Tarian tenant living in accommodation assessed by Tai Tarian as being adapted, who no longer requires the adaptations in their current home, may be supported as an Urgent case for a transfer where Tai Tarian has identified a suitable applicant for the accommodation they are currently living in. This award may still be valid if the applicant requires adaptations, provided that the adaptations required are substantially different from those in their current home as assessed by Tai Tarian.
- Overcrowding in their current property leaves them at risk of a life threatening infection, e.g. is suffering from a late-stage or advanced infection.
- Is elderly, disabled (including a severe mental health or learning disability) and has a progressive illness resulting in them likely to require admission to hospital or residential /nursing care in the immediate future and re-housing would enable them to remain at home.
- Need to receive constant care and support due to being an urgent health case and transport is a problem or moving away from a community would cause hardship in receiving support.

	<p>The award of priority under this section is always subject to the proviso that if an applicant 'bids' for a property that would not benefit the reason why the priority was awarded then the priority will be removed for the purpose of considering the bid for that particular property.</p>
<p>ARMED FORCES SERVICE PERSONNEL – who have been seriously injured or disabled in action and who have an urgent need for social housing</p>	<ul style="list-style-type: none"> • This applies to any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.
<p>EXISTING TAI TARIAN TENANTS WHO ARE UNDER-OCCUPYING – and are prepared to downsize to a property with fewer bedrooms and who are suffering financial hardship</p>	<ul style="list-style-type: none"> • This applies to an existing Tai Tarian tenant who is under-occupying a social rented property and is prepared to downsize to a property with fewer bedrooms, which is suitable for their needs, but only if they are suffering extreme financial hardship due to Welfare Reform. This involves a shortfall in Housing Benefit or Universal Credit Housing Contribution due to Welfare Reform changes such as Bedroom Tax, Benefit Cap or Local Housing Allowance. As a guide this equates to a 25% shortfall. An affordability assessment is undertaken in these cases.
<p>HOUSING CONDITIONS URGENT – Housing situation seriously unsuitable with no prospect of the issue being remedied in a reasonable period of time</p>	<ul style="list-style-type: none"> • Cases which have highly exceptional and significant circumstances. Where the housing situation has been assessed by the Council's Environmental Health as being seriously unsuitable because (a) The property has been deemed as being at a high risk of causing harm and (b) The applicant has severe health issues which are seriously affected by their current housing. Applicants who have contributed to the housing conditions will not be considered in this band.
<p>EXCEPTIONAL CIRCUMSTANCES – Management Discretion</p>	<ul style="list-style-type: none"> • This will include cases which have highly exceptional and significant circumstances, where an applicant needs to move urgently and the only way to expedite a move is through the use of management discretion.

GOLD BAND – HIGH HOUSING NEED REASONABLE PREFERENCE	
Sub Categories of Band	Examples of Qualifying Circumstances / Summary of Criteria
<p>HOMELESS/THREATENED WITH HOMELESSNESS CASES (OTHER THAN APPLICANTS WHO FALL WITHIN THE URGENT BAND)</p> <p>Section 66 of the HWA (those where the Council has a duty to help prevent an applicant from becoming homeless)</p> <p>Section 73 (those where the Council has a duty to secure accommodation)</p> <p>Section 75 (those where the Council has a duty to secure accommodation for applicants in priority need when the section 73 duty ends)</p>	<p>Applicants who are not residing in temporary accommodation arranged by the Council to meet its duties under Section 68 of the HWA but where the Council has accepted a duty under either Section 73 or 75 of the HWA.</p> <p>Applicants who are owed a duty by the Council under Section 66 of the HWA</p>
<p>WELFARE CASE HIGH – MOVING HOME WILL BENEFIT APPLICANT (deemed to have a serious social circumstance)</p>	<p>Examples of applicants who will be given reasonable preference under this category are:-</p> <ul style="list-style-type: none"> • Victims of harassment through antisocial behaviour – evidence of ongoing and targeted harassment. • Victims who need to move due to violence or harassment and where legal action is pursued. Also it will have been assessed and confirmed by the relevant agencies that they are not in any immediate danger but their housing circumstances would be significantly improved by moving to suitable accommodation in specified areas. • This band may be awarded where the applicant is at least one of the main carers and needs to give regular care and support to a person with serious health ailments or disability (the nature of which comes within a Gold Band for health) but this is difficult to do at present because: <ul style="list-style-type: none"> (i) Applicant lives too far away, or

(ii) There is extreme financial hardship for the applicant providing the care and support. To receive this, the person the applicant is caring for has to be in receipt of Attendance Allowance, the care component of Disability Living Allowance or the daily living component of the Personal Independence Payment, and they spend at least 35 hours per week with them.

- Applicants leaving supported housing where after a review of support plan by support provider, they recommend a move to independent accommodation including young people at risk and care leavers.
- Currently residing in a supported housing scheme funded via Welsh Government programme funding for supported housing. The relevant band will only be awarded where the support provider has identified the need to move-on following a review of the applicant's support plan. This will not include floating support or Haven Housing Schemes.

In both of the above instances for supported housing, the support provider makes a recommendation to the Move-on Panel, who is required to approve the move. Move-on requirements from other forms of accommodation which do not come within the remit of "supported housing" will be considered by a Tai Tarian appointed person.

- There are children that are part of the application, who need to move and their accommodation has been assessed by Social Services as being a contributory factor to the risk of the child. The award will only be made where:
 - (i) There is a child protection plan in place; and
 - (ii) A report from the child's social worker supports the need to move, with rehousing being an important factor to the ongoing welfare of the child. The report will need to be countersigned by the relevant Social Services team manager.
- This band applies to applicants which come under the provisions of the Rent (Agriculture) Act 1976, where a displaced Agricultural worker requires assistance with accommodation.

The above list is not exhaustive and some circumstances may not be covered but are relevant for consideration of a social/welfare need. The decision on any such award to be at the discretion of a Tai Tarian appointed person considering the application.

If an applicant bids for a property that would not achieve the objective of the social need award that has been given then

	<p>we may remove the priority awarded under this category for that bid.</p>
<p>HEALTH CASE HIGH – MOVING HOME WILL BENEFIT APPLICANT (deemed to have serious health ailments or disability)</p>	<p>Reasonable preference will be awarded to applicants and/or members of their household because housing is unsuitable due to serious health ailments or disability, but who are not housebound, or whose health, or safety is not at such a risk level to require immediate urgent housing. The serious health ailment(s) would be significantly improved by moving to suitable accommodation.</p> <p>Examples of applicants who will fall within this Category are below:</p> <ul style="list-style-type: none"> • Need to receive regular care and support due to being a Gold health case and transport is a problem or moving away from a community would cause hardship in receiving regular support. • Receiving regular health treatment /care, which is difficult to access. • Is disabled and has been assessed as requiring works of adaptation. As a direct result of the limitations posed by the current property they are unable to carry out day-to-day activities or have difficulty in accessing facilities inside or outside their home. The award of additional preference will not be made where it has been assessed that rehousing would not facilitate a reduction in the limitations identified. • A person whose disability means that re-housing would enable them to overcome physical barriers created by their current accommodation e.g. stairs and steps. • A person with a terminal illness or long term medical debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support. <p>The award of priority under this section is always subject to the proviso that if an applicant ‘bids’ for a property that would not benefit the reason why the priority was awarded, then the priority will be removed for the purpose of considering the bid for that particular property.</p>
<p>EXISTING TAI TARIAN TENANTS WHO ARE UNDER-OCCUPYING</p>	<ul style="list-style-type: none"> • This applies to an existing Tai Tarian tenant who is under-occupying a property and is prepared to downsize to a property with fewer bedrooms, which is suitable for their needs, but only if they are suffering severe financial hardship due to Welfare Reform. This involves a shortfall in Housing Benefit or Universal Credit Housing Contribution such as Bedroom Tax or Benefit Cap. As a

	<p>guide this equates to a 14% shortfall. An affordability assessment will be undertaken in these cases.</p> <ul style="list-style-type: none"> • This includes an existing Tai Tarian tenant wishing to downsize from 2, 3, 4 or 4+ bed family accommodation, which will free up a property which meets the needs as deemed by Tai Tarian of another applicant.
<p>ACUTE OVERCROWDING – as defined by the ‘bedroom standard’</p>	<p>We are satisfied the applicant is overcrowding their current accommodation by 2 or more bedrooms (see Bedroom Standard Section of Appendix 3). Applicants who have contributed to the overcrowding will not be considered in this band.</p>
<p>HOUSING CONDITIONS HIGH – insanitary, or unsatisfactory housing conditions</p>	<p>INSANITARY - Where the property has been assessed by the Council's Environmental Health as either filthy or so contaminated or seriously infested by pests, so as to give rise to an imminent risk of serious harm AND these matters cannot be rectified while the property is being occupied. Applicants who have contributed to the housing conditions will not be considered in this band.</p> <p>UNSATISFACTORY – Where the property is:</p> <p>(a) Inadequate by virtue that its condition does not protect the applicant from an imminent risk of serious harm AND these matters cannot be rectified while the property is being occupied. This includes properties where any of the following basic facilities and provisions are absent:</p> <ul style="list-style-type: none"> • Internal WC • Internal bath or shower • Cooking provisions • A supply of cold or hot water • Room heating to habitable rooms • Natural or artificial lighting • Appropriate fire detection and a suitable means of escape in high risk properties (e.g. houses in multiple occupation) <p>(b) Subject to a Demolition or Compulsory Purchase Order.</p> <p>(c) Suffering from severe dampness (excluding condensation caused by the occupancy of the property) which prevents the habitable rooms from being occupied.</p>

SILVER BAND –MEDIUM HOUSING NEED

<p>OTHER HOMELESS / THREATENED WITH HOMELESSNESS APPLICANTS -</p> <p>Homeless and threatened with homelessness applicants who are not owed duties under sections 66, 68, 73 or 75 of the Housing (Wales) Act 2014.</p>	<p>Applicants who are threatened with homelessness but who are not owed duties under section 66 to prevent them from becoming homeless. This could be because they are not eligible for help.</p> <p>Applicants who the Council has reason to believe are homeless or who the Council has decided are homeless but are not owed duties under sections 68, 73 or 75. This could be, for instance, because the applicant does not have priority need, because they are not eligible for assistance, because they have been found to be intentionally homeless, etc.</p>
<p>SHARING FACILITIES (not for applicants that have left the family home)</p>	<p>This category applies where an applicant is deemed to be sharing all of the following rooms with another household:</p> <ul style="list-style-type: none"> • Living Room • Kitchen • Bathroom • WC <p>Applicants who have never left the family home will not be considered to be sharing, unless there is evidence to suggest a newly forming household.</p>
<p>APPLICANTS LACKING A BEDROOM – having regard to the ‘bedroom standard’</p>	<p>The ‘bedroom standard’ is defined in below. This applies to applicants overcrowded by 1 bedroom according to the ‘bedroom standard’ for overcrowding (see below), unless the accommodation they have applied for would have the same number of bedrooms as their current accommodation.</p>
<p>WELFARE CASE MEDIUM - Deemed to have a minor social circumstance</p>	<p>This category applies where an applicant and/or members of their household are deemed to have a minor social circumstance that is affected by current housing and which would be improved by moving to suitable accommodation.</p> <p>This category applies for instance to:</p> <p>Applicants experiencing difficulty in accessing employment or education, or other services where there is a need to move to avoid hardship by being able to:</p> <p>(i) Overcome barriers to employment and education due to severe mental health issues, long term unemployment, caring responsibilities, physical ill health, criminal record and substance misuse. In recognition of the multiple problems which can stop</p>

	<p>individuals finding work, they will be receiving ongoing extra help from government funds (costs related to parents with young children and carers etc.) or</p> <p>(ii) Take up or be near specific work, or training or job opportunities not available elsewhere in the county borough. Applicants will only be considered for this award where they do not live within a reasonable commuting distance of their place of current or prospective employment, taking into consideration their ability to use and the availability of public/private transport. Evidence is required that the difficulties being experienced are greater than those commonly experienced by others across the county borough. The applicant will be required to provide confirmation of employment details from their employer or enrolment on a training course from the training provider.</p>
<p>HEALTH CASE MEDIUM – MOVING HOME WILL BENEFIT APPLICANT (deemed to have a minor ailment)</p>	<p>Will be awarded to applicants under this category where the applicant <i>and/or</i> members of their household have a minor health ailment that would be improved by moving to suitable accommodation.</p>
<p>HOUSING CONDITIONS MEDIUM - Unsatisfactory/Disrepair</p>	<p>Where the property has been assessed by the Council's Environmental Health that it does not pose an imminent risk to the health or safety of the applicant, but there are unsatisfactory conditions or disrepair caused by the lack of upkeep or maintenance of the property.</p> <p>This category applies for instance to:</p> <p>The current accommodation directly exacerbates a recognised medical condition, is the direct cause of a medical condition or impacts on the ease of use of the facilities within their home for a disabled person. The award of this band will only be made where it has been assessed that rehousing would facilitate an improvement in wellbeing, taking into consideration all relevant supporting information.</p> <p>This band will not be used where there is evidence alleging any damage, unsatisfactory conditions or disrepair was caused by the applicant, current occupiers or visitors to the property.</p>

BRONZE BAND – LOW/NO HOUSING NEED

ANY APPLICANT that does not fall within Urgent, Gold or Silver bands.	Includes any applicant who does not fall into bands Urgent Gold or Silver above
APPLICANTS who do not have a local connection as detailed in Section 4.11	This covers applicants who do not have a 'local connection' with the County Borough within the meaning of this policy.

The Bedroom Standard

For the purpose of this scheme it is recognised that persons considered for sharing a room must be family members. Therefore two persons (who are not in the same family) in a relationship are considered as requiring their own bedroom and should not share that room with any other person. The table below shows the bedroom entitlement for adults and children according to the Bedroom Standard

Bedroom Standard:

	NUMBER OF BEDROOMS	
HOUSEHOLD MEMBERS	1	2
Single adults over 21	x	
Couple (married or cohabitating) wishing to live together	x	
Single person/couple who are supported for an additional bedroom		x
20 x weeks pregnant woman with or without partner and no other children		x
One child	x	
Two children under 10 regardless of sex	x	
Two children of the same sex aged between 0 and 21	x	
Two children of different sex aged between 10 and 21		x

APPENDIX 4 - PROPERTY SIZE AND TYPE ELIGIBILITY

4.1 Property Size Criteria

- 4.1.1 The following matching process will be used to assess an applicant's bedroom requirements.
- 4.1.2 The following table shows the size and type of property that applicants may be considered for based on their household size either when submitting a bid for an advertised property or for a direct allocation outside the Homes by Choice Scheme.
- 4.1.3 All properties advertised through the Homes by Choice Scheme will display the Band Applicants have to be included in and details of the household type and size who are eligible to bid for each property. Consideration will be given to including maximum occupancy levels for advertised properties.
- 4.1.4 Applicants will be expected to only bid for properties which suit their household size. However, a Tai Tarian appointed person may re-classify an applicant as requiring a higher number of bedrooms where the applicant has overnight access to or access rights to a child/children. See **Section 4.6** below.
- 4.1.5 Where there is low demand for certain accommodation Tai Tarian may decide to advertise a property for an applicant who would under-occupy the property. If this is the case the issue of affordability will be considered prior to any offer of accommodation.

4.2 Pregnant Women

- 4.2.1 The expected child will only be added to the application from week 20 of the pregnancy, once the MAT B1 has been received. It is the responsibility of the applicant to provide this information.
- 4.2.2 The applicant must provide proof of pregnancy before the expected child is added to the application.

4.3 Access to Children

- 4.3.1 Single applicants or couples, who do not have children living with them on a full time basis but who have access to a child/children will qualify for two bedroom accommodation, providing they supply written evidence that the child/children stay overnight at least two nights a week, or the average overnight stay equals this.
- 4.3.2 Written evidence to confirm the above must be provided and can include a letter from the partner who the child/children normally live with, a solicitor, Social Services or Court Order detailing access arrangements.
- 4.3.3 Applicants who would under-occupy the property based on the welfare reform rules will have an affordability assessment carried out to confirm that they can

afford to occupy the property. This may be done at the point of application **and/or** at the point of offer.

4.3.4 If an applicant is unable to demonstrate they can afford the property, they will only be eligible to bid for one bedroom accommodation, unless there is a change in their circumstances. It is the responsibility of the applicant to update Tai Tarian of any change in circumstances that would affect this decision.

4.3.5 Where an applicant already has children in their household but also has access to other children, then they may be entitled to a further bedroom/bedrooms under **Section 4.6** below.

4.4 **Applicants with Children**

4.4.1 With the introduction of welfare reform the rules on bedroom use has changed so that applicants with two children may be deemed to under-occupy three bedroom accommodation for Housing Benefit/Universal Credit housing cost purposes. The exception to this may be approved foster carers.

4.4.2 Due to this Tai Tarian has decided to offer flexibility in the size of accommodation an applicant with children may be eligible for. The property size table demonstrates that applicants with children may elect to be considered for two, three or four bedroom accommodation depending on their circumstances.

4.4.3 Where an applicant with children subject to Housing Benefit/Universal Credit elects to be considered for accommodation, which would result in a reduction in Housing Benefit/Universal Credit housing costs then an affordability assessment, will be required from the point of application to ensure they can afford to occupy the property.

4.4.4 If an applicant is unable to demonstrate they can afford the property, they will only be eligible to bid for properties in line with the welfare reform rules, unless there is a change in their circumstances. It is the responsibility of the applicant to update Tai Tarian of any change in circumstances that would affect this decision.

4.5 **Older Persons' Accommodation**

4.5.1 Some properties will be suitable for older persons and will be advertised with an age restriction on those applicants eligible to bid for the property.

4.5.2 Older persons' accommodation will be offered to applicants aged over 55 years in the first instance, in accordance with the banding principle of priority.

4.5.3 If there is no demand from applicants aged over 55 years, it will be advertised for applicants aged over 50 years and then applicants aged over 40 years and so on as required, in accordance with the principles of banding priority.

4.6 **Bedroom Entitlement**

- 4.6.1 In some cases where there is a need for an additional bedroom as assessed through health or social needs the applicant's bedroom entitlement may be re-classified, even if the property is not fully occupied at the time.
- 4.6.2 In health terms this may mean an application through serious health problems may require to sleep in a separate bedroom from a partner, or may require a carer to stay overnight. Supporting evidence may be required to consider such requests.
- 4.6.3 For social reasons this may mean that an additional bedroom is required for an exceptional reason. Supporting evidence may be required to consider such requests.
- 4.6.4 In all such cases the decision to grant an additional bedroom entitlement to the applicant will be made by Tai Tarian, who will have regard to supporting evidence provided by the applicant.
- 4.6.5 Due to the shortage of 4 bedroom properties, 3 bedroom properties with two reception rooms will be considered as suitable for 4 bedroom applicants, where the room sizes are large enough to accommodate such applicants and taking into account the overall size of the property.
- 4.6.6 Properties will be advertised to show the maximum number of persons that can be reasonably expected to occupy so as not to cause overcrowding.

(Please see Table of Property Size and Type Eligibility)

4.7 Property Size & Type Eligibility

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Household Size	Bedsit	Flat /Maisonette / Bungalow			House				
		1 Bed	2 Bed	3 Bed	1 Bed	2 Bed	3 Bed	*3 Bed (Parlour Type)	4 Bed +
Single Person	√	√							
Single Person with overnight access to one child +		√	√						
Single couple who are pregnant 20+ weeks		√	√			√			
Couple		√	√						
*2 Single Adults			√						
3 Single Adults				√			√	√	
Single Adult / Couple + 1 Child or Non-Dependent			√			√			
Single Adult / Couple + 2 Children (different sex, aged under 10)			√	√		√	√		
Single Adult / couple + 2 children (same sex aged under 16)			√	√		√	√		
Single Adult / Couple + 2 children (different sex, one child Aged 10+)				√		√	√		
Single Adult / Couple + 3 Children				√			√	√	
Single Adult / Couple + 4 or more Children							√	√	√
Other family households that qualify for 4 bedrooms								√	√

*2 single adults may be considered for a house as well as a flat in “low demand” areas

*3 Bed (Parlour Type): see **Section 4.6.5**

Maximum Occupancy

NB. Properties will be advertised to show the maximum number of persons that can be reasonably expected to occupy so as not to cause overcrowding.

Note that the above table is subject to the discretion set out above in **Section 4.6** of this appendix where there is a need for an additional bedroom as assessed through health or social needs, to re-classify the applicant’s bedroom entitlement, even if the property is not fully occupied all the time.

The table below sets out the **Categorisation of Applicants**

Person Category Classification	Suitable Applicants
D	Disabled facilities required by applicant as agreed by Tai Tarian. Properties are classified according to the level of adaptations.
G	General needs applicants accommodation
O	Older applicants and family members aged over 55 years. We will be flexible regarding this age restriction, particularly where an applicant who does not meet the age criteria has mobility problems.
S	Applicants whose accommodation needs after an assessment can be more appropriately met by supported accommodation; and so will either be considered for a supported housing unit with Tai Tarian or another provider.

APPENDIX 5 - ADAPTED DISABLED ACCOMMODATION CRITERIA

- 5.1 At the point of the application assessment by Tai Tarian an applicant will provide details of their housing need. Under the banding scheme a number of needs factors may be considered, one of which may be in relation to the health needs of the applicant.
- 5.2 Where the applicant has declared to Tai Tarian that they have health needs which are affected by their present housing circumstances Tai Tarian will ask the applicant for their particular health needs to determine the level of health need using the relevant factors in the banding scheme.
- 5.3 Where an applicant has stated that they need a property with disabled facilities a health assessment will be completed to determine whether the applicant should be considered for adapted disabled accommodation in accordance with **Section 7** of this policy. A referral may be required of an Occupational Therapist or other relevant medical practitioner who may discuss the matter with the applicant. This will be undertaken prior to the decision to consider the applicant as a disabled category applicant.
- 5.4 If an applicant meets the criteria for acceptance of a property with disabled facilities their application details will be included in the banding scheme and given an applicant category status of D (disabled facilities). Their details will be retained on an additional list of applicants who require disabled facilities which details their adaptation requirements.
- 5.5 The eligibility of an applicant's need for adapted accommodation may be measured by criteria including:-
- Any mobility issues to the applicant or other person within the household who are to be re-housed.
 - Whether the applicant, or other person within the household, is a wheelchair user.
 - Whether the applicant, or other person within the household, require a walk in shower facility.
 - Whether there are any children with disabilities within the household.
 - Whether the applicant, or other person within the household, is in receipt of a benefit that classes them as in need of a certain level of care, such as the medium to high rate of the care component of Disability Living Allowance, high rate of Mobility Allowance, standard or enhanced rate of the daily living component of the Personal Independence Payment, the enhanced rate of mobility of the Personal Independence Payment or Attendance Allowance.
 - Whether the person requiring the adapted accommodation is primarily resident with the applicant or whether the application for adapted accommodation relates to a household in which the person requiring the adaptation is not ordinarily or primarily resident (and their main place of residence is adapted to meet their needs).
 - Whether the person requiring the adapted accommodation is currently primarily resident in a property which meets their needs for adapted accommodation.

- 5.6 Where it is identified that the applicant has stated that they require a property with disabled facilities the application will be held pending a decision on whether to consider that applicant as a disabled category applicant. These applications will be held to ensure suitable accommodation is considered and all relevant information has been received.
- 5.7 In considering the correct type of property for the applicant regard may be given to the bedroom entitlement of the applicant where it is identified that the applicant requires an additional/separate bedroom due to their health needs.
- 5.8 In accordance with **Section 7**, offers of adapted accommodation will be made outside the Homes by Choice Scheme after being identified as suitable for disabled applicants.
- 5.9 When a property is identified as adapted, meeting the minimum criteria for an adapted property, it may be considered for an applicant with an applicant category D as follows:-
- An applicant whose needs for disabled facilities best match the disabled facilities in the property.
 - Where the property with disabled facilities is in the applicants' area of choice.
- 5.10 Any offer of an adapted property may be ratified by an Occupational Therapist or other medical practitioner who is involved in the case and can verify that the property meets the needs of the applicant.
- 5.11 Where two or more applicants are best matched to the property on an equal needs basis the overriding factor will be the size of accommodation which best meets the household size of the applicant and if equal in terms of size then in date of application order.

APPENDIX 6 - WELFARE ASSESSMENTS

- 6.1 At the point of the application assessment by a Tai Tarian appointed person an applicant will provide details of their housing need. Under the banding scheme a number of needs factors may be considered, one of which may be in relation to the welfare needs of the applicant.
- 6.2 Where the applicant has declared to a Tai Tarian appointed person that they have welfare needs which are affected by their present housing circumstances a Tai Tarian appointed person will ask the applicant for their particular welfare needs to determine the level of welfare need using the relevant factors in the banding scheme.
- 6.3 When assessing the welfare needs of the applicant a Tai Tarian appointed person will have regard to the applicant's current housing circumstances and how their welfare is affected by this. In addition to this, a Tai Tarian appointed person may consider a number of factors which may affect the type of accommodation and area of preference requested by the applicant to determine whether such a move will benefit the applicant on welfare grounds.
- 6.4 The level of welfare need is determined by the details within the banding scheme as follows:-
- **WELFARE CASE URGENT** – Deemed to have a very high social circumstance that is seriously affected by current housing.
 - **WELFARE CASE HIGH – MOVING HOME WILL BENEFIT APPLICANT** – applicant and/or members of their household who have a serious social circumstance that would be significantly improved by moving to suitable accommodation.
 - **WELFARE CASE MEDIUM** - applicant and/or members of their household who have a minor social circumstance that would be improved by moving to suitable accommodation.
- 6.5 Where Tai Tarian considers that the applicant may be placed in the Urgent Band – Urgent Need, due to their welfare condition, Tai Tarian consider the information submitted to decide whether the case meets the criteria in the highest band, the Urgent Band.
- 6.6 Where the above applies the application may be held until the welfare assessment referral has been considered.
- 6.7 Where welfare needs has been identified a request may be made for further information from the applicant to support the application. This information may be from an external agency who is involved in the case such as, Social Services, Support Agency, health or other professionals (such as the Police, Victim Support or any other agency involved).
- 6.8 If an applicant informs Tai Tarian of a change in their circumstances which may affect their priority on the banding scheme on welfare grounds a review of their

application will be made and a revised decision on their banding priority made. This could result in their application moving up a band(s) staying the same/moving down a band(s). Until this review is completed the application may be held pending a decision.

APPENDIX 7 - HEALTH ASSESSMENTS

- 7.1 At the point of the application assessment by a Tai Tarian appointed person, an applicant will provide details of their housing need. Under the banding scheme a number of needs factors may be considered, one of which may be in relation to the health needs of the applicant.
- 7.2 Where the applicant has declared to a Tai Tarian appointed person that they have health needs which are affected by their present housing circumstances a Tai Tarian appointed person will ask the applicant for their particular health needs to determine the level of health need using the relevant factors in the banding scheme.
- 7.3 When assessing the health needs of the applicant, a Tai Tarian appointed person will have regard to the applicant's current housing circumstances and how their health is affected by this. In addition to this a Tai Tarian appointed person will consider the type of accommodation requested by the applicant to determine whether such a move will benefit the applicant on health grounds.
- 7.4 The level of health need is determined by the details within the banding scheme as follows:-
- **HEALTH CASE URGENT** – applicant and/or members of their household with severe health needs who are seriously affected by current housing - hospital discharge, currently receiving palliative care, has a life limiting condition, or permanent substantial disability that makes existing accommodation unsuitable.
 - **HEALTH CASE HIGH – MOVING HOME WILL GREATLY BENEFIT APPLICANT** – applicant and/or members of their household who have a serious health ailment(s) or disability, but who are not housebound, or whose health, or safety is not at such a risk level to require immediate re-housing. Serious health ailments would be significantly improved by moving to suitable accommodation.
 - **HEALTH CASE MEDIUM** - applicant and/or members of their household who have a minor health ailment that would be improved by moving to suitable accommodation.
- 7.5 Where Tai Tarian considers that the applicant may be placed in the Urgent Band – Urgent Need, due to their health condition, Tai Tarian consider the information submitted to decide whether the case meets the criteria in the highest band, the Urgent Band.
- 7.6 Where the above applies the application may be held until the health assessment referral has been considered.
- 7.7 Where health needs have been identified a request may be made for further information from the applicant to support the application. This information should be from a qualified medical practitioner, Support Provider or Occupational Therapist.

- 7.8 Where an applicant requests an additional bedroom on health grounds that request will be considered in line with the bedroom entitlement criteria in the property type and size eligibility assessment.
- 7.9 Where the application assessment determines that the applicant should be considered for a certain type of accommodation on health grounds they should only bid for properties that meet their health need. Any bid for accommodation that does not alleviate their health need may be refused.
- 7.10 If an applicant informs Tai Tarian of a change in their circumstances which may affect their priority on the banding scheme on health grounds a review of their application will be made and a revised decision on their banding priority made. This could result in their application moving up a band(s)/staying the same/moving down a band(s). Until this review is completed the application may be held pending a decision.
- 7.11 Where an applicant has stated that they need a property with disabled facilities a health assessment will be completed to determine whether the applicant should be considered for adapted disabled accommodation in accordance with **Section 7** of this policy. A referral may be made to an Occupational Therapist or other relevant medical practitioner who may contact the applicant prior to presenting a recommendation on the case. Until a decision is made on the case the application may be held.
- 7.12 Where the decision is made that the applicant should be considered for adapted disabled accommodation, their details will be retained on an additional list of applicants who require disabled facilities. Offers of adapted accommodation will be made outside the Homes by Choice Scheme after being identified as suitable for disabled applicants. See **Section 7** and **Appendix 5**.

APPENDIX 8 - ENVIRONMENTAL HEALTH ASSESSMENTS

8.1 Assessment Request

8.1.1 The Council's Environmental Health Department in accordance with their responsibilities for enforcing environmental health legislation, will where appropriate, conduct assessments for applicants relating to insanitary, overcrowded or unsatisfactory housing conditions.

8.1.2 Paragraph 3.30 of the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness March 2016 states that in considering whether an applicant should be given reasonable preference as a result of insanitary, overcrowded or unsatisfactory housing conditions, a Local Authority should take into account the law governing overcrowding (Part 10 of the Housing Act 1985), legislation covering houses in multiple occupation (Part 2 of the Housing Act 2004) and the Housing Health and Safety Rating System (Part 1 of the Housing Act 2004).

8.1.3 The landlord, managing agent or owner are legally responsible for resolving insanitary, overcrowded or unsatisfactory housing conditions, unless the circumstances have been caused or worsened by the occupiers or visitors to the property. It is therefore only in exceptional cases where Environmental Health will intervene using their statutory powers under the Housing Acts.

8.1.4 For the purposes of the assessment of housing conditions, Environmental Health will have regard to the standards contained in the Housing Acts and will make assessments on the facts known, which in most cases will not require a visit to the applicants property.

8.1.5 The Environmental Health assessment check will include the following stages:

Stage 1 – Obtain information from the applicant relating to the insanitary, overcrowded or unsatisfactory housing conditions, including the circumstances giving rise to the housing conditions and any evidence that the matters have been reported to the landlord, agent or property owner.

Stage 2 – Carry out checks to establish if the landlord, agent or property owner is registered with Rent Smart Wales or is a Registered Social Housing provider. *Note: Where the responsible person has not registered with Rent Smart Wales or is not a Registered Social Landlord, Environmental Health will make an inspection of the applicant's property.*

Stage 3 - Make contact with the person responsible for rectifying the reported matters and obtain information about the housing conditions and identify the remedial action required including a timescale for completion. *Note: Where there is the possibility of a significant risk to the health and safety of the applicant and the person responsible has a history of non-compliance, Environmental Health will make an inspection of the applicant's property.*

Stage 4 – Using the assessment check and having regard to the facts provided, Environmental Health will where appropriate provide Tai Tarian with notification of the assessment which has been carried out.

- 8.1.6 The applicant is to evidence they have assisted with meeting the requirements of stages 1-3 of the process prior to a decision being made at stage 4, should it be required.
- 8.1.7 The circumstances which are considered when assessing housing conditions are contained in the Housing Need Bands and **Appendix 3**. A band award for an applicant will take into account an Environmental Health assessment provided by the Environmental Health Department. Such an assessment is based on the future risk to the health and safety of the applicant and where there is no prospect of the issue being remedied in a period of time that Environmental Health consider reasonable.

APPENDIX 9 – DECISION REVIEWS

9.1 Review Request

9.1.1 An applicant has the right to request a review of the following decisions made by Tai Tarian where they are able to provide the appropriate supporting information in support of their request:-

- For homeless applicants, the outcome of the assessment carried out under section 62 of the HWA Eligibility for accommodation – including decisions relating to eligibility on the grounds of the applicant’s immigration status and unacceptable behaviour.
- The band awarded to the applicant.
- The property size that is considered suitable for the applicant.
- Any decision about the facts of the case which is likely to be, or has been taken into account in considering whether to allocate accommodation to the applicant
- Refusal to accept a bid from the applicant for particular premises.
- A decision under **Section 5** not to award some or all of the priority that the applicant would otherwise have been entitled due to their previous ‘unreasonable behaviour.’
- Any changes in banding or category decisions made by Tai Tarian after review.

A decision under **Section 4.10.2** as follows:-

- Allow the applicant to bid for properties but on the condition that an offer of accommodation will only be made where the applicant accepts tenancy support/intensive management from the start of the tenancy; or
- Allow the applicant to be considered for specialist accommodation that may only be found through supported housing and in certain areas allocated outside the Lettings Scheme. This may involve referring the applicant to another organisation so that suitable accommodation can be considered.

9.1.2 An applicant will receive information advising of their right to request a review of the above decisions. Any applicant wishing to request a review should be advised to seek legal advice from a solicitor, Law Centre, Housing Aid Centre or the Citizens Advice.

9.1.3 An applicant is provided with **21 days** to request a review from the date of the letter informing them of Tai Tarian’s decision, unless the review request is made against the decision by Tai Tarian to refuse (under **Section 6.16** or any other provision of the scheme) a bid made by the applicant for a property.

9.1.4 This request must be made in writing to Tai Tarian, stating the reasons why they would like the decision to be reviewed and provide additional information in support of their request.

- 9.1.5 If the review request is received after the 21 day period then it will not normally be heard, unless there are exceptional circumstances agreed by Tai Tarian that have prevented the request from being lodged within the specified period.
- 9.1.6 In the case of a review in respect of a bid for a property, any request for a review must be made within 48 hours of the application being notified of the decision. This is necessary to ensure properties are not left unallocated.
- 9.1.7 An applicant who submits a request for review shall be informed of the right to choose between a review by written submissions or by an oral review.
- 9.1.8 Reviews will be undertaken by a Tai Tarian appointed person who was not involved in the original decision and is more senior than the person who made the original decision.
- 9.1.9 In cases where the Council owes a duty to the applicant under Section 75 of the HWA but a decision is made that the applicant is excluded from the scheme or is given reduced preference due to unreasonable behaviour then the Council's Housing Options Team will be notified of the decision and a review will be undertaken by a panel, comprising of a representative from Tai Tarian and a representative from the Housing Options Team. The final decision on the review will be made by the Tai Tarian representative, although they will have regard to any representations made by the Housing Options Team representative.
- 9.1.10 In all cases (other than reviews to bidding decisions) the review request must be completed within 28 days from the date the applicant lodges their request for review.
- 9.1.11 In cases of bidding decisions, the review must be completed within 48 hours of the applicant lodging the request for a review.

9.2 The Oral Hearing

9.2.1 The applicant will be informed of their right to:-

- Be heard.
- Be accompanied.
- Be represented by another person, whether the person is professionally qualified or not. For the purpose of the proceedings any representative should have the rights and powers which the applicant has.
- Call any supporting witness to give evidence. There is no power to require witnesses to attend.
- Put questions to any person who gives evidence at the hearing.
- Make representations in writing.

9.2.2 The applicant will be given at least five clear days' notice of the date, time and venue for the hearing, unless the applicant agrees to a shorter period.

- 9.2.3 The review will consider the circumstances of the applicant at the time of the review, not just at the time of the original decision.
- 9.2.4 The review process may decide to adjourn the hearing to obtain any additional evidence on the applicant.
- 9.2.5 The applicant will be notified of the decision following the review. If the decision is to uphold the original decision, the decision notice will also notify the applicant of the reasons for the decision.
- 9.2.6 An unsuccessful applicant on review as to eligibility will be notified of their right to make a fresh application under Section 160A (11) if they consider they should no longer be treated as ineligible.

9.3 **Written Submission**

- 9.3.1 Upon receipt of a request for review by way of a written submission the review will consider the circumstances both at that time and when the original decision was made.
- 9.3.2 The applicant must be told the date when all written information to be reviewed must be lodged with Tai Tarian.
- 9.3.3 The applicant will be notified of the decision following the review. If the decision is to confirm the original decision, the decision notice will also notify the applicant for the reasons for the decision.
- 9.3.4 An unsuccessful applicant on review as to eligibility will be notified of their right to make a fresh application under Section 160A (11) if they consider they should no longer be treated as ineligible.

Appendix 2

Neath Port Talbot County Borough Council & Tai Tarian Shared Lettings Policy

Summary

Part 1- Introduction

This is a short summary of Neath Port Talbot County Borough Council (**the Council**) and Tai Tarian's Shared Letting Policy.

The full policy is available on the Council's website (www.npt.gov.uk) or Tai Tarian's website (www.taitarian.co.uk).

The Council in partnership with Tai Tarian Limited (Tai Tarian) has adopted the Lettings Policy. The policy meets the requirements in Part VI of the Housing Act 1996 (**the HA 1996**) (as amended by Homelessness Act 2002 and the Housing (Wales) Act 2014) (**the HWA**), giving reasonable preference to those applicants in greatest need.

The Council has transferred to Tai Tarian the administrative functions and operation of a housing register (the **Housing Register**).

The policy is important because it sets out how the Housing Register will operate, who is eligible for housing, how to apply for accommodation, how applicants' housing needs are assessed and how Tai Tarian allocates accommodation.

The allocation of properties by Tai Tarian will be undertaken in accordance with the provisions of the policy, which incorporates the following:-

- Homes by Choice Scheme: applicants included on the Housing Register (or if authorised, the Council's Housing Options Team on behalf of such applicants) will be entitled to "bid" for vacant properties owned by Tai Tarian which are available for letting.
- Banding Scheme: where applicants are placed in one of four bands of housing need according to their circumstances.

The policy complies with the Equality Act 2010 and the Welsh Language Standards and Regulations made under the Measure.

Part 2 - Applying for housing

Tai Tarian will manage the Housing Register which comprises both existing tenants wishing to transfer to another dwelling owned by Tai Tarian, and new applicants for accommodation.

Anyone can register an application who is aged 16 years and over, unless they are subject to immigration control or excluded on the grounds of "unacceptable behaviour".

If an applicant is aged under 18 years they cannot legally hold a tenancy. In such cases, the legal tenancy will be held on trust for the minor, until they reach 18 years. When the Renting Homes Wales Act (**RHWA**) 2016 applies, an applicant under the age of 18 years cannot be granted an occupational contract and will need to be granted a licence or a tenancy held in trust.

Section 160A of the HA 1996 states that a Local Housing Authority shall only allocate housing accommodation to people who are eligible to join the scheme. The following persons are not eligible to join the Housing Register:-

- Persons from abroad who are subject to immigration control and not re-included by regulations.
- Any other person as prescribed by the Welsh Ministers.
- Where an applicant or a member of the household is considered to be guilty of unacceptable behaviour which is serious enough to make them unsuitable to be a tenant and at the time of their application for housing and they are still considered unsuitable to be a tenant due to that behaviour.

Any application by a person subject to the Asylum and Immigration Act 1996 (or any succeeding legislation) shall be assessed in accordance with the provisions of that Act.

Making the application

All applicants shall be required to register an interest in applying for accommodation by following the instructions on how to apply on Tai Tarian's website (www.taitarian.co.uk). If the applicant is not considered eligible at this stage an application will not be deemed to be "live". This means the application will not proceed to the assessment stage but will be put on hold until it is considered eligible. Information on personal circumstances may then be verified and they shall be informed of the likelihood of their being accommodated in the near future.

Advice and assistance is available for anyone who experiences a difficulty in applying for housing.

Applicants shall be informed if they are required to provide certain information to Tai Tarian to determine how their application will proceed. In addition, checks shall be made with the appropriate sources to complete and/or verify the information provided such as credit checks.

A full assessment where required shall be undertaken using the most appropriate method. Applicants shall be informed that if their application is successful, they shall be required to pay rent in advance in accordance with the tenancy agreement at the start of the tenancy.

Any information provided by applicants and processed by Tai Tarian is subject to the requirements of the current Data Protection Legislation. When sharing personal information, Tai Tarian will comply with all aspects of Data Protection Legislation.

Incomplete applications

If an application has commenced and it is considered that further information is required and it has not been provided by the applicant within a reasonable period of time (28 days) from the request, Tai Tarian may decline to register the application and a new application may be required.

Applications may not be considered 'live' until all information requested has been provided by the applicant. Applicants will be asked to provide documentation which is reasonably required for the purpose of assessing their application and which they can reasonably be expected to provide.

Until an application has been deemed 'live' it will remain on the holding list and the applicant will not be eligible to bid for accommodation.

It is the responsibility of the applicant to advise Tai Tarian of any change that may affect their housing application.

Part 3 - Assessment of need

To assess applicants a needs based banding system shall be operated.

An applicant shall be placed in the band which reflects the level of their housing need, so the higher the housing need, the higher the band. This is based upon their lead need and not a cumulative number of housing needs.

The applicant shall be notified of their eligibility and also the band into which they have been placed according to their housing needs following the assessment of their application. Information shall be given on the size and type of accommodation for which the applicant will be considered depending on the number of people in their household.

Eligible and qualifying applicants will be placed in one of the following four bands in date order.

The bands provide reasonable preference to those seeking assistance in accordance with Section 167(2) HA 1996.

Urgent Band - Urgent Housing Need

This band is for applicants who have an urgent housing need, who need immediate re-housing and who are unable to resolve their housing need on their own. Priority

within the Urgent Band is determined in date order of entry into the Urgent Band and not by the original application date.

Applicants who are placed within the Urgent Band shall have their case reviewed after three months to ensure their circumstances still demonstrate an urgent housing need and that they are actively bidding for suitable available properties. A review shall also be undertaken of what properties have become available. This may result in either:-

- A direct let – usually for statutory homeless applicants living in temporary accommodation.
- Priority being maintained.
- Moving into a lower priority band if the circumstances under which they were placed in the Urgent Band no longer apply.

Gold Band - High Housing Need

This band is for applicants whose housing need is high and who are unable to resolve their housing need on their own. Subject to the 'Applicants Who Move Between Bands' section below, priority within the Gold Band is determined in date order of entry into the Gold Band and not by the original application date.

Silver Band - Medium Housing Need

This band is for applicants who have a medium housing need and are unable to resolve their housing need on their own. Subject to the 'Applicants Who Move Between Bands' section below, priority within the Silver Band is determined in date order of entry into the Silver Band and not by the original application date.

Bronze Band - Low/No Housing Need

This band is for applicants with either:-

- Low housing need
- No recognised housing need
- With a housing need but no local connection

Due to the high demand for properties, applicants are unlikely to receive an offer of accommodation in many areas of the County Borough under this scheme. Priority within this band will be arranged in order of entry into the band.

Details of the housing need bands are at the end of this document.

Applicants who move between Bands

Where an applicant's case is reviewed and they move downwards between bands then their date priority in the new band will be the original date of entry into the higher band.

Where the reason is due to a change in the housing applicant's circumstances which Tai Tarian has been notified of; their date priority in the lower band will be the original date of entry into the higher band.

When a change in the applicant's circumstances results in the applicant moving up a band, their effective date will be the date of the decision following notification of the change and not their original registration date.

Local Connection

Anyone living outside the Neath Port Talbot County Borough Council area (the **County Borough**) can apply to join the Housing Register subject to their eligibility. However, to meet local housing need, certain priority in terms of banding shall be given to persons who have a local connection to Neath Port Talbot.

For the purposes of the Lettings Policy a 'Local Connection' is defined as follows:-

- An applicant or a member of their household currently lives in the County Borough
- An applicant or member of their household is employed within the County Borough. This refers to where they work and not where the employer's Head Office is located. Employment will only qualify under this section if it is permanent or long term work and for a minimum of 15 hours every week
- An applicant or member of their household has a close relative (mother, father, brother, sister or adult child) who lives in the County Borough and has done so for the past five years on a continuous basis
- The applicant has just been or is about to be discharged from the British Armed Forces and who lived in the County Borough immediately before joining the Armed Forces
- The applicant has special circumstances, such as medical or support services that are only available in the County Borough. Cases of this nature are considered to have a local connection on exceptional grounds
- Where the applicant is a serving member of the Armed Forces then they, and other persons who normally live with them as part of their household, do establish a local connection with the County Borough by virtue of serving, or having served, there while in the forces.

An applicant who applies under 'No Fixed Abode' will need to prove a local connection to the County Borough. If they cannot do this they will be placed in the Bronze Band.

Where an applicant (other than an applicant at risk of domestic abuse – as defined in Section 58 of the HWA) has no local connection to the County Borough they shall be placed in the Bronze Band.

Where an applicant is assessed as at risk of domestic abuse (as defined in Section 58 of the HWA) and has no local connection to the County Borough they will be placed in the Urgent or Gold Band in accordance with the Council's duty under the HWA.

There may be exceptional circumstances when it is not considered appropriate to reduce priority to an applicant who would otherwise fall within one of the higher bands (Urgent, Gold, Silver) but who does not have a local connection with the County Borough. If exceptional circumstances exist, an applicant may be placed in one of the higher bands.

Discretion to award no priority or adjusted priority where applicant/household member has been guilty of unacceptable behaviour

A decision to award no priority or adjusted (reduced) priority may be made for applicants if satisfied that:-

- The applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant; and
- In the circumstances at the time their case is considered, they deserve due to that behaviour not to be treated as a member of a group of people who are to be given preference.

Part 4 - Allocations through Homes by Choice

We wish, as far as possible, to give choice to applicants seeking accommodation. Most Tai Tarian properties that are vacant and available for letting shall be let through the Homes by Choice Scheme. This scheme offers applicants choice by advertising vacant properties on a regular basis.

Any applicant who wishes to be considered for a property on the Homes by Choice Scheme shall be expected to submit a bid for that property.

Applicants shall receive formal notification of their category, their chosen area/s and also the size and type of accommodation for which they can bid following the assessment of their application.

When a property is advertised as available through the Homes by Choice Scheme it will detail the category, size and type and which applicants can apply to bid for that property.

An applicant can bid for a maximum of five properties from each Homes by Choice Advert. It is the responsibility of the applicant to submit their bid within the set timescales.

Applicants should ensure that they only bid for properties that match their chosen area/s and property size criteria unless other categories have been included in the

property advert as being applicable for their category. If they do not, their bid may be deemed ineligible.

Applicants who are Tai Tarian tenants (transfer cases) assessed as having no housing need and not meeting the transfer criteria will not be allowed to bid unless Tai Tarian considers exceptional circumstances exist and it allows the applicant to bid.

Part 5 - Allocations outside Homes by Choice

These include specific cases where a decision may be made to either:-

- Make an offer of a specific property to the applicant outside of the Homes by Choice Scheme; or
- Award the applicant whatever banding priority is appropriate in the circumstances of the case. This can include either placing the applicant at the top of the awarded band or simply placing them into a band (in which case they will be considered in date order priority in the usual way); or
- Not to support a case or to defer/hold a case until further information is received.

Applicants awarded priority through management discretion under this section will be made one reasonable offer of accommodation only, taking into consideration the needs of the applicant. An unreasonable refusal of the offer will result in the preferences being removed and the applicant being returned to their original place on the Housing Register, subject to the criteria relating to refusal of offers.

The following are examples of where an allocation outside Homes by Choice may be made;

- Serious Offenders
- No demand for a property
- Request for sole/joint tenancy
- Decanting tenants
- Adapted Disabled Accommodation

Adapted disabled accommodation

Tai Tarian is committed to addressing the housing needs of disabled applicants and/or other disabled persons within the household who are primarily resident with the applicant but we have a limited stock of adapted accommodation to achieve this. Offers of adapted accommodation will therefore be made outside the Homes by Choice Scheme after being identified as suitable for that applicant.

This will allow Tai Tarian to match an individual applicant's disability to the adaptations undertaken in the property, so as to allocate the limited stock in the best way.

Following the assessment of the application, where it is identified that the applicant has specific requirements for an adapted property then the applicant may be required to provide an assessment from an Occupational Therapist or other similar professional person, which details the requirements of the disabled person.

Tai Tarian will establish set criteria for assessing both the applicant and the property and retain a separate list of applicants suitable to be considered for adapted accommodation. Tai Tarian may, at any time, review the decision that the applicant requires adapted accommodation.

Where two or more applicants are best matched to the property on an equal needs basis the overriding factor will be the size of accommodation which best meets the household size of the applicant and if equal in terms of size then in date of application order.

Part 6 - Offers and Refusals

The applicant with the earliest date order within the appropriate advertised band shall normally be offered a suitable property. At the offer stage, applicants shall be reminded that rent in advance in accordance with the tenancy agreement is required should they accept the offer.

No offer shall be made to the following applicants:-

- Applicants who do not meet all eligibility criteria, have not provided all required evidence in support of their application and/or are not able to sustain a tenancy to the satisfaction of Tai Tarian. If an offer has already been made and such circumstances come to light, Tai Tarian reserve the right to withdraw the offer. In terms of being able to sustain a tenancy this includes those not deemed to have capacity to fulfil the terms of a tenancy or who have high support needs which would be best met by a form of supported accommodation.
- An applicant who is deemed to not be able to afford the housing costs.
- An applicant with former tenant debt owed to Tai Tarian, which has not been repaid or where appropriate arrangements to repay have either not been made or, having been made have not been maintained.
- Applicants who are already Tai Tarian tenants, who shall be subject to further requirements as detailed below in Transfers.

Transfers

Tai Tarian tenants seeking a transfer can access the Housing Register but they shall not be offered a property unless they have a housing need and meet the transfer criteria. However, offers may be made where Tai Tarian deem there to be exceptional circumstances.

Tai Tarian will not hold open an offer whilst tenants seeking a transfer remedy a breach of their current tenancy agreement. However, Tai Tarian will facilitate the provision of a plan to provide the tenant with any help and support they need to remedy the breach. Until such a time the application shall not be 'live'.

Timescales for Considering Offers of Accommodation and Viewings

An applicant who is made an offer of accommodation has 2 working days within which to contact the specified person from Tai Tarian to arrange a viewing of the property. Following the viewing, a further 2 working days shall be given in which the applicant can either accept or refuse the offer. In exceptional circumstances, these timescales may be extended at the discretion of Tai Tarian, for example, when dealing with vulnerable clients, or for other exceptional reasons.

If after the period 2 working days (or such other period as may be agreed by Tai Tarian) the applicant has not accepted or rejected the offer, the applicant shall be deemed to have refused the offer. The offer of accommodation shall be withdrawn at this stage.

Applicants may only be provided with one suitable offer of accommodation through the Choice Based Letting Scheme. Where an applicant refuses (or is deemed to have refused) an offer of accommodation their application may be placed on the holding list for a period of 3, 6 or 12 months dependent upon their previous bidding history. Upon any such decision to place an application on the holding list, the applicant shall be re-assessed at the end of the held period and put into the appropriate band.

Part 7 - Decision Reviews

If an applicant does not agree with certain decisions they can request a review where they are able to provide the appropriate supporting information in support of their request. Any applicant wishing to request a review should be advised to seek legal advice from a solicitor, Law Centre, Housing Aid Centre or the Citizens Advice.

An applicant is provided with **21 days** to request a review from the date of the letter informing them of Tai Tarian's decision, unless the review request is made against the decision by Tai Tarian to refuse a bid made by the applicant for a property.

This request must be made in writing to Tai Tarian, stating the reasons why they would like the decision to be reviewed and provide additional information in support of their request.

If the review request is received after the 21 day period then it will not normally be heard, unless there are exceptional circumstances agreed by Tai Tarian that have prevented the request from being lodged within the specified period.

In the case of a review in respect of a bid for a property, any request for a review must be made within 48 hours of the application being notified of the decision. This is necessary to ensure properties are not left unallocated.

An applicant who submits a request for review shall be informed of the right to choose between a review by written submissions or by an oral review.

Reviews will be undertaken by a Tai Tarian appointed person who was not involved in the original decision and is more senior than the person who made the original decision.

In cases where the Council owes a duty to the applicant under Section 75 of the HWA but a decision is made that the applicant is excluded from the scheme or is given reduced preference due to unreasonable behaviour then the Council's Housing Options Team will be notified of the decision and a review will be undertaken by a panel, comprising of a representative from Tai Tarian and a representative from the Housing Options Team. The final decision on the review will be made by the Tai Tarian representative, although they will have regard to any representations made by the Housing Options Team representative.

In all cases (other than reviews to bidding decisions) the review request must be completed within 28 days from the date the applicant lodges their request for review.

In cases of bidding decisions, the review must be completed within 48 hours of the applicant lodging the request for a review.

Part 8 - Monitoring and Reviewing the Shared Lettings Policy

The implementation of this policy will be jointly monitored by the Council and Tai Tarian on a regular basis to ensure that it remains up to date and continues to meet the needs of individuals requiring accommodation in the County Borough, complies with current law and that it does not impact unfairly and disproportionately upon persons sharing any recognised characteristic.

The Council and Tai Tarian will hold a joint review of this policy at least every five years or sooner if requested by one of the parties in writing or where there are changes in legislation, regulations or Welsh Ministers' guidance which materially affects the operation of this policy. In the latter case, the parties may agree to review only those sections of this Policy affected by the changes in law, regulation or guidance.

Part 9 - DETAILED CRITERIA FOR EACH OF THE BANDS COMPRISING THE SCHEME

Note:

- *The bands are to be considered in conjunction with other relevant sections of the policy, including eligibility for the Register;*
- *Sub categories for all bands will only apply where the applicants' circumstances would be significantly improved by moving to suitable accommodation;*
- *Lists within bands are not exhaustive and some circumstances may not be covered but are relevant for consideration.*

URGENT BAND – URGENT PRIORITY (REASONABLE PREFERENCE PLUS ADDITIONAL PREFERENCE)	
Sub Categories of Band	Examples of Qualifying Circumstances / Summary of Criteria
<p>Homeless applicants where the Council has an interim duty under Section 68 of the HWA to secure accommodation in priority need.</p> <p>Applicants in temporary accommodation under Section 68 HWA and who are owed a duty by the Council under either Section 73 HWA (duty to help secure accommodation for homeless applicants) or Section 75 HWA (duty to secure accommodation for applicants in priority need following the end of a duty under Section 73)</p>	<p>Applicants who have been accepted by the Council as being entitled to temporary accommodation under Section 68 of the HWA.</p> <p>Applicants living in temporary accommodation arranged by the Council to meet its duty under Section 68 of the HWA and where the Council has accepted a duty under either Section 73 or Section 75 of the HWA.</p> <p>Temporary accommodation is any accommodation identified by the Council for an applicant to discharge its duty under Section 68 and which includes refuge accommodation.</p>
MARAC CASES	<p>At risk applicants who are subject to a MARAC (Multi Agency Risk Assessment Conference) which supports an urgent move to suitable accommodation in specified areas. The move will not be within the same area unless it is with the agreement of the Council's Housing Options Team and/or MARAC Co-ordinator. This will be as part of an agreed safety plan for high risk victims who will be eligible for additional preference and</p>

	<p>will be placed in the Urgent Band. Move-on requirements from refuge accommodation will be considered by a Tai Tarian appointed person.</p>
<p>WELFARE CASE URGENT - Deemed to have a very high social circumstance that is seriously affected by current housing</p>	<p>Examples of applicants who will fall within this Category are below:</p> <ul style="list-style-type: none"> • Where the applicant is the main carer and needs to give constant care and support to a person with an Urgent health need (the nature of which comes within an Urgent band for health) but this is difficult to do at present because: <ul style="list-style-type: none"> (i) Applicant lives too far away, or (j) There is extreme financial hardship for the applicant providing the care and support • Applicant or member of household has received or is threatened with serious physical/sexual, racial or homophobic/transphobic abuse and needs to move away from the locality. • Witnesses of crime or victims of crime who are deemed by the Police to be at risk of intimidation or violence. (Note: Not applicable to applicants who go through homeless route). • It has been established that a serious threat to the well-being, education or safeguarding of a child exists and that their accommodation is a contributory factor to the risk. These are cases where Social Services can confirm that there is an urgent need to move to mitigate the risk to the child. This includes foster carers needing larger home, confirmed by Social Services. <p>The above list is not exhaustive and some circumstances may not be covered but are relevant for consideration as a social/welfare need. Supporting evidence and/or a multi-agency approach to addressing the need is required. The decision on any such award to be at the discretion of a Tai Tarian appointed person considering the application. If an applicant bids for a property that would not achieve the objective of the social/welfare need award that has been given then we may remove the priority awarded under this category for that bid.</p>
<p>HEALTH CASE URGENT – Deemed to have severe health needs. Health is seriously affected by their current housing making existing accommodation unsuitable – e.g. hospital discharge, currently receiving</p>	<p>This applies where the applicant and/or members of their household have a severe health need, examples of which are below:</p> <ul style="list-style-type: none"> • Where the applicant with an Urgent health need (the nature of which comes within an Urgent band for health) is ready for discharge from hospital and either of the following apply:

palliative care, has a life limiting condition, health is so severely affected by the accommodation that it is likely to become life threatening, disabled and assessed as requiring major works of adaptation, overcrowding resulting in a risk of a life threatening infection

(i) Applicant has somewhere to live but it is deemed unsuitable for their needs and cannot be made suitable through adaptations due to cost, structural difficulties or the property cannot be adapted within a reasonable amount of time, or

(ii) Applicant has nowhere at all to live and all other reasonable housing options have been explored.

- Is currently receiving palliative care and urgently requires rehousing to facilitate the on-going provision of this care.
- Has a life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care.
- Health is so severely affected by the accommodation that it is likely to become life threatening, e.g. applicant has severe mental health/learning disability problems that are significantly exacerbated by their accommodation.
- Is disabled and has been assessed as requiring major works of adaptation. As a direct result of the limitations posed by the current property they are unable to carry out day-to-day activities or have difficulty in accessing facilities inside or outside their home. The award of additional preference will not be made where it has been assessed that rehousing would not facilitate a reduction in the limitations identified.
- A Tai Tarian tenant living in accommodation assessed by Tai Tarian as being adapted, who no longer requires the adaptations in their current home, may be supported as an Urgent case for a transfer where Tai Tarian has identified a suitable applicant for the accommodation they are currently living in. This award may still be valid if the applicant requires adaptations, provided that the adaptations required are substantially different from those in their current home as assessed by Tai Tarian.
- Overcrowding in their current property leaves them at risk of a life threatening infection, e.g. is suffering from a late-stage or advanced infection.
- Is elderly, disabled (including a severe mental health or learning disability) and has a progressive illness resulting in them likely to require admission to hospital or residential /nursing care in the immediate future and re-housing would enable them to remain at home.
- Need to receive constant care and support due to being an urgent health case and transport is a problem or moving away from a community would cause hardship in receiving support.

The award of priority under this section is always subject to the proviso that if an applicant 'bids' for a property that would not

	benefit the reason why the priority was awarded then the priority will be removed for the purpose of considering the bid for that particular property.
ARMED FORCES SERVICE PERSONNEL – who have been seriously injured or disabled in action and who have an urgent need for social housing	<ul style="list-style-type: none"> This applies to any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.
EXISTING TAI TARIAN TENANTS WHO ARE UNDER-OCCUPYING – and are prepared to downsize to a property with fewer bedrooms and who are suffering financial hardship	<ul style="list-style-type: none"> This applies to an existing Tai Tarian tenant who is under-occupying a social rented property and is prepared to downsize to a property with fewer bedrooms, which is suitable for their needs, but only if they are suffering extreme financial hardship due to Welfare Reform. This involves a shortfall in Housing Benefit or Universal Credit Housing Contribution due to Welfare Reform changes such as Bedroom Tax, Benefit Cap or Local Housing Allowance. As a guide this equates to a 25% shortfall. An affordability assessment is undertaken in these cases.
HOUSING CONDITIONS URGENT – Housing situation seriously unsuitable with no prospect of the issue being remedied in a reasonable period of time	<ul style="list-style-type: none"> Cases which have highly exceptional and significant circumstances. Where the housing situation has been assessed by the Council's Environmental Health as being seriously unsuitable because (a) The property has been deemed as being at a high risk of causing harm and (b) The applicant has severe health issues which are seriously affected by their current housing. Applicants who have contributed to the housing conditions will not be considered in this band.
EXCEPTIONAL CIRCUMSTANCES – Management Discretion	<ul style="list-style-type: none"> This will include cases which have highly exceptional and significant circumstances, where an applicant needs to move urgently and the only way to expedite a move is through the use of management discretion.

GOLD BAND – HIGH HOUSING NEED REASONABLE PREFERENCE	
Sub Categories of Band	Examples of Qualifying Circumstances / Summary of Criteria
<p>HOMELESS/THREATENED WITH HOMELESSNESS CASES (OTHER THAN APPLICANTS WHO FALL WITHIN THE URGENT BAND)</p> <p>Section 66 of the HWA (those where the Council has a duty to help prevent an applicant from becoming homeless)</p> <p>Section 73 (those where the Council has a duty to secure accommodation)</p> <p>Section 75 (those where the Council has a duty to secure accommodation for applicants in priority need when the section 73 duty ends)</p>	<p>Applicants who are not residing in temporary accommodation arranged by the Council to meet its duties under Section 68 of the HWA but where the Council has accepted a duty under either Section 73 or 75 of the HWA.</p> <p>Applicants who are owed a duty by the Council under Section 66 of the HWA</p>
<p>WELFARE CASE HIGH – MOVING HOME WILL BENEFIT APPLICANT (deemed to have a serious social circumstance)</p>	<p>Examples of applicants who will be given reasonable preference under this category are:-</p> <ul style="list-style-type: none"> • Victims of harassment through antisocial behaviour – evidence of ongoing and targeted harassment. • Victims who need to move due to violence or harassment and where legal action is pursued. Also it will have been assessed and confirmed by the relevant agencies that they are not in any immediate danger but their housing circumstances would be significantly improved by moving to suitable accommodation in specified areas. • This band may be awarded where the applicant is at least one of the main carers and needs to give regular care and support to a person with serious health ailments or disability (the nature of which comes within a Gold Band for health) but this is difficult to do at present because: <ul style="list-style-type: none"> (i) Applicant lives too far away, or

(ii) There is extreme financial hardship for the applicant providing the care and support. To receive this, the person the applicant is caring for has to be in receipt of Attendance Allowance, the care component of Disability Living Allowance or the daily living component of the Personal Independence Payment, and they spend at least 35 hours per week with them.

- Applicants leaving supported housing where after a review of support plan by support provider, they recommend a move to independent accommodation including young people at risk and care leavers.
- Currently residing in a supported housing scheme funded via Welsh Government programme funding for supported housing. The relevant band will only be awarded where the support provider has identified the need to move-on following a review of the applicant's support plan. This will not include floating support or Haven Housing Schemes.

In both of the above instances for supported housing, the support provider makes a recommendation to the Move-on Panel, who is required to approve the move. Move-on requirements from other forms of accommodation which do not come within the remit of "supported housing" will be considered by a Tai Tarian appointed person.

- There are children that are part of the application, who need to move and their accommodation has been assessed by Social Services as being a contributory factor to the risk of the child. The award will only be made where:
 - (i) There is a child protection plan in place; and
 - (ii) A report from the child's social worker supports the need to move, with rehousing being an important factor to the ongoing welfare of the child. The report will need to be countersigned by the relevant Social Services team manager.
- This band applies to applicants which come under the provisions of the Rent (Agriculture) Act 1976, where a displaced Agricultural worker requires assistance with accommodation.

The above list is not exhaustive and some circumstances may not be covered but are relevant for consideration of a social/welfare need. The decision on any such award to be at the discretion of a Tai Tarian appointed person considering the application.

	<p>If an applicant bids for a property that would not achieve the objective of the social need award that has been given then we may remove the priority awarded under this category for that bid.</p>
<p>HEALTH CASE HIGH – MOVING HOME WILL BENEFIT APPLICANT (deemed to have serious health ailments or disability)</p>	<p>Reasonable preference will be awarded to applicants and/or members of their household because housing is unsuitable due to serious health ailments or disability, but who are not housebound, or whose health, or safety is not at such a risk level to require immediate urgent housing. The serious health ailment(s) would be significantly improved by moving to suitable accommodation.</p> <p>Examples of applicants who will fall within this Category are below:</p> <ul style="list-style-type: none"> • Need to receive regular care and support due to being a Gold health case and transport is a problem or moving away from a community would cause hardship in receiving regular support. • Receiving regular health treatment /care, which is difficult to access. • Is disabled and has been assessed as requiring works of adaptation. As a direct result of the limitations posed by the current property they are unable to carry out day-to-day activities or have difficulty in accessing facilities inside or outside their home. The award of additional preference will not be made where it has been assessed that rehousing would not facilitate a reduction in the limitations identified. • A person whose disability means that re-housing would enable them to overcome physical barriers created by their current accommodation e.g. stairs and steps. • A person with a terminal illness or long term medical debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support. <p>The award of priority under this section is always subject to the proviso that if an applicant 'bids' for a property that would not benefit the reason why the priority was awarded, then the priority will be removed for the purpose of considering the bid for that particular property.</p>

<p>EXISTING TAI TARIAN TENANTS WHO ARE UNDER-OCCUPYING</p>	<ul style="list-style-type: none"> • This applies to an existing Tai Tarian tenant who is under-occupying a property and is prepared to downsize to a property with fewer bedrooms, which is suitable for their needs, but only if they are suffering severe financial hardship due to Welfare Reform. This involves a shortfall in Housing Benefit or Universal Credit Housing Contribution such as Bedroom Tax or Benefit Cap. As a guide this equates to a 14% shortfall. An affordability assessment will be undertaken in these cases. • This includes an existing Tai Tarian tenant wishing to downsize from 2, 3, 4 or 4+ bed family accommodation, which will free up a property which meets the needs as deemed by Tai Tarian of another applicant.
<p>ACUTE OVERCROWDING – as defined by the ‘bedroom standard’</p>	<p>We are satisfied the applicant is overcrowding their current accommodation by 2 or more bedrooms (see Bedroom Standard Section). Applicants who have contributed to the overcrowding will not be considered in this band.</p>
<p>HOUSING CONDITIONS HIGH – insanitary, or unsatisfactory housing conditions</p>	<p>INSANITARY - Where the property has been assessed by the Council's Environmental Health as either filthy or so contaminated or seriously infested by pests, so as to give rise to an imminent risk of serious harm AND these matters cannot be rectified while the property is being occupied. Applicants who have contributed to the housing conditions will not be considered in this band.</p> <p>UNSATISFACTORY – Where the property is:</p> <p>(a) Inadequate by virtue that its condition does not protect the applicant from an imminent risk of serious harm AND these matters cannot be rectified while the property is being occupied. This includes properties where any of the following basic facilities and provisions are absent:</p> <ul style="list-style-type: none"> • Internal WC • Internal bath or shower • Cooking provisions • A supply of cold or hot water • Room heating to habitable rooms • Natural or artificial lighting

- Appropriate fire detection and a suitable means of escape in high risk properties (e.g. houses in multiple occupation)

(b) Subject to a Demolition or Compulsory Purchase Order.

(c) Suffering from severe dampness (excluding condensation caused by the occupancy of the property) which prevents the habitable rooms from being occupied.

SILVER BAND –MEDIUM HOUSING NEED

<p>OTHER HOMELESS / THREATENED WITH HOMELESSNESS APPLICANTS -</p> <p>Homeless and threatened with homelessness applicants who are not owed duties under sections 66, 68, 73 or 75 of the Housing (Wales) Act 2014.</p>	<p>Applicants who are threatened with homelessness but who are not owed duties under section 66 to prevent them from becoming homeless. This could be because they are not eligible for help.</p> <p>Applicants who the Council has reason to believe are homeless or who the Council has decided are homeless but are not owed duties under sections 68, 73 or 75. This could be, for instance, because the applicant does not have priority need, because they are not eligible for assistance, because they have been found to be intentionally homeless, etc.</p>
<p>SHARING FACILITIES (not for applicants that have left the family home)</p>	<p>This category applies where an applicant is deemed to be sharing all of the following rooms with another household:</p> <ul style="list-style-type: none"> • Living Room • Kitchen • Bathroom • WC <p>Applicants who have never left the family home will not be considered to be sharing, unless there is evidence to suggest a newly forming household.</p>
<p>APPLICANTS LACKING A BEDROOM – having regard to the ‘bedroom standard’</p>	<p>The ‘bedroom standard’ is defined in below. This applies to applicants overcrowded by 1 bedroom according to the ‘bedroom standard’ for overcrowding (see below), unless the accommodation they have applied for would have the same number of bedrooms as their current accommodation.</p>
<p>WELFARE CASE MEDIUM - Deemed to have a minor social circumstance</p>	<p>This category applies where an applicant and/or members of their household are deemed to have a minor social circumstance that is affected by current housing and which would be improved by moving to suitable accommodation.</p> <p>This category applies for instance to:</p> <p>Applicants experiencing difficulty in accessing employment or education, or other services where there is a need to move to avoid hardship by being able to:</p> <p>(i) Overcome barriers to employment and education due to severe mental health issues, long term unemployment, caring responsibilities, physical ill health, criminal record</p>

	<p>and substance misuse. In recognition of the multiple problems which can stop individuals finding work, they will be receiving ongoing extra help from government funds (costs related to parents with young children and carers etc.) or</p> <p>(ii) Take up or be near specific work, or training or job opportunities not available elsewhere in the county borough. Applicants will only be considered for this award where they do not live within a reasonable commuting distance of their place of current or prospective employment, taking into consideration their ability to use and the availability of public/private transport. Evidence is required that the difficulties being experienced are greater than those commonly experienced by others across the county borough. The applicant will be required to provide confirmation of employment details from their employer or enrolment on a training course from the training provider.</p>
<p>HEALTH CASE MEDIUM – MOVING HOME WILL BENEFIT APPLICANT (deemed to have a minor ailment)</p>	<p>Will be awarded to applicants under this category where the applicant <i>and/or</i> members of their household have a minor health ailment that would be improved by moving to suitable accommodation.</p>
<p>HOUSING CONDITIONS MEDIUM - Unsatisfactory/Disrepair</p>	<p>Where the property has been assessed by the Council's Environmental Health that it does not pose an imminent risk to the health or safety of the applicant, but there are unsatisfactory conditions or disrepair caused by the lack of upkeep or maintenance of the property.</p> <p>This category applies for instance to:</p> <p>The current accommodation directly exacerbates a recognised medical condition, is the direct cause of a medical condition or impacts on the ease of use of the facilities within their home for a disabled person. The award of this band will only be made where it has been assessed that rehousing would facilitate an improvement in wellbeing, taking into consideration all relevant supporting information.</p> <p>This band will not be used where there is evidence alleging any damage, unsatisfactory conditions or disrepair was caused by the applicant, current occupiers or visitors to the property.</p>

BRONZE BAND – LOW/NO HOUSING NEED

ANY APPLICANT that does not fall within Urgent, Gold or Silver bands.	Includes any applicant who does not fall into bands Urgent Gold or Silver above
APPLICANTS who do not have a local connection	This covers applicants who do not have a 'local connection' with the County Borough within the meaning of this policy.

The Bedroom Standard

For the purpose of this scheme it is recognised that persons considered for sharing a room must be family members. Therefore two persons (who are not in the same family) in a relationship are considered as requiring their own bedroom and should not share that room with any other person. The table below shows the bedroom entitlement for adults and children according to the Bedroom Standard

Bedroom Standard:

	NUMBER OF BEDROOMS	
HOUSEHOLD MEMBERS	1	2
Single adults over 21	x	
Couple (married or cohabitating) wishing to live together	x	
Single person/couple who are supported for an additional bedroom		x
20 x weeks pregnant woman with or without partner and no other children		x
One child	x	
Two children under 10 regardless of sex	x	
Two children of the same sex aged between 0 and 21	x	
Two children of different sex aged between 10 and 21		x

Appendix 3

NPTCBC & Tai Tarian

Shared Lettings Policy Review Consultation Questionnaire

Please refer to the draft policy and/or the summary document before answering these questions.

These can be viewed on the Council's "Consultations" webpages:

<https://www.npt.gov.uk/5907> (English) &

<https://www.npt.gov.uk/5907?lang=cy-gb> (Welsh).

If you are unable to access this you can request that a paper version is sent to you by:

E-mailing your name and address to housing.strategy@npt.gov.uk

or

Telephoning (01639) 685207 and leaving your name and address on the answerphone.

.....

Please do not include any individual housing application enquiries as part of this consultation response because they will not be responded to.

.....

1) Please indicate your interest in this consultation exercise:

- I am an existing tenant of Tai Tarian.
- I am an applicant for housing by Tai Tarian.
- I am a family member/carer of or advocate for an existing tenant.
- I am a family member/carer of or advocate for an applicant.
- I work for the Council.
- I work for Tai Tarian.
- I work for another Housing Association that operates in Neath Port Talbot
- Other (*please specify*) _____

Name	
Organisation (if relevant)	
Address	
Post Code	
Contact Details	

.....

2) In relation to section 4 of the Policy - Access to Housing (part 2 of the Summary - Applying for Housing), other than Immigration status, to what extent do you agree with the factors we are proposing to continue taking into consideration when assessing eligibility?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

(Comments)

.....

3) In relation to section 5 of the policy (part 3 of the summary) - Assessment of Need, to what extent do you agree with the proposed ongoing methods of assessment for applications?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

(Comments)

4) In relation to section 5 of the policy (part 3 of the summary) - Assessment of Need, to what extent do you support the updated criteria for banding, as set out in Appendix 3?

a) **URGENT BAND - URGENT PRIORITY**
(REASONABLE PREFERENCE PLUS ADDITIONAL PREFERENCE)

Strongly agree

Tend to agree

Neither agree nor disagree

Tend to disagree

Strongly disagree

(Comments)

b) **GOLD BAND - HIGH HOUSING NEED REASONABLE PREFERENCE**

Strongly agree

Tend to agree

Neither agree nor disagree

Tend to disagree

Strongly disagree

(Comments)

c) **SILVER BAND - MEDIUM HOUSING NEED**

Strongly agree

Tend to agree

Neither agree nor disagree

Tend to disagree

Strongly disagree

(Comments)

d) BRONZE BAND - LOW/NO HOUSING NEED

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

(Comments)

.....

5) In relation to section 8 of the policy (part 6 of the summary) - Allocations Through Homes by Choice to what extent do you agree with the proposed updated criteria for transfers?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

(Comments)

.....

6) In relation to Appendix 3 of the Policy of the Policy (part 9 of the summary) - Urgent, Gold & Silver Bands - to what extent do you agree with the proposed updated criteria for housing conditions?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

(Comments)

.....

7) In relation to Appendix 3 of the Policy of the Policy (part 9 of the summary) - Urgent, Gold & Silver Bands - to what extent do you agree with the proposed updated criteria for housing under-occupation?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

(Comments)

.....

8) To what extent do you agree that these proposals will generally improve the allocations process?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

(Comments)

.....

9) Do you think these proposals will have a negative or positive impact on any particular group of people e.g. due to their age, disability, pregnancy and maternity, race, religion or belief, gender, ethnicity etc.?

- Yes No Don't Know

Please tell us what you think the negative or positive impacts are likely to be and the groups particularly affected:

.....

Equality Questions

Please help us to meet our responsibilities under the Equality Act 2010 by telling us a little more about you:

How old are you? (please ☑ one answer)

- 18 - 50 51 - 85 86+ Prefer not to say

Welsh Language:

- Fluent speaker and writer
 Fairly fluent speaker and writer
 Fluent speaker Fairly fluent speaker
 Learner Little or no knowledge

Do you consider yourself to have a disability?

- Yes No prefer not to say

Ethnic origin (please ☑ one answer)

- British Irish
 Any other white background _____
 Indian Bangladeshi Pakistani
 Any other Asian background _____
 African Caribbean
 Any other Black background _____
 Chinese Any other background _____

Gender (please ☑ one answer)

- Male Female Transgender
 prefer not to say

Religion / Belief (please ☑ one answer)

- Christian Buddhist Hindu Jewish
 Muslim Sikh No religion
 Prefer not to say Any other religion

Sexual Orientation (please ☑ one answer)

- Heterosexual Lesbian Gay
 Bisexual prefer not to say

Nationality (please ☑ one answer)

Welsh Scottish English British

Irish prefer not to say

Mae'r dudalen hon yn fwriadol wag



Appendix 4

Consultation on Neath Port Talbot Council & Tai Tarian Shared Housing Lettings Policy 2021



CONTENTS

Section	Subject	Page No.
1	Background	3
2	What are the aims of this consultation?	3
3	When will the consultation take place?	3
4	Summary of Policy	4
5	How will the Council collect views?	5

1 - Background

2 - What are the aims of this consultation?

The aims of the consultation are to:-

- Make sure that all interested parties are aware of the proposed changes to the Council & Tai Tarian's Shared Housing Lettings Policy.
- Provide clear information so that people understand why the changes are necessary.
- Make sure that people have all the information they need to come to an informed opinion about the proposed changes.
- Encourage people to give their views on the proposed changes (outlined in section 4).
- Make sure people know how to submit their views.
- Collect feedback and consider this before a final decision is made.

3 - When will the consultation take place?

- The Council will be collecting feedback for 13 weeks from Monday 28 June 2021 to Friday 24 September 2021 (see section 6 for how to give your views).
- After the consultation ends, all of the feedback will be analysed and a report will be presented to Cabinet Board. This report will set out any changes recommended, taking into account the feedback from the consultation.

4 - Summary of the Policy

The Shared Housing Lettings Policy is important because it sets out who is eligible to be included on the local Homes By Choice housing register, how to apply for housing, how an applicant's housing need is assessed, and how available housing is allocated.

The Homes by Choice register is held and administered by Tai Tarian, on behalf of Neath Port Talbot County Borough Council, and that is why it is a Joint Policy.

There is a legal requirement to regularly review the policy and such a review has just recently been completed.

Not many significant changes have been made to the Policy, other than to improve its format generally and update any references to now out-dated law.

A summary document has been produced and that is available on the Council's "Consultations" webpages:

<https://www.npt.gov.uk/5907> (English) &

<https://www.npt.gov.uk/5907?lang=cy-gb> (Welsh).

If you are unable to access this you can request that a paper version is sent to you by:

E-mailing your name and address to housing.strategy@npt.gov.uk
or

Telephoning (01639) 685207 and leaving your name and address on the answerphone.

5. How will the Council collect your views?

Ideally we would like you to complete the online questionnaire available on the Council's "Consultations" webpages - <https://www.npt.gov.uk/5907> (English) & <https://www.npt.gov.uk/5907?lang=cy-gb> (Welsh).

If this is not possible then you can request a paper questionnaire to compete by:

.....

E-mailing your name and address to housing.strategy@npt.gov.uk

or

Telephoning (0163) 685207 and leaving your name and address on the answer-phone.

.....

Please do not include any individual housing application enquiries as part of this process because they will not be responded to.

Mae'r dudalen hon yn fwriadol wag



Appendix 5

NPTCBC & Tai Tarian Shared Lettings Policy 2021

What do we want to achieve?

The Council is required by law to produce a housing lettings policy and consult on any proposed significant changes to it.

Summary of the Policy Review

- Not many significant changes have been made to the Policy, other than to improve it's format generally and update any references to now outdated law.
- A summary document has been produced and both this and a copy of the full draft rev Policy are available on the Council's "Consultations" webpages: <https://www.npt.gov.uk/5907> (English) & <https://www.npt.gov.uk/5907?lang=cy-gb> (Welsh).
- If you are unable to access this you can request that a paper version is sent to you by:
E-mailing your name and address to housing.strategy@npt.gov.uk
or
Telephoning (01639) 685207 and leaving your name and address on the answerphone.

NB: Please do not include any individual housing application enquiries as part of this process because they will not be responded to.

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What have we done

- The Policy sets out who is eligible to be included on the local Homes By Choice housing register, how to apply for housing, how an applicant's housing need is assessed, and how available housing is allocated.
- The Homes by Choice register is held and administered by Tai Tarian, on behalf of Neath Port Talbot County Borough Council, and that is why it is a Joint Policy.
- Officers from the Council and Tai Tarian have just recently completed a routine periodic review of the Policy.

Have your say !

There are a number of ways you can give us your views:
Ideally we would like you to complete the online questionnaire available on the Council's "Consultations" webpages:
<https://www.npt.gov.uk/5907> (English) &
<https://www.npt.gov.uk/5907?lang=cy-gb> (Welsh).
If this is not possible then you can request a paper questionnaire to compete by:
E-mailing your name and address to:
housing.strategy@npt.gov.uk
or
Telephoning (01639) 685207 and leaving your name and address on the answerphone.
Please respond by Friday 24 September 2021



Corporate Plan Objectives

The Policy is in line with NPT's and Welsh Government's Well-being Objectives in which Housing is recognised as a cross-cutting theme:

Well-being Objective 1 - We want all our children and young people to have the best start in life, so they can be the best they can be.

Well-being Objective 2 - Everyone participates fully in community life - socially and economically.

Well-being Objective 3 - Neath Port Talbot County Borough will be a vibrant and healthy place to live, work and enjoy recreational time.

Mae'r dudalen hon yn fwiadol wag



**Easy Read Version
of
Neath Port Talbot County
Borough Council & Tai Tarian's
Shared Housing Lettings Policy
2021**



What is the Policy?



It is a very big document that explains everything to do with being housed by Tai Tarian.



The draft Policy has been written by staff from the Council and Tai Tarian.

We want to know what you think of it to help us produce a final version.

The final version will be posted on both the Council and Tai Tarian websites.

More about the Policy

It is important because it sets out:

- Who can be on the local Homes By Choice housing register;
- how to apply for housing with Tai Tarian;
- how they assess housing need; and
- how they decide who is given housing when it's available.

- The Homes by Choice register is held and managed by Tai Tarian, on behalf the Council, and that is why it is a Joint Policy.
- There is a legal requirement to regularly review the policy and such a review has just been completed.

The Review of the Policy

- Not many big changes have been made to the Policy.
- We have tried to make it easier to understand and make sure it takes account of any changes in Welsh Housing law since it was last reviewed.
- The new Policy and a summary of it are available on the Council's "Consultations" webpages:
<https://www.npt.gov.uk/5907> (English)
&
<https://www.npt.gov.uk/5907?lang=cy-gb> (Welsh).
- If you are unable to get online you can ask for paper versions to be sent to you by:
E-mailing your name and address to
housing.strategy@npt.gov.uk
or
Telephoning (01639) 685207 and leaving your name and address on the answerphone.

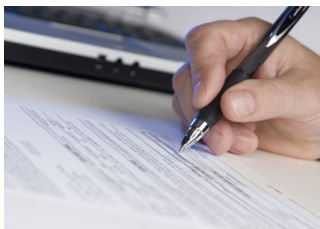
How will the Council collect your views?



The easiest way is to fill in an online Questionnaire on the Council's "Consultations" webpages:

<https://www.npt.gov.uk/5907>
(English)

<https://www.npt.gov.uk/5907?lang=cy-gb>
(Welsh).



If this is not possible then you can ask for a paper questionnaire to complete by:

E-mailing your name and address to
housing.strategy@npt.gov.uk

or

Telephoning (01639) 685207 and leaving
your name and address on the answerphone.

Please do not ask any questions about your own housing application as part of this process because they will not be answered.

Mae'r dudalen hon yn fwriadol wag

APPENDIX 7

Full Integrated Impact Assessment (IIA)

This Integrated Impact Assessment considers the duties and requirements of the following legislation in order to inform and ensure effective decision making and compliance:

- Equality Act 2010
- Welsh Language Standards (No.1) Regulations 2015
- Well-being of Future Generations (Wales) Act 2015
- Environment (Wales) Act 2016

Version Control

Version	Author	Job title	Date
Version 1	Gareth Evans	Commissioning Officer	14.05.21

1. Details of the initiative

	Title of the Initiative: Consultative draft NPTCBC/Tai Tarian Shared Lettings Policy 2021
1a	Service Area: CCU
1b	Directorate: SSH&H
1c	Summary of the initiative: The Shared NPTCBC/Tai Tarian Lettings Policy is due for review every two years but was last reviewed in 2015. The current review of the Policy began in early 2018 and an initial consultative draft reviewed document first produced in late 2019, but only recently finalised, because of the pandemic.
1d	Who will be directly affected by this initiative? Tai Tarian initial housing & transfer applicants
1e	When and how were people consulted? A Project group comprised of designated Tai Tarian Officers, including 1 st and 2 nd tier management, as well as Council senior staff from the SSH&H Commissioning, Housing & Homelessness, Environmental Health & Trading Standards, and Legal Services teams, met a number of times to review the 2015 Policy and agree a consultative draft reviewed document. A full three-month formal public consultation exercise will be undertaken once the final consultative draft is approved by HSC&W Cabinet Board.
1f	What were the outcomes of the consultation? The consultative draft has gone through a number of iterations as deliberations have progressed and the final consultative draft represents the consensus reached amongst members of the Project Group.

2. Evidence

What evidence was used in assessing the initiative?

All relevant applicant equalities data that Tai Tarian were able to provide was considered. However, this data only related to around 10% of the nearly 4,000 applicants, either already on the Council/Tai Tarian common Homes by Choice housing register, or awaiting the assessment of their recent application, as at 6 May 2021: that is those who opted to provide the relevant information. It therefore provides a useful indication but cannot be held to be conclusive in respect of all applicants.

The prioritisation of applicants under the banding system in the Joint Lettings Policy is not in any way affected by an applicant's gender, marital/civil partnership status, race, religion/belief, sex, or sexual orientation. Similarly, these factors have no bearing on how competing bids are treated in determining who is allocated any particular vacant property.

Age is however to some extent relevant in that "Older Person" is a category of housing-registered applicant & Tai Tarian have "Older Person Designated" housing stock. At the time of the 2011 census, 31% of the 16+ local population was over 60, as were 25% of Tai Tarian tenants (this was the year of shadow transfer of the Council's housing stock to Tai Tarian - then NPT Homes). As at 6 May 2021, however, less than 5% of Tai Tarian's total housing stock was older person designated but 10% of those on the NPTCBC/Tai Tarian Homes by Choice common housing register had been assessed as eligible for same. There is no more recent older person population estimate that includes the 60-64 age group to compare this to. However, the draft report of a recent housing need assessment exercise indicates that, although the number of persons in most groups aged under 60 is expected to reduce over the 15-year period 2018-2033, increases are projected for each group aged 65 and over.

"Disabled" is also a category of housing-registered applicant & Tai Tarian have "Disability-adapted" housing stock. At the time of the 2011 census, 28% of the local population considered themselves to be experiencing some degree of life-limiting long-term illness. As at 6 May 2021, nearly 16% of applicants who provided any equalities information similarly self-classified, but only nearly 6% considered themselves to have a physical disability that could be assumed to require adapted accommodation, whereas 10% of those on the Council/Tai Tarian Homes by Choice common housing register were in fact assessed as eligible for disability adapted accommodation.

With regard to pregnancy & maternity, a pregnant woman is afforded additional consideration in terms of the bedroom-size of vacant property for which her household is eligible to bid. There is however no wider contextual statistical information readily available and neither is it possible to readily determine to how many Tai Tarian applicants this applies. However, this is a positive factor that remains unchanged in the reviewed document.

3. Equalities

a) How does the initiative impact on people who share a **protected characteristic**?

Protected Characteristic	+	-	+/-	Why will it have this impact?
Age	X			“Older Person” is a category of housing-registered applicant & Tai Tarian have “Older Person Designated” housing stock.
Disability	X			“Disabled” is a category of housing-registered applicant & Tai Tarian have “Disability-adapted” housing stock
Gender reassignment			X	An applicant’s gender does not affect their eligibility either to get on the housing register or to bid for properties once they are.
Marriage & civil partnership			X	An applicant’s marital or civil partnership status does not affect their eligibility either to get on the housing register or to bid for properties once they are.
Pregnancy and maternity	X			A pregnant woman is afforded additional consideration in terms of the bedroom-size of vacant property for they are eligible to bid.
Race			X	An applicant’s race does not affect their eligibility either to get on the housing register or to bid for properties once they are.
Religion or belief			X	An applicant’s religion/belief does not affect their eligibility either to get on the housing register or to bid for properties once they are.
Sex			X	An applicant’s sex does not affect their eligibility either to get on the housing register or to bid for properties once they are.
Sexual orientation			X	An applicant’s sexual orientation per se does not affect their eligibility either to get on the housing register or to bid for properties once they are.

What action will be taken to improve positive or mitigate negative impacts?

There are no currently known or anticipated negative impacts on any applicant household by virtue of the protected characteristics of any household member, and the potential positive impacts appear to be maximised as far as is currently possible, but the coverage of the available equalities data is limited.

Tai Tarian will therefore continue in their efforts to improve the range and scope of equalities data collection at the initial housing application stage.

The Council's retained housing service will be mindful of the data relating to older people and people with a life-limiting illness or disability when planning for the delivery of affordable housing and housing related support services.

b) How will the initiative assist or inhibit the ability to meet the **Public Sector Equality Duty**?

Ludalen 138	Public Sector Equality Duty (PSED)			Why will it have this impact?	
	+	-	+/-		
	To eliminate discrimination, harassment and victimisation	X			The Policy in no way gives rise to or reinforces discrimination, harassment or victimisation but rather aims to prevent them in so far as it can by prioritising victims and de-prioritising (in extreme cases even potentially excluding) perpetrators.
	To advance equality of opportunity between different groups	X			The policy has to afford greater priority to certain categories of applicant than it does others but it does so irrespective of their relative protected characteristics and therefore fundamentally demonstrates equality of opportunity.
To foster good relations between different groups	X			The policy fosters good relations in that it aims to create sustainable communities in which people want to live as far as is possible.	

What action will be taken to improve positive or mitigate negative impacts?

There are no currently known or anticipated negative impacts and the potential positive impacts are maximised as far as is currently possible.

4. Community Cohesion/Social Exclusion/Poverty

	+	-	+/-	Why will it have this impact?
Community Cohesion	X			Adequate housing is acknowledged to impact positively on community cohesion.
Social Exclusion		X		Adequate housing is acknowledged to mitigate against community exclusion.
Poverty		X		Adequate housing is acknowledged to mitigate against poverty.
What action will be taken to improve positive or mitigate negative impacts?				
There are no currently known or anticipated negative impacts and the potential positive impacts are maximised as far as is currently possible.				

5. Welsh

	+	-	+/-	Why will it have this effect?
What effect does the initiative have on:				Tai Tarian welcome correspondence in Welsh and deal with Welsh and English correspondence to the same standards and timescales.
- people's opportunities to use the Welsh language	X			
- treating the Welsh and English languages equally	X			
What action will be taken to improve positive or mitigate negative impacts?				
There are no currently known or anticipated negative impacts and the potential positive impacts are maximised as far as is currently possible.				

6. Biodiversity

How will the initiative assist or inhibit the ability to meet the **Biodiversity Duty**?

Biodiversity Duty	+	-	+/-	Why will it have this impact?
To maintain and enhance biodiversity			X	The allocation of housing association has no direct impact on biodiversity.
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.			X	
What action will be taken to improve positive or mitigate negative impacts?				
There are no currently known or anticipated negative impacts and the potential positive impacts are maximised as far as is currently possible.				

7. Well-being of Future Generations

How have the five ways of working been applied in the development of the initiative?

Ways of Working	Details
i. Long term – looking at least 10 years (and up to 25 years) ahead	Adequate housing is acknowledged to be a cross-cutting theme that impacts positively on all our wellbeing objectives
ii. Prevention – preventing problems occurring or getting worse	Adequate housing is acknowledged to be a cross-cutting theme that impacts positively on all our prevention objectives
iii. Collaboration – working with other services internal or external	The Council & Tai Tarian have co-produced the final consultative draft document which will be subject to a formal comprehensive 90-day public consultation exercise
iv. Involvement – involving people, ensuring they reflect the diversity of the population	
v. Integration – making connections to maximise contribution to:	
Council's well-being objectives	Adequate housing is acknowledged to be a cross-cutting theme that impacts positively on all our wellbeing objectives
Other public bodies objectives	

8. Monitoring Arrangements

Provide information on the monitoring arrangements to:

Monitor the impact of the initiative on Equalities, Community Cohesion, the Welsh Measure, Biodiversity Duty and the Wellbeing Objectives.

The Policy will be due for a further review in two years at which point a further full IAA will be undertaken

9. Assessment Conclusions

Please provide details of the conclusions reached in relation to each element of the assessment:

	Conclusion
T u d a l e n 1 4 2 + Equalities	There are potential gaps in the available equalities data because the data set only relates to 10% of the nearly 4,000 applicants either on the Council/Tai Tarian common Homes by Choice housing register, or awaiting the assessment of their application, as at 6 May 2021. The current document is however only a consultative draft. It will therefore in any case almost certainly be subject to further change, following the proposed 90-day consultation exercise.
Community Cohesion/ Social Exclusion/Poverty	There are no currently known or anticipated negative impacts and the potential positive impacts are maximised as far as is currently possible.
Welsh	
Biodiversity	
Well-being of Future Generations	

Overall Conclusion (please indicate the conclusion reached):

Continue - as there are no currently known or anticipated negative impacts and the potential positive impacts are maximised as far as is currently possible

X

Please provide details of the overall conclusion reached in relation to the initiative:

The document represents the consensus of all the Council & Tai Tarian officer members of the project group that developed it.

The summary assessment of those officers is that it will have no currently known or anticipated negative impacts on applicant households by virtue of the protected characteristics of any household member and that the potential positive impacts are maximised as far as is currently possible.

The recommendation to Members is therefore that the document is approved as a consultative draft which will be updated to reflect any and all consultation responses received.

The Policy itself will then be updated as Council & Tai Tarian Officers feel is required and Members will be able to consider the updated IAA when asked to approve the final version of the Policy.


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10. Actions

What actions are required in relation to obtaining further data/information, to reduce or remove negative impacts or improve positive impacts?

Action	Who will be responsible for seeing it is done?	When will it be done by?	How will we know we have achieved our objective?
The coverage of the currently-available equalities data is limited so Tai Tarian will continue in their efforts to improve the range and scope of equalities data collection at the initial housing application stage.	Tai Tarian	2022	There will be greater coverage in the equalities data available to inform the next joint Council / Tai Tarian review of the Policy.
The Council's retained housing service will be mindful of the data relating to older people and people with a life-limiting illness or disability when planning for the delivery of affordable housing and housing related support services.	The Council's Social Services Commissioning Unit and Housing & Homelessness Services	Ongoing	Commissioning arrangements in respect of affordable housing / housing related support services for older people and people with a life-limiting illness and disability will be better informed.
The policy is subjected to a formal 90-day public consultation period and Members then given the opportunity to consider an updated IAA, reflective of consultation responses received, when asked to approve the final version of the Policy.	The Council's Social Services Commissioning	September 2020	Members are additionally able to base their decision on whether or not approve the final policy document on the responses received during a formal 90-day public consultation exercise.

11. Sign-off

	Sign	Name	Position	Date
Completed by:		Gareth Evans	Commissioning Officer - Housing & Homelessness	14.05.21
Signed off by		Angela Thomas	Head of Adult Services	

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL Social Care, Health & Well-Being Cabinet Board

5th July 2021

Report of the Heads of Children & Young People and Adult Services (Keri Warren & Angela Thomas)

Matter for Information

Wards Affected All

CHILDREN and YOUNG PEOPLE and ADULT SERVICES 2021-22 PERFORMANCE REPORTING ARRANGEMENTS

Purpose of the Report:

The purpose of this report covers the following areas:

- a. To inform Members of the reporting arrangements for the new Statutory Performance Metrics across Children and Adult Services for 2021-22.
- b. To inform Members of the revised reporting arrangements for the Service specific High Level Measures across both Children and Adult Services for 2021-22.

Executive Summary

This report provides Members with information regarding the performance reporting arrangements for both Children and Young People and Adult Services for 2021-22 namely: -

- a. A list of both Children and Young People and Adult Services Statutory Performance Metrics/Performance Indicators (including Complaints and Compliments) to be reported quarterly (where appropriate) to the Social Care, Health and Well-Being Scrutiny Committee during 2021-22.
- b. A list of both Children and Young People and Adult Services Service specific High Level Measures for quarterly reporting to the Social Care, Health and Well-Being Scrutiny Committee during 2021-22.

Background

The new code of practice relating to the performance and improvement of social services in Wales came into effect in April 2020. Produced by Welsh Government in collaboration with local authorities and social care stakeholders in Wales, it describes Welsh Government's ambition to use a range of methods to collect, analyse and understand data and evidence on the delivery of care and support, and support for carers across Wales. The framework has been designed to support local authorities and their partners to gather high quality data and evidence so that they can fully understand and improve how they deliver their social services function under the Social Services and Well-being (Wales) Act 2014 as well as assessing the impact.

As part of this revised Performance and Improvement Framework, a new set of Performance 'Metrics' have been developed which replace the previous set of Performance Indicators/Measures. These Metrics are simple, single-sided counts of activity that collect data relating to local authorities' functions.

In line with the requirements of the new Performance and Improvement Framework, the Directorate will report a selection of the new performance metrics on a quarterly basis with the full suite being made available to Members at year end reporting. Children and Young People Services will also continue to report a small selection of the

previously reported Performance Indicators (PI's), which they believe effectively demonstrate performance across key areas of practice.

In addition, the Heads of both Children and Young People and Adult Services believe that the continued reporting of a number of Service specific High Level Measures will provide Members with a more balanced overview of performance across the Directorate, which is less susceptible to monthly variation. Supplementary performance management information will also be made available to Members of the Social Care, Health & Well-Being Scrutiny Committee as and when required.

Financial Impacts

No Implications.

Integrated Impact Assessment:

There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring / information purposes.

Valleys Communities Impacts

No Implications.

Workforce Impacts:

No implications.

Legal Impacts:

No implications.

Risk Management Impacts

There is little or no risks associated with the implementation of the revised performance reporting arrangements for Children and Young

People and Adult Services. However, failure to implement the revised arrangements may result in the Local Authority lacking the knowledge of progress against the Directorates Strategic Priorities during 2021-22.

Crime and Disorder Impacts

Section 17 of the Crime and Disorder Act 1998 places a duty on the Council in the exercise of its functions to have “due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent:

- a) Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- b) The misuse of drugs, alcohol and other substances in its area; and
- c) Re-offending the area”

There is no impact under the Section 17 of the Crime and Disorder Act 1998 through the implementation of the revised performance reporting arrangements for 2021-22.

Counter Terrorism Impacts

The proposals are likely to have no impact on the duty to prevent people from being drawn into terrorism.

Violence Against Women, Domestic Abuse and Sexual Violence Impacts

Section 2(1) of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 introduced a general duty where a person exercising relevant functions must have regard (along with all

other relevant matters) to the need to remove or minimise any factors which -

- (a) increase the risk of violence against women and girls, or
- (b) exacerbate the impact of such violence on victims.

The proposals contained in this report are likely to have no impact on the above duty.

Consultation

There is no requirement for external consultation on this item.

Recommendations

Not applicable.

Reasons for Proposed Decision

Not applicable.

Implementation of Decision

No decision to be made; for information only.

Appendices

Appendices listed as follows: -

- a. **Appendix A** – A list of the Statutory Performance Metrics, Performance Indicators and Service specific High Level Measures to be reported by Children & Young People Services (including Complaints and Compliments data) during 2021-22.

- b. **Appendix B** – A list of the Statutory Performance Metrics and Service specific High Level Measures to be reported by Adult Services (including Complaints and Compliments data) during 2021-22.

List of Background Papers

None.

Officer Contacts

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**List of 2021/22 Children & Young People Services Performance
Data for Cabinet**

Corporate Plan (CP) & Public Accountability Measures (PAM's):

- **CP/009 - PAM/029** - *Percentage of children in care who had to move 3 or more times*
- **CP/011 - PAM/028** - *Percentage of child assessments completed on time*

High Level Measures (HLM's):

- **HLM 1** - *Staff Supervision Rates*
- **HLM 2** - *Average Number of Cases held by Qualified Workers across the Service.*
- **HLM 3** - *The Number of Social Worker Vacancies (includes number of starters/leavers/agency staff/long-term sickness), Disciplinarys and Grievances across the Service.*
- **HLM 4** - *Thematic Report on the findings of Case File Audits*
- **HLM 5** - *Numbers of Looked After Children, Children on the Child Protection Register and of Children Receiving Care & Support.*
- **HLM 6** - *Number of LAC / CP Admissions & Discharges*
- **HLM 7** – *Personal Outcomes*
- **HLM 8** - *Participation & Engagement / Voice of the Child*

Compliments & Complaints Performance Measures:

- **PI/260** - *% of complaints at Stage 1 that were upheld/partially upheld*
- **PI/261** - *% of complaints at Stage 2 that were upheld/partially upheld*
- **PI/262** - *% of complaints dealt with by the Public Services Ombudsman that were upheld*
- **PI/263** - *No. of compliments received from the public*

Children & Young People Services Performance Metrics:

- **CH/001** – *Number of 'new' contacts received by statutory social services during the year*

- **CH/003** – *Number of ‘new’ contacts received where a decision was made by the end of the next working day*
- **CH/021** – *The number of Strategy Meetings held during the year that progressed to Section 47 Enquiries*
- **CH/022** – *The number of Section 47 Enquiries that progressed to Initial Child Protection Conference*
- **CH/025** – *The number of Child Protection Conferences held within timescale*
- **CH/033** – *The number of children reported during the year where Child Exploitation was factor (includes, Child Sexual Exploitation, Child Criminal Exploitation and Child Trafficking)*
- **CH/054a** – *The number of care experienced young people who have completed at least 3 consecutive months of employment, education or training in: -*
 - **A.** *the 12 months since leaving care*
 - **B.** *the 13-24 months since leaving care*
- **CA/012** – *The number of contacts by Young Carers received by statutory social services during the year where advice or assistance was provided*
- **CA/014** – *The total number of young carers needs assessments undertaken during the year*

Children & Young People Services Performance Indicators:

- **PI/001** - *The percentage of children supported to live with their family*
- **PI/002** - *The percentage of Looked after Children returned home from care during the year*
- **PI/003** - *The percentage of re-registrations of children on the local authority Child Protection Register*

- **PI/004** - *The percentage of children looked after at 31 March who has experienced one or more change of school, during a period or periods of being looked after, which were not due to transitional arrangements, in the 12 months to 31 March.*
- **PI/005** - *The percentage of care leavers who have experienced homelessness during the year*
- **PI/006** - *The percentage of Child Protection visits carried out within 2 weeks*
- **PI/007** - *The percentage of statutory visits to Looked After Children due in the year that took place in accordance with regulations*
- **PI/008** - *The percentage of assessments that were completed during the year where there is evidence that the child has been seen by the Social Worker.*

Mae'r dudalen hon yn fwriadol wag

List of 2021/22 Adult Services Performance Data for Cabinet

Corporate Plan (CP) & Public Accountability Measures (PAM's):

- **CP/031 - PAM/012** - *Percentage of households successfully prevented from becoming homeless*
- **CP/032 - PAM/015** - *Average calendar days taken to deliver a Disabled Facilities Grant*

High Level Measures (HLM's):

- **HLM 1** - *Social Work Services - Adults HR Data*
- **HLM 2** - *Summary of Agency Staff and Vacancies across the Service*
- **HLM 3** - *Percentage of Supervisions Completed within Timescale*
- **HLM 4** - *Service Users Awaiting a Social Care Assessment/Re-Assessment*

Compliments & Complaints Performance Measures:

- **PI/264** - *% of complaints at Stage 1 that were upheld/partially upheld*
- **PI/265** - *% of complaints at Stage 2 that were upheld/partially upheld*
- **PI/266** - *% of complaints dealt with by the Public Services Ombudsman that were upheld*
- **PI/267** - *No. of compliments received from the public*

Adult Services Performance Metrics:

- **AD/004** The number of new assessments completed for adults during the year

Of those, the total number where:

- **AD/005a** Needs were only able to be met with a care and support plan
- **AD/005b** Needs were able to be met by any other means
- **AD/005c** There were no eligible needs to meet

- **AD/010** The total number of packages of reablement completed during the year

Of those, the number that:

- **AD/011a** Reduced the need for support
 - **AD/011b** Maintained the need for the same level of support
 - **AD/011c** Mitigated the need for support
-
- **AD/020** The total number of reports of an adult suspected of being at risk received during the year
 - **AD/023** The total number of reports of an adult suspect of being at risk where it was necessary for enquiries to be made
 - **AD/024** The total number of AAR enquiries completed within 7 days from the receipt of the reported alleged abuse
 - **CA/004** The total number of carers needs assessments for adults undertaken during the year



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL NEATH PORT TALBOT SOCIAL CARE HEALTH & WELL-BEING CABINET BOARD

5 July 2021

**Report of the Director of Social Services, Health and Housing –
A.Jarrett**

Matter for Information

Wards Affected All Wards

THE NPT YOUTH JUSTICE AND EARLY INTERVENTION RESOURCE CENTRE

Purpose of the Report

The purpose of this report is update Members and inform them about the new Youth Justice and Early Intervention Centre which is also a Children Services' resource, formally the Abbeyview Day Centre for people with complex needs.

Executive Summary

The Manager's update report (Appendix 1) sets out the need and request made to Andrew Jarrett, Director of Social Services, Health & Housing and Welsh Government for the Acquisition of Abbey view Day Centre to be repurposed for the Youth Justice and Early Intervention and Children Services Resource Centre.

Background

The Manager's update report (Appendix 1) sets out the need and request made to Andrew Jarrett, Director of Social Services, Health &

Housing and Welsh Government for the Acquisition of Abbey view Day Centre to be repurposed for the Youth Justice and Early Intervention and Children Services Resource Centre.

The planning stage is key to achieving successful change. Developing a feasibility strategy for this resource centre aimed to ensure that the proposals were well thought out, evidenced, and transparent. These proposals were used to consult with multi-agency partners and corporate members of NPT Council and were presented to the Youth Justice Management board in July 2020.

The update outlines the following:

- Making the case for change;
- Background and reasons for consideration;
- The need for a Neath Port Talbot Intervention and Resource Centre;
- What were the organisational risks if this change did not happen?
- SWAT Analysis;
- The strengths of a joint resource centre:
- YJEIS Resource Centres in Wales;
- Staff Consultation and Trade Union consultation.
- Aims and objective.
- Timescales and costings.
- Impact Assessment
- Impact on practice and workloads:
- Staffing and the staffing structure
- PPE
- Current financial position.
- Evaluation.

Financial Impacts

There are no financial impacts associated with this report.

Integrated Impact Assessment

Not required – for information purposes only.ba

Valleys Communities Impacts

No impact – the Pack has no spatial impact on our valleys communities and does not link to the impacts identified in the Cabinet’s response to the Council’s Task and Finish Group’s recommendations on the Valleys.

Workforce Impacts

No Implications.

Legal Impacts

No implications.

Risk Management Impacts

There are no risk management issues associated with this report.

Consultation

Consultation undertaken is outlined in the Manager’s update report attached as Appendix 1.

Recommendations

No recommendations - for information only.

Reasons for Proposed Decision

Not applicable.

Implementation of Decision

Not applicable.

Appendices

Appendix 1 – Manager’s Update Report.

List of Background Papers

None.

Officer Contact

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The New Youth Justice and Early Intervention Centre

Update Report

**Alison Davies
Principal Officer,
Youth Justice and Early Intervention Service**

Executive Summary

This document sets out the need and request made to the director of social service Andrew Jarret and Welsh Government for the Acquisition of Abbey view day centre to be repurposed for the Youth Justice and Early Intervention and Children Services Resource Centre.

The planning stage is key to achieving successful change. Developing a feasibility strategy for this resource centre aimed to ensure that the proposals were well thought out, evidenced, and transparent. These proposals were used to consult with multi agency partners and corporate members of NPT Council and were presented to the Youth Justice Management board in July 2020.

Making the case for change

Background and reasons for consideration

On the 1st April 2019, the Youth Offending teams across Western Bay disaggregated and NPT now hosts a stand-alone service for Youth Offending and early intervention. A new management board has been formed and prior to the COVID pandemic had met twice, and held two development days. Since COVID the board has regrouped albeit virtually and continue to meet bi-monthly. This management board serves NPT alone, and holds the YJEIS to account.

The rationale for disaggregation was that the (previously named) YOT teams need to focus on their own geographical areas and the demographic of those areas, providing services for the young people of

Neath and Port Talbot. The new name for the team is the Youth Justice and Early Intervention Service (YJEIS).

Following publication of the final HMIP report in March 2019 and combined with the planned exit of Bridgend who are now part of Cwm Taff health board, the decision was taken to disaggregate the Youth Justice Service, as the HMIP Inspection report published in March 2019 highlighted areas of concern. Moving forward NPT will continue to evidence its ability to deliver the statutory functions laid out in the Crime & Disorder Act and subsequent legislation independently. Cabinet is represented on the management board by Councillor Alan Lockyer. The management board is chaired by the Director of social services Mr. Andrew Jarrett.

The need for a Neath Port Talbot Intervention and Resource Centre.

Prior to disaggregation NPT YJEIS, were able to access and had contributed to the Swansea resource centre. A resource centre was and continues to be essential for the YJEIS to carry out appropriate interventions, learn new skills and promote educational and vocational learning. The projects undertaken prior to COVID at the Swansea resource centre included: a music project, emotional wellbeing, trade tasters, IT skills, basis skills (maths & English), crafts, bike maintenance, welding. Often this engagement resulted in young people working towards NOCN qualifications as Swansea is an accredited centre. Post disaggregation, one of the key objectives was finding a local resource centre in Neath Port Talbot to continue with these and other interventions. It was formally agreed at the YJEIS management board

in November 2019 that Neath Port Talbot needs an Intervention centre of their own to meet the complex needs of our young people and give them the services needed to support them, and deter them from criminal or anti-social behaviours. It was further agreed that NPT also needed this provision to support our ISS interventions that require 25 hours per week over 7 days for 3 months. We also wanted to develop our education provision which could be used as a support and alternative to permanent exclusion, use the provision to develop our emotional health and well-being provision, life skills training and hairdressing and beauty tuition to build the self-esteem of our young people and introduce them to a range of vocational training opportunities. Additionally, in terms of some of the NOCN qualifications, it could be possible to utilise other services within NPT as moderators i.e. youth service.

At the beginning of 2020 and as a YJEIS, we consulted with staff and identified a suitable venue. At that point in time, we thought that one of the biggest challenges for the YJEIS (and one that would need evidencing to the inspectorate on their return) was finding a suitable premises, and funding and developing the resource/ intervention centre. We had no idea at that point the incoming global pandemic was going to be the biggest challenge, probably of the century!

All of this was pre-March 2020, when the world as everyone knew it changed because of the Global Pandemic. Since lockdown we have had to modify our interventions, hold socially distant meetings with young people, and been very creative in the way we work. The statutory work has been maintained and there have been some great interventions, at

a time of year when we were blessed with pretty good weather, and garden visits, walk and talk, litter picking and cooking and life skills sessions via I-pad and Zoom became the norm. Virtual courts resumed and progressed into live courts, and we identified a need for increased safe face to face time in child centred environments.

Children Services were facing the same difficulties as the YJEIS. Child protection work and family visits although continued proved challenging through the winter months and assessments as we exit the pandemic need dedicated time, safe spaces and social distancing. Both Children Services and YJEIS need spaces which are safe, can promote contact, between children and their families, can full fill the range of statutory function required be the courts for OOC, (out of court disposals) and intervention in the YJEIS .

On that basis Children Services and the YJEIS worked collaboratively and developed the resource centre , taking into consideration the need for social distancing hand sanitising, PPE and all of the other COVID-19 guidance that now forms part of everyday life.

What were the risks if this change did not happen?

The YJEIS building in Cramic way is not a COVID safe environment for the numbers of YJEIS staff it was intending to hold, or interventions that need to be undertaken. The kitchen facilities, stairs, handrails and upstairs offices meant that maybe only 5 or 6 people were able to be in those offices at any one time the two meter rule could not be adhered to upstairs because the corridors are too small if people are passing each

other. The kitchen would have to remain closed as it is too small to re-open and the toilets are also a concern.

There is only one intervention room this is large however, but the level of work needed with young people cannot be undertaken in this environment going forward. Children services also need safe spaces which are accessible and large and open to undertake their assessments, promote contact and undertake parenting work etc.

If these spaces were not found we faced the risk of not managing the interventions that have to be undertaken, skills and training for young people are not been accessed as they were, and there could be potential slippage for children services in the court arena which potentially could mean drift for very vulnerable young people.

SWAT Analysis

The strengths of a joint resource centre:

Space;

Safety;

Progressing statutory and intervention work;

Maintaining professional standards and interface with children and young people;

Shared costs;

An incremental approach to the 're-opening of services';

Encouraging home working where appropriate;

Developing better IT facilities including remote access to courts.

Weaknesses-

The need to develop a bespoke centre was more limited because of costs, however although a consideration and we were prepared to compromise, we managed to secure a substantial WG grant provided the work was completed by the end of the financial year (March 2021). The centre could have been used as it stood, but needed more development.

COVID restrictions meant everything was taking longer and needed more risk assessment. The position of the centre in Neath Abbey means that transport needs to be considered and transporting young people will need to be risk assessed, although with PPE and sitting in the back opposite seats of cars, this is achievable.

Threats

A second or recurring spike of Covid, became a threat, especially as we entered winter and the second lockdown became more restrictive and difficult than the first. Without a resource centre we would not be meeting the post inspection action plan recommendations and we would not be in sync with the other YJEIS across Wales, which could impact negatively on a future inspection.

Early intervention and prevention would not be restarted properly without a resource centre going forward especially into the second Covid winter months.

Opportunities

This was an incredible an opportunity to design a safe space and begin a transitional and recovery plan as NPT opened back up. It was also an opportunity to evidence the positives of integration and alignment with

children services which has been positive and enhanced the YJEIS and developed the consultant social worker role within the service.

We accepted that funding was a major stumbling block especially as the centre will be used in a more limited way in terms of numbers. However, the centre is large, spacious with lots of break out rooms, there will not be the need for office space in the way that was before COVID, as home working will remain in place, thus giving more room for the centre to be used as a resource for direct work for larger parts of the whole service.

This will be an opportunity to develop education provision and skills training in our own centre this will be invaluable for young people who have had limited education throughout 2020.

This is an opportunity to develop a multidisciplinary team further and ensure that trauma informed practice is also developed to ensure emotional well-being is high on the agenda for young people alongside CAMHS. Intervention and liaison with partner agencies for example Better Futures and Education.

This was an opportunity to work with a resource centre that was in situ, and one that although needed development, was structurally sound. We initially asked for 200k which was rejected. However we were then awarded 200k by Welsh Government provided the resource centre was completed by the end of the financial year i.e. March 2021.

There was an opportunity to develop the outside spaces into a community garden with raised beds and ensure work can take place

outside. There was an opportunity to develop the workshop space needed for education and training skills, there was an opportunity to develop an outside gym.

YJEIS Resource Centres in Wales:

All other Youth Offending Service in Wales have access to or 'own' a resource centre. It is accepted that this forms the basis of successful interventions and engagement with young people. We needed to ensure that NPT had this in their suite of resources to manage the statutory requirements of the YJEIS and to provide the service that our young people need.

Staff Consultation and Trade Union consultation.

Staff will be changing their work base and this will need to go through the formal consultation process in terms of homeworking and the resource centre. This will be aligned with the transition plans being prepared by the local authority which will include both home working and office working. I have begun talking to the staff at the YJEIS who have contributed to the development of the plans for the resource centre. The views of the staff and young people about the resource centre pre- COVID were very positive. Since its development staff cannot wait to access it, and to begin the face to face work that they have missed so much. Some staff had visited the centre before lockdown and this was generally positive. Once they see what has been achieved and what we can offer I am convinced that they will be as delighted as I am. These introductory visits begin the week beginning 26th April.

The management of change consultation process will begin shortly and is normally 30 days. Timescales for moving into the centre have been achieved and the centre has been developed and is ready to operate. It is absolutely amazing for young people and for safe working within COVID restrictions.

Employee support will be provided throughout the consultation process, via HR and the Occupational Health department if needed.

Aims and objective.

- To develop Abbeyview Day Centre into a children and YJEIS resource centre: **Completed.**
- To develop the safe spaces needed for our service users across NPT and gradually open up the services. **Completed.**
- To ensure that all of the statutory and prevention work can be undertaken in the safe spaces with the correct guidance and restrictions in place. **Ongoing**
- To begin a 'blended approach' to face to face social work and intervention work in the resource centre, and the incremental stages preparing for recovery. **In progress**

Timescales and costings

The resource centre became empty in July 2020. We assessed the work that needed to be done. A working group has been set up and Leighton Jones fed this into the corporate board to ensure that children services and the YJEIS views were represented and the needs of the services were fully met going forward.

I am delighted to report to members that the resource centre is now finished, on budget, on time and looks incredible. I would anticipate it being able to be used by mid-May 2021 by the time risk assessments are carried and screens are and social distancing spacing are put in place. Facilities, under the guidance of Richard Jenkins pulled out all the stops to make this happen, and to carry out all works needed. They really deserve recognition and a thank you from the YJEIS.

The resource centre has kitchen facilities, large intervention rooms, shower and laundry facilities for young people, admin space, a wellbeing room, craft room and IT suite, a hairdressing room, video conference facilities, an outside gym, raised garden beds and lots of outside space for reparation projects, and even a train carriage that we plan to restore with our young people, with the guidance of the original owner Mr Latham from Skewen.

Impact Assessment

The resource centre will have a positive impact on the lives of the young people and the families that we serve. From a YJEIS perspective socially distant interventions will be completed, education and training can resume, Accredited Projects including the K9 project can continue, partnership working can increase.

We would look to develop the centre outside of normal office hours including weekends and evenings and intervention workers would adjust their hours accordingly to meet the needs of the young people following PHW and WG guidance. Young people participation could resume with

more rigour. The participation officer has indicated his desire to be based there (flexibly) and therefore young people's engagement and participation will be a key feature of all our work going forward.

From a children services perspective, contact visits can resume in safe spaces, court assessments can continue which will avoid drift in the family court arena. Parenting support and interventions can resume. CP monitoring visits can be more rigorous. Training spaces can be utilised.

The centre could be utilised by TAF and FAST workers. Team keeping in touch and development days could be built in. This will all have to be continually risk assessed of course alongside the professional guidance from PHW and WG and the rapidly changing face of COVID 19.

Impact on practice and workloads

After many months of uncertainty, the use of a resource centre will provide the depth and rigour to the assessments for both YJEIS and children services, that practitioners have been concerned that we have not been able to carry out as we did pre COVID. Eventually we will, when safe to do so, open up and return to some normality, the centre will be established by then and will evolve as the services do in relation to COVID.

The extent of the space available in Abbey view, is far bigger and more open than the current YJEIS building and offices, which unless radically altered would never be conducive to meet the needs of the service. Young people are now being consulted as to the most appropriate name for their resource centre and so far, suggestions have been Abbey Shed,

the Hwb and The Shed, I am confident the young people will come up with the best ideas.

Staffing and the staffing structure

Staffing and the staffing is currently aligned to meet the needs of the service in the YJEIS. This centre will enable the existing staff to predominantly work at home but to eventually work safely with young people when they need to do the face to face contact at the centre. Two meter markings and screens will form part of the risk assessment for the new centre. The centre will have an administration presence during all opening hours.

PPE

The amount of PPE required in the centre will form part of the wider council assessment and provision and estimated of what will be needed are being submitted to the corporate group.

Current financial position

The centre has been developed within budget, of the grant that was given us. I am currently looking at a training flat pod to utilise in the grounds for route 14 plus and YJEIS and to address some of the life-skills training needs for our young people, at a cost of about 50k, which we looking for further COVID funding for later in the year.

Evaluation

The progress and success of the development of Abbey view has been kept under constant progress review and reported back to The YJEIS management board, CSMG, and the YJB.

I have also prepared a power point for Members to see the centre and as we open up you are invited to visit at your earliest convenience.

The proposal is that we move out of Cramic way permanently as of May 10th 2021 and our new base will be Abbey view youth justice and early intervention centre in Skewen Neath.

Youth Justice Board (YJB) Cymru

I would like to share some good news with members, in that YJB Cymru have informed officially this week that the progress of the NPT YJEIS has been such that we have been deescalated out of the service of concern protocol and have been congratulated by the YJB for the work that has been undertaken to improve the service and reach the standard required, until we are next inspected. Please see the paragraphs from the YJB formal notification below.

"The progress that has been made in the delivery of justice services to children since then is significant and we would like to commend Neath Port Talbot on the way in which you have approached your improvement journey and focused on development of the service and the needs of the children, families and the communities you serve.

We have seen evidence of practice improvement from a variety of sources: data presented, discussion with managers and staff, effective leadership, improved staff morale and through attendance at the management board. As a result, we have progressively reduced our formal involvement with you and

frequency of meeting to review progress against the post-inspection action plan. We were also very pleased that Neath Port Talbot agreed to become a pathfinder project to support our activity to strengthen youth offending team (YOT) governance arrangements by sharing its own experiences, developing its own documentation and obtaining examples from other YOTs. This work is contributing to a re-fresh of the YJB's management board guidance.

Taking all the information into account the YJB is satisfied that Neath Port Talbot youth justice and early intervention service has made effective and sustained progress against its improvement plan and its ability to deliver positive outcomes for children in the justice system. As such we are pleased to formally de-escalate Neath Port Talbot from YJB priority status, and we will no longer be formally engaging with Neath Port Talbot as a priority service going forward. YJB Cymru are still available to support you should any significant matters arise.

We would like to thank you, your leadership team and staff for meeting the challenges you faced post-inspection and the impressive progress you have made. The YJB commends you on the changes that your service has made along its improvement journey and the impact that this will have on outcomes for children."

YJB Cymru Lynzi Jarman

**Ali Davies
Principal Officer,
Youth Justice and Early Intervention Service**

Mae'r dudalen hon yn fwriadol wag



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL Social Services, Health and Well-being Scrutiny Committee

5th July 2021

Report of the Director of Social Services, Health and Housing Andrew Jarrett

Matter for: Information and Monitoring

Wards Affected: All

WALES AUDIT OFFICE REVIEW OF CORPORATE ARRANGEMENTS FOR SAFEGUARDING – NEATH PORT TALBOT, DATED MARCH 2020.

Purpose of the Report

To present the Wales Audit Office (WAO) findings following their review of 'Corporate Arrangements for Safeguarding across Neath Port Talbot County Borough Council (NPTCBC)' and subsequent work undertaken thereafter.

Executive Summary

The WAO review focused on the Council's own corporate safeguarding arrangements. The WAO undertook this review to seek assurance that the Council has effective corporate arrangements in place for safeguarding. Findings from a previous review of corporate safeguarding, dated 2014 were considered for the purpose of this review, including the Council's progress in implementing the recommendations contained in the Auditor General's report, 'Review of Corporate Safeguarding Arrangements in Welsh Councils', dated July 2015. The review was carried out in in the April and May 2019 and the final report, dated March 2020 can be found at Appendix A.

Main Findings

1. 'The review sought to answer the question: do the Council's governance and management arrangements provide assurance that children and adults are safeguarded? Overall, [the WAO] found that: the Council has corporate arrangements for safeguarding in place but needs to strengthen some areas'. (WAO, 2020: 4) and proposed the following areas for improvement:

P1 The Council needs to set out the overall governance structure for safeguarding, including how all the different groups concerned with safeguarding matters relate and/or report to one another.

P2 The Council needs to update its corporate safeguarding policy to reflect the revised arrangements for overview and scrutiny of safeguarding and refer to the role of the Corporate Safeguarding Group.

P3 The Council needs to put mechanisms in place to ensure that the roles and responsibilities of specific officers and Elected Members referenced in the corporate safeguarding policy are being effectively communicated and complied with, including having lead safeguarding managers in all service areas.

P4 The Council needs to improve the effectiveness of its Corporate Safeguarding Group by: a) developing and agreeing a terms of reference for the group to make its role and function clearer; b) defining the role and responsibility of officers in attending the group; c) reviewing the membership to ensure all parts of the organisation are represented; d) setting out where the group reports to, including whether it should report through to an overview and scrutiny committee; and e) regularly assessing the group's effectiveness in delivering the desired outcomes.

P5 The Audit Committee needs to improve their oversight of the Council's risk registers.

P6 The Council needs to strengthen its safe recruitment procedures by: a) assessing the risks around its current policy on the regularity of DBS checks and determine if any changes are needed; b) formally recording and retaining the risk assessment undertaken when determining if a role needs a DBS check (and at what level) on the corporate HR system; c) improving arrangements for completing DBS checks for staff working in schools; and d) maintaining a central recruitment record for all staff working or volunteering for the Council (including in schools).

P7 The Council needs to strengthen arrangements for safeguarding training by: a) assessing whether the current training on safeguarding meets its needs; and b) establishing a reliable, central record of training undertaken so there can be a corporate oversight of compliance with training requirements.

P8 The Council should review procurement practices to ensure that safeguarding matters are fully considered and managed when services are delivered on its behalf by third parties.

P9 The Council needs to establish a system to assess and report on the effectiveness of its corporate arrangements for safeguarding

2. An action plan to address the proposals for improvement has been overseen by the Corporate Safeguarding Group and can be found at Appendix B.

Financial Impacts

The audit work undertaken by the WAO has been delivered within the budget allocated for audit and inspection work.

Integrated Impact Assessment

There is no requirement to undertake an Integrated Impact Assessment.

Valleys Communities Impacts

No implications.

Workforce Impacts

No implications

Legal Impacts

No implications.

Risk Management Impacts

The Audit has identified an area of improvement, which relates to the Council's oversight of the operational and strategic risk register: **P5** The Audit Committee needs to improve their oversight of the Council's risk registers.

Consultation

There is no requirement for external consultation on this item.

Recommendations

That Committee note the WAO findings following their review of the Council's corporate safeguarding arrangements and that the proposed action plan in response to the review findings be duly scrutinised and approved.

Reasons for Proposed Decision

Not applicable.

Implementation of Decision

Not applicable.

Officer Contact

Andrew Jarrett, Director of Social Services, Health and Housing. Email: a.jarrett@npt.gov.uk

**WAO Review of Corporate Arrangements for Safeguarding –
Neath Port Talbot Council (2020)**



1787A2020-21_NPT_
Safeguarding report

Appendix 2

Corporate Safeguarding Group (CSG) Work Programme 2020/21



030321CSGWorkPro
gramme.docx



WALES AUDIT OFFICE
SWYDDFA ARCHWILIO CYMRU

Archwilydd Cyffredinol Cymru
Auditor General for Wales

Review of Corporate Arrangements for Safeguarding – **Neath Port Talbot Council**

Audit year: 2018-19

Date issued: March 2020

Document reference: 1787A2020-21

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This document is also available in Welsh.

The team who delivered the work comprised Alison Lewis and Colin Davies under the direction of Huw Rees.

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Summary report

Summary

What we reviewed and why

- 1 We reviewed Neath Port Talbot Council's (the Council) corporate arrangements for the safeguarding of children and adults. Some governance arrangements for safeguarding operate regionally (in this geographical area through the West Glamorgan Safeguarding Boards, previously the Western Bay Safeguarding Boards). Our review focuses on the Council's own corporate arrangements.
- 2 We undertook this review to seek assurance that the Council has effective corporate arrangements in place for safeguarding. We considered the findings of our 2014 report into the Council's arrangements to support safeguarding of children¹. We also considered the Council's progress in implementing the recommendations contained in the Auditor General's report, **Review of Corporate Safeguarding Arrangements in Welsh Councils** (July 2015)².
- 3 We undertook the review in April and May 2019.

What we found

- 4 Our review sought to answer the question: do the Council's governance and management arrangements provide assurance that children and adults are safeguarded?
- 5 Overall, we found that: the Council has corporate arrangements for safeguarding in place but needs to strengthen some areas.

Proposals for Improvement

Exhibit 1: Proposals for Improvement

The table below sets out the proposals for improvement that we have identified following this review.

¹ Auditor General for Wales, **Local Authority Arrangements to Support Safeguarding of Children – Neath Port Talbot County Borough Council**, Wales Audit Office, August 2014

² A copy of the report is available on the Wales Audit Office website www.audit.wales

Proposals for improvement

- | | |
|----|---|
| P1 | The Council needs to set out the overall governance structure for safeguarding, including how all the different groups concerned with safeguarding matters relate and/or report to one another. |
| P2 | The Council needs to update its corporate safeguarding policy to reflect the revised arrangements for overview and scrutiny of safeguarding and refer to the role of the Corporate Safeguarding Group. |
| P3 | The Council needs to put mechanisms in place to ensure that the roles and responsibilities of specific officers and Elected Members referenced in the corporate safeguarding policy are being effectively communicated and complied with, including having lead safeguarding managers in all service areas. |
| P4 | The Council needs to improve the effectiveness of its Corporate Safeguarding Group by:
a) developing and agreeing a terms of reference for the group to make its role and function clearer;
b) defining the role and responsibility of officers in attending the group;
c) reviewing the membership to ensure all parts of the organisation are represented;
d) setting out where the group reports to, including whether it should report through to an overview and scrutiny committee; and
e) regularly assessing the group's effectiveness in delivering the desired outcomes. |
| P5 | The Audit Committee needs to improve their oversight of the Council's risk registers. |
| P6 | The Council needs to strengthen its safe recruitment procedures by:
a) assessing the risks around its current policy on the regularity of DBS checks and determine if any changes are needed;
b) formally recording and retaining the risk assessment undertaken when determining if a role needs a DBS check (and at what level) on the corporate HR system;
c) improving arrangements for completing DBS checks for staff working in schools; and
d) maintaining a central recruitment record for all staff working or volunteering for the Council (including in schools). |
| P7 | The Council needs to strengthen arrangements for safeguarding training by:
a) assessing whether the current training on safeguarding meets its needs; and
b) establishing a reliable, central record of training undertaken so there can be a corporate oversight of compliance with training requirements. |
| P8 | The Council should review procurement practices to ensure that safeguarding matters are fully considered and managed when services are delivered on its behalf by third parties. |
| P9 | The Council needs to establish a system to assess and report on the effectiveness of its corporate arrangements for safeguarding. |

Detailed report

The Council has corporate arrangements for safeguarding in place but needs to strengthen some areas

The Council has a corporate safeguarding policy but needs to make governance arrangements for safeguarding clearer

6 In reaching this conclusion we found that:

- The Council is an active member of a number of multi-agency partnerships concerned with safeguarding including the West Glamorgan Safeguarding Boards and the Community Safety Partnership. The Council work with others on a range of initiatives that are relevant to safeguarding including: County Lines³, Prevent⁴, and Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV). The Council also has its own internal groups that are concerned with safeguarding. The Council could more clearly set out the overall governance structure for safeguarding, including how all the different groups concerned with safeguarding matters relate and/or report to one another.
- The Council's corporate safeguarding policy (dated November 2016) sets out the roles and responsibilities of specific officers and Elected Members. The Council needs to have mechanisms in place to assure itself that these roles and responsibilities are being effectively communicated and complied with.
- The corporate safeguarding policy includes the requirement to 'ensure that there are lead safeguarding managers within each service area', but this requirement has not been met by all service areas.
- The Council should review its safeguarding policy to make sure it remains relevant and up to date, including updating the arrangements for overview and scrutiny and referring to the role of the Council's Corporate Safeguarding Group.
- The Council has a Corporate Safeguarding Group (made up of Council officers) that meets approximately six times a year. The Council could improve the effectiveness of this group by:
 - Developing and agreeing a terms of reference document for the group to give greater clarity to its role and function.
 - Defining the role and responsibilities of officers attending the group.
 - Reviewing the membership of the group to ensure that all parts of the organisation are represented. If the Council does appoint lead safeguarding managers within

³ County Lines is a term used when drug gangs from big cities expand their operations to smaller towns, often using violence to drive out local dealers and exploiting children and vulnerable people to sell drugs.

⁴ The Prevent strategy, published by the Government in 2011, aims to reduce the threat to the UK from terrorism by preventing people from being drawn into terrorism.

each service (as stated in its policy) decide their role in relation to the membership of this group.

- Setting out where the group reports to, including whether it should report through to an overview and scrutiny committee. The Corporate Directors' Group get the minutes of the Corporate Safeguarding Group, but the links could be strengthened by the group identifying what the key issues are and where there are opportunities for improvement for the Corporate Directors' Group to act on these matters.
- Regularly assessing the effectiveness of the group in delivering the outcomes it is seeking to achieve.

The Council has identified safeguarding as a strategic risk but Audit Committee's oversight of the risk register is weak

7 In reaching this conclusion we found that:

- The strategic risk register includes safeguarding as a risk. A number of safeguarding actions are identified in the strategic risk register (with an end date on 31 March 2019) that the Council still needs to act on, including:
 - consider whether there is scope to integrate other safeguarding practices across the Council into a shared corporate service;
 - developing a Social Services Single Point of Contact to promote more robust and consistent decision making at the 'front-door'.
- Only two service risk registers identify safeguarding as a risk; Social Services, Housing and Health and Education, Leisure and Lifelong Learning.
- The Audit Committee received the revised risk registers at their meeting on 19 September 2018. The Audit Committee are not regularly reviewing the Council's risk register and have not received a further report on corporate risk management in the last year.

The Council's systems for safe recruitment provide some assurance but these need to be strengthened

8 In reaching this conclusion we found that:

- The Council has a Safe Recruitment Policy and Procedure (dated May 2015). There are a range of pre-employment checks that must be undertaken including written references and Disclosure and Barring Service (DBS) checks for certain posts working with children or vulnerable adults.
- The Council's current policy regarding how regularly it completes DBS checks on staff differs across services. All relevant social services staff have a DBS check every three years but staff working in other parts of the Council, where the role requires a DBS check, only get a DBS check redone if they change job. The Education Department has taken the decision that when they open a new school all the staff at that school will have a new DBS check undertaken. Whilst the Council's current policy is compliant with national legislative requirements, we consider that the Council should review its current policy

around the regularity of DBS checks, to assess the risks of its current approach and determine if it needs to implement any changes.

- Prior to recruitment the manager of the service will undertake a risk assessment of a post to decide if it needs a DBS check to be undertaken. This process could be improved by officers completing a written risk assessment, recording the reasons for the decision around the level of DBS check required (or not) and keeping this information on the central HR file.
- The internal audit service undertakes checks to ensure compliance with DBS checks where relevant, for example: social service staff, school staff, passenger transport drivers, escorts and taxi drivers with school contracts. The internal audit service reports to relevant service managers on compliance. Where there are significant issues of concern these will also be reported to the Audit Committee. There have been a number of issues of noncompliance with DBS checks in schools. There is the potential for staff that have not had the required DBS checks to be employed in schools. With non-school staff recruitment the HR Department adds records to Vision (the Council's personnel, payroll and training database) so no one should be able to start with the organisation without a required DBS check in place. Because schools are putting their own records on Vision, and this system then notifies the payroll service, it is possible for someone to start and be paid without having a DBS check in place. Payroll will check that a person is registered with the Education Workforce Council prior to adding them to payroll system but not if they have a DBS check. The Council needs to look at possible changes to this current system to prevent staff being able to start working in schools without the necessary DBS checks in place.
- The corporate HR system does not hold volunteer records. Education volunteer records are held locally, and internal audit check them when they visit schools. There are other volunteers working in the Council, for example in libraries, theatres, friends of Margam and the youth service. For consistency, completeness, and to ensure appropriate corporate oversight of safeguarding information and to reduce risk, the Council should ensure that there is a single, centrally held, recruitment record for all those working or volunteering for the Council.

The Council provides some safeguarding training but has not assessed if it meets its needs and does not have a robust system for recording staff training

9 In reaching this conclusion we found that:

- The Council has identified some safeguarding training as mandatory for all staff, this includes:
 - Violence Against Women, Domestic Abuse and Sexual Violence;
 - workshops to raise awareness of Prevent;
 - Child sexual exploitation;
 - County Lines; and

- General Data Protection Regulations.
- For some services other safeguarding training is mandatory. For social services staff safeguarding training (levels 1 – 3) and training in child protection is mandatory. Staff working in the youth service are also required to have safeguarding training. In schools all staff are expected to have annual training on safeguarding and child protection. Other staff we spoke to were unclear what training was mandatory.
- The Council needs to consider whether the training that is being provided on safeguarding is meeting its needs.
- There is no reliable, central record of training undertaken so there is no corporate oversight of compliance with training requirements. Training records for staff who have undertaken safeguarding training should be captured on the HR database but the Council acknowledges that the information held on the system currently is not complete or up to date.

The Council could strengthen safeguarding within its procurement and contract management arrangements

10 In reaching this conclusion we found that:

- The Council is currently updating its contract procedure rules which have been in place since 1998. As part of this work the Council is looking to strengthen the role of the contract manager in the process. Currently there is no corporate contract register. Safeguarding is referenced in the tender preparation stage and safeguarding qualification questions can be selected for a contract. Safeguarding is also listed on the Procurement Procedure and Contract Management Checklists, however, we consider that opportunities exist to strengthen consideration of safeguarding in the review of contract management arrangements. This might include contract managers and staff advising on procurement having training in safeguarding matters both for commissioning/procuring services and for ongoing contract management. Currently the central procurement team do not receive specific training in safeguarding matters pertinent to procurement and contract management. The Council should review its procurement practices to ensure that safeguarding matters are fully considered and managed when services are delivered on its behalf by third parties.
- Some services are being proactive with contract management for example a new monitoring officer role has been established in the Passenger Transport Unit to increase the number of checks that the Council can undertake on those contracted to transport children and young people to schools.
- The procurement team is currently not represented on the corporate safeguarding group.

The Council considers performance information on safeguarding but needs a system for monitoring, evaluating and reporting its corporate arrangements for safeguarding

11 In reaching this conclusion we found that:

- We were told that safeguarding matters are a standard item on Corporate Directors' Group (CDG) agenda and that CDG also receive the minutes from the Corporate Safeguarding Group.
- Elected Members receive a number of reports that are pertinent to safeguarding, including:
 - The Audit Committee receive internal audit reports where issues of concern get raised, including noncompliance with disclosure and barring service checks.
 - The Education, Skills and Culture Cabinet Board received an update report at their meeting on 17 January 2019 on safeguarding activities in schools and the education directorate over the last year and plans for the coming 18 months. The report identified areas for development and sets out the actions that are proposed to further strengthen arrangements.
 - The Director of Social Services produces an annual report that includes a review of safeguarding matters in the Social Services, Health and Housing Directorate.
 - There is an annual report on corporate parenting.
- The Corporate Safeguarding Policy states that an annual corporate safeguarding report for scrutiny will be delivered. However, this is not being done. Under the Corporate Safeguarding Policy each service director should compile a report in respect of their safeguarding arrangements that will inform the Director of Social Services Annual Report. This is currently not happening, so there is no overall assessment of how well the Council is corporately managing safeguarding.
- The Council reports performance information in relation to safeguarding including information produced by social services and education and information included in the corporate plan key performance indicators. However, the Council should consider whether a suite of performance measures developed specifically to assess the effectiveness of its corporate arrangements for safeguarding might help strengthen scrutiny and oversight in this area. For example, the Council could use the areas identified in the Auditor General's report, **Review of Corporate Safeguarding Arrangements in Welsh Councils**, which included:
 - conclusions of internal and external audit/inspection reviews;
 - service-based performance data;
 - key personnel data such as safeguarding training, and DBS recruitment checks; and
 - the performance of contractors and commissioned services on compliance with council safeguarding responsibilities.

Appendix 1

Wales Audit Office assessment of Neath Port Talbot Council's progress against the recommendations contained in the report of the Auditor General, 'Review of Corporate Safeguarding Arrangements in Welsh Councils' (July 2015)

Exhibit 2: progress against the recommendations contained in the national report

Recommendations from the national report	Wales Audit Office assessment of Neath Port Talbot Council's progress against the recommendations contained in the national report
<p>R1 Improve corporate leadership and comply with Welsh Government policy on safeguarding through:</p> <ul style="list-style-type: none"> • the appointment of a senior lead officer who is accountable for safeguarding and protecting children and young people with corporate responsibilities for planning improvements; • the appointment of a lead member for safeguarding; and • regularly disseminating and updating information on these appointments to all staff and stakeholders. 	<p>The Council has appointed a senior lead officer and lead member for safeguarding and these are detailed in the Corporate Safeguarding Policy which is available on the Council's intranet site. (See paragraph 6 and the proposals for improvement)</p>
<p>R2 Ensure there is a corporate-wide policy on safeguarding covering all council services to provide a clear strategic direction and clear lines of accountability across the Council.</p>	<p>The Council has a corporate safeguarding policy but needs to make its governance arrangements for safeguarding clearer. (See paragraph 6 and the proposals for improvement)</p>
<p>R3 Strengthen safe recruitment of staff and volunteers by:</p> <ul style="list-style-type: none"> • ensuring that DBS checks and compliance with safe recruitment policies cover all services that come into contact with children; • creating an integrated corporate compliance system to record and monitor compliance levels on DBS checks; and • requiring safe recruitment practices amongst partners in the third sector and for volunteers who provide services commissioned and/or used by the council which are underpinned by a contract or service level agreement. 	<p>The Council's systems for safe recruitment provide some assurance but these need to be strengthened. (See paragraph 8 and the proposals for improvement)</p>

Recommendations from the national report	Wales Audit Office assessment of Neath Port Talbot Council's progress against the recommendations contained in the national report
<p>R4 Ensure all relevant staff, members and partners understand their safeguarding responsibilities by:</p> <ul style="list-style-type: none"> • ensuring safeguarding training is mandated and coverage extended to all relevant council service areas, and is included as standard on induction programmes; • creating a corporate-wide system to identify, track and monitor compliance on attending safeguarding training in all council departments, elected members, schools, governors and volunteers; and • requiring relevant staff in partner organisations who are commissioned to work for the Council in delivering services to children and young people to undertake safeguarding training. 	<p>The Council provides some safeguarding training but has not assessed whether this meets its needs and does not have a robust system for recording staff training. (See paragraph 9 and the proposals for improvement)</p>
<p>R6⁵ Improve accountability for corporate safeguarding by regularly reporting safeguarding issues and assurances to scrutiny committee(s) against a balanced and Council-wide set of performance information covering:</p> <ul style="list-style-type: none"> • benchmarking and comparisons with others; • conclusions of internal and external audit/inspection reviews; • service-based performance data; • key personnel data such as safeguarding training, and DBS recruitment checks; and • the performance of contractors and commissioned services on compliance with council safeguarding responsibilities. 	<p>The Council considers performance information on safeguarding but needs a system for monitoring, evaluating and reporting its corporate arrangements for safeguarding. (See paragraph 11 and the proposals for improvement)</p>
<p>R7 Establish a rolling programme of internal audit reviews to undertake systems testing and compliance reviews on the Council's safeguarding practices.</p>	<p>Internal Audit reports that safeguarding matters are considered in the reviews it undertakes. It also produces regular reports on specific safeguarding matters i.e. compliance with DBS checks.</p>
<p>R8 Ensure the risks associated with safeguarding are considered at both a corporate and service level in developing and agreeing risk management plans across the Council.</p>	<p>The Council has identified safeguarding as a strategic risk, but Audit Committee's oversight of the risk register is weak. (See paragraph 7 and the proposals for improvement)</p>

⁵ Recommendation 5 was directed to the Welsh Government rather than councils so is not included in the above list.

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Corporate Safeguarding Group: Work Programme




Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Corporate Safeguarding Group Work Programme 2020/21 (Updated as at 3rd March 2021)

Tudalen 199






Corporate Safeguarding Group: Work Programme

Ref. No.	Resp. Officer	Due Date	Actions	Evidence	Update
i	To take an overview of the Council's (and partner agencies) responsibilities towards safeguarding and examine ways in which the Council as a whole and partner agencies can secure the safeguarding and well-being of children and adults in the area.				
P1 Tudalenn2@0	All		The Council needs to set out the overall governance structure for safeguarding, including how all the different groups concerned with safeguarding matters relate and/or report to one another.	See vi (P2) below for Corporate Safeguarding Policy 2020.  281019SNPT Structure new.docx	Complete
	All	August/Sept 2021 (Subject to forward work plan)	The Council needs to put mechanisms in place to ensure that the roles and responsibilities of specific officers and Elected Members referenced in the corporate safeguarding policy are being effectively communicated and complied with, including having lead safeguarding managers in all service areas.	Training to be embedded upon completion.	Training for Elected Members and Councillors in respect of Safeguarding per se. was planned pre-pandemic. As we move into the recovery phase this now need to be reinstated in the training calendar.
P5	Audit Committee	July 2021	The Audit Committee needs to improve their oversight of the Council's risk registers.	Anne-Marie has briefed the Group in relation to the Risk Registers (Operational and Strategic)	All CSG members have been tasked to submit and present their respective Risk Registers to the next CSG for oversight.
ii	To ensure that the Council and its departments are fully compliant with legislation and policy pertaining to safeguarding.				

Corporate Safeguarding Group: Work Programme

P8	The Corporate Procurement Service, Legal Services	July 2021	The Council should review procurement practices to ensure that safeguarding matters are fully considered and managed when services are delivered on its behalf by third parties.		Update required from Procurement and Legal Services.
iii	To ensure there are effective joint working arrangements between Council departments and partner agencies, including working arrangements with the Public Services Board (PSB), Community Safety Partnership (CSP); Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV), Area Planning Board (APB); Contest Board and with the West Glamorgan Safeguarding Board (WGSB).				
Tu	CFD		LA and Partnership Groups to be mapped.	See embedded document at P1	Complete
201	i. To monitor and scrutinise the performance of safeguarding activities across the Council supporting good practice and challenging and holding to account poor practice i.e. Annual S135 Safeguarding Audit.				

Corporate Safeguarding Group: Work Programme

<p>P4</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Tudalen202</p>			<p>The Council needs to improve the effectiveness of its Corporate Safeguarding Group by:</p> <ul style="list-style-type: none"> a) developing and agreeing a terms of reference for the group to make its role and function clearer; b) defining the role and responsibility of officers in attending the group; c) reviewing the membership to ensure all parts of the organisation are represented; d) setting out where the group reports to, including whether it should report through to an overview and scrutiny committee; and regularly assessing the group’s effectiveness in delivering the desired outcomes. 	<div style="text-align: center;">  060121ToRCSGFINAL.docx </div> <div style="text-align: center; margin-top: 20px;">  Section 135 Audit Tool.docx </div> <div style="text-align: center; margin-top: 20px;">  2e. NPT Education.docx </div> <div style="text-align: center; margin-top: 20px;">  2f. NPT Social Services Audit.docx </div> <div style="text-align: center; margin-top: 20px;">  2g. NPT Social Services Action Plan.d </div>	<p>P4 (a-d) Complete</p> <p>S135 Audit of Safeguarding across NPT (SSD, Education) completed on behalf of the Safeguarding Board. Action Plan attached.</p>
<p>v</p>	<p>To ensure that positive practices are maintained, lessons are learnt and changes made in the areas that require improvements.</p>				

Corporate Safeguarding Group: Work Programme

v(a)	All	November 2019	WAO Review of Corporate Arrangements for Safeguarding – NPT, dated October 2019 to be considered by Corporate Safeguarding Group.	 Safeguarding Report - NPT CBC.docx	This work plan is set against the WAO Review findings attached.
V(b)	All	Standing Agenda item	All departments across the Council to share documents and present (audits, reports, CPR, APR, MAPF) pertaining to 'lessons learnt' across the LA re. Safeguarding to the Corporate Safeguarding Group.	Corporate Safeguarding Group Minutes.	Complete with pathways established through the Corporate Safeguarding Policy, CSG ToR and Work Programme.
vi	To develop and oversee the Council wide safeguarding policy.				
P2 Tud aren203	All	November 2019	The Council needs to update its corporate safeguarding policy to reflect the revised arrangements for overview and scrutiny of safeguarding and refer to the role of the Corporate Safeguarding Group.	 060121CorporateSafeguardingPolicyFINAL	Complete.
	All	November 2019	The Council needs to establish a system to assess and report on the effectiveness of its corporate arrangements for safeguarding.	See vi (P2)	Complete. The work of the Corporate Safeguarding Group to be reported on bi-annually, as per the ToR, point 4(v), to allow for scrutiny on the effectiveness of the group and response to Safeguarding across the LA.
vii	To develop and oversee the workforce development strategy and training plan to ensure that safeguarding is embedded and reviewed at the various levels across the Council.				

Corporate Safeguarding Group: Work Programme


<p>P7</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Tudalen204</p>	<p>Training</p>		<p>P7 The Council needs to strengthen arrangements for safeguarding training by:</p> <ul style="list-style-type: none"> a) assessing whether the current training on safeguarding meets its needs; and b) establishing a reliable, central record of training undertaken so there can be a corporate oversight of compliance with training requirements. 	<p>The Council has identified some safeguarding training as mandatory for all staff, this includes: basic safeguarding awareness, Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV); Workshops to raise awareness of Prevent; and General Data Protection Regulations (GDPR).</p> <p>For social services staff safeguarding training is mandatory. Should we add here – at levels appropriate for each staff group. Staff working in the youth service are also required to have safeguarding training. In schools all staff are expected to have annual training on safeguarding and child protection.</p>	<p>Accurate training records are held and maintained centrally for ENV, C.Exec & F&CS, and SSHH.</p> <p>ELLLS maintain their own records and the T&D team are providing advice and guidance to help ELLLS improve training record keeping. The new HR / Payroll system will launch next year, which will improve access to and reporting of data.</p> <p>Corporate oversight of training requirements will be improved with the introduction of the new Corporate safeguarding awareness eLearning training.</p> <p>This safeguarding training will be mandated, and coverage extended to all relevant council service areas, and will be included as standard on induction programmes.</p>
<p>viii</p>	<p>To maintain a strategic overview of all developments, plans, policies and strategies for safeguarding and to make appropriate recommendations for action.</p>				

Corporate Safeguarding Group: Work Programme

a	All	Standing agenda item	All developments, plans, policies and strategies pertaining to Safeguarding will be presented to the group for oversight.	Minutes of CSG	Regularly circulated.
viii	To ensure safe recruitment processes are implemented and adhered to consistently across the Council.				

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Corporate Safeguarding Group: Work Programme

Tudaten2017				<p>c) DBS checks for schools are input into the current HR system (Vision) by staff employed by the schools. Current processes will be reviewed as the new HR system is being implemented.</p> <p>d) This could be looked at with the introduction of the new system next year. Potentially, this might require additional monies to achieve.</p>	
	To ensure that thematic safeguarding issues are actively addressed across the Council.				
xi	To ensure Members are regularly updated on issues relating to safeguarding practice.				
xii	To produce a bi-annual report for WGSB, Corporate Directors and Members covering the work undertaken by the SSG.				
	P9		The Council needs to establish a system to assess and report on the effectiveness of its corporate arrangements for safeguarding.	 CSGBiannualReport February2021.docx	February 2021 – 1st Bi-Annual Report.

Corporate Safeguarding Group: Work Programme

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Neath Port Talbot County Borough Council Social Care, Health and Wellbeing Cabinet Board

**Report of the Director of Social Services Health and Housing –
Andrew Jarrett**

5th July 2021

Matter for Decision

Wards Affected: ALL

RESIDENTIAL AND NON-RESIDENTIAL CARE CHARGING POLICY

Purpose of the Report

To update the Residential and Non Residential Care Charging Policy (Appendix 1) in accordance with the Social Services and Wellbeing (Wales) Act 2014 i.e. SSWB Act 2014.

Executive Summary

The current charging policy was approved by Members on 5th April 2018. This report is to request that the charging policy is updated to reflect any changes in legislation, to highlight dates and links with other social services policies.

Main Changes

- Highlight the dates when service users will be eligible for financial assistance, which is ordinarily from the date a financial referral is made. Should the submission of financial evidence requested exceed 28 days from the date of the funding request, then financial assistance will only be considered from the date that the accompanying evidence is received
- To provide an example of deprivation of assets, where someone intentionally reduces their assets - such as money, property or income - so these won't be included in the financial assessment for care home fees.
- Reference to NPT's Fairness of Service Provision Policy and Debt Recovery Policy

Financial Impact

None.

Integrated impact assessment

This function does not require an Integrated Impact Assessment. The charges proposed by the Council are in line with the legislation.

Valleys Communities Impacts

No implications.

Workforce Impact

None.

Legal Impact

The charging policy is in line with the SSWB Act 2014 and associated regulations.

Risk management

None.

Consultation

There is no requirement under the Constitution for external consultation on this item.

Recommendation

It is recommended that Members approve the updated Residential and Non-Residential Care Charging Policy as set out in Appendix 1.

Reason for Proposed Decision

To update the Charging Policy to reflect any changes in legislation and highlight links with other Social Services policies.

Implementation of Decision

The decision is proposed for implementation after the three day call in period.

Appendices

Appendix 1 - Residential and Non Residential Care Charging Policy. The schedule of rates are included for information, having already been approved by members.

List of Background Papers

Social Services and Wellbeing (Wales) Act 2014 and associated Regulations.

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNCIL

RESIDENTIAL AND NON-RESIDENTIAL CARE
CHARGING POLICY

IN ACCORDANCE WITH THE LEGAL
REQUIREMENTS OF THE SOCIAL
SERVICES AND WELL-BEING (WALES)
ACT 2014 – PARTS 4 & 5 (CHARGING
AND FINANCIAL ASSESSMENT)

JULY 2021

1. Introduction

From 6th April 2016 the Social Services and Well-being (Wales) Act 2014 (referred to in this document as “The Act”) introduced one unified charging framework, which replaced all previous Acts and Regulations, relating to charging for Residential and Non-Residential Care.

Under the Act (and associated Regulations and a Code of Practice), Local Authorities have the power to require a person to pay a charge for providing or arranging the provision of care and support (under S.35-45) to meet a person’s needs. This income will continue to be essential in enabling this authority to manage resources effectively, sustainably and fairly, and to strive for continuous improvement in the future.

This Policy sets out how this authority intends to exercise its powers. It does not purport to set out the law and guidance provided in The Act, Regulations and Code of Practice (all of which can be found on the Care Council for Wales’ Care Information and Learning Hub, and also on the Welsh Assembly Government’s website) – the relevant links can be found below:-

Social Services and Well-being (Wales) Act 2014 – referred to as “The Act”

<http://www.legislation.gov.uk/anaw/2014/4/contents/enacted>

Charging and Assessment Regulations

<https://socialcare.wales/hub/sswbact-regulations>

Code of Practice (Parts 4 and 5) - Charging and Financial Assessment

<https://gov.wales/sites/default/files/publications/2020-04/part-4-and-5-code-of-practice-charging-and-financial-assessment.pdf>

The policy is not intended to contradict or fail to apply either law or statutory guidance, nor to operate in a discriminatory manner, and must be read and applied in a way which is compatible with the same.

The regulations provide a review mechanism under which challenges to the calculation of charges may be made for specified reasons.

Statements referring to any relevant fees, charges, hourly rates etc will be produced/updated annually (or when required), to reflect any changes to this policy, changes to The Act, or to meet any Welsh Government requirements (or changes in other legislation). A copy of the latest figures can be found in Appendix A.

2. Charging and Financial Assessments

2.1 Since April 2016, the authority has exercised its discretion to use the powers available under S.59 of the Act, to require persons to pay a charge to the authority for providing or arranging the provision of care and support (or in the case of a carer support) to the full extent permitted by the Act and any subordinate legislation or statutory guidance.

2.2 The authority has also determined that when assessing the liability of persons to pay a contribution, it will take into account all financial resources, both capital and income, permitted by law, and to disregard only those financial resources required by law to be disregarded. For the avoidance of doubt, the value of any Funeral Bond or similar scheme to provide a sum towards funeral expenses will be taken into account.

2.3 The Care and Support (Financial Assessment) (Wales) Regulations 2015 require the authority to carry out financial assessment of a person seeking care and support for which a charge may be payable. Should a person choose not to, or fail to, declare and provide satisfactory evidence of their financial circumstances then:-

(a) For residential care and support they will be required to make their own arrangements for residential care directly with a provider, since failure to provide information terminates the duty to assess.

(b) For non-residential care and support they will be required to pay the Maximum Charge

2.4 Satisfactory evidence shall include completion of the authority's Declaration of Financial Circumstances form and provision of documentary evidence (e.g. bank statements) confirming all income received and capital assets held for a period of at least three 3 months immediately prior to the request for financial assistance. The authority may require evidence spanning a longer period and/or surrounding any events that have had the effect of reducing a person's liability to pay a charge, based on the evidence initially provided.

2.5 If a person's financial/household circumstances (or care plan) subsequently changes then the relevant changes must be communicated to the authority (in order for a determination to be made whether a re-assessment is required, and whether the changes will affect the person's assessed charge). Any changes in the charge will be back-dated to the date of the change in financial/household circumstances.

3. Residential Care

3.1 In accordance with guidance issued by the Welsh Government in February 2016, where residential accommodation is provided for a period in excess of 8 weeks, but is less than 52 weeks, residential charging assessments will be carried out on an Temporary (Extended Care) basis. Where there is no planned discharge date (and/or the placement is known (on admission) to exceed 8 weeks), then the placement will be treated as Temporary (Extended Care) from the date of admission.

3.2 The authority has decided to apply the additional cost condition under regulation 4 of the Care and Support (Choice of Accommodation) (Wales) Regulations 2015 [as amended] in all situations where the cost to the authority of providing or arranging for the provision under S.57 of the Act of the preferred accommodation is greater than the cost that the local authority would usually expect to incur in providing or arranging the provision of care home accommodation to meet the needs of the person concerned.

3.3 Where a person's financial resources are such that they are liable to

make a contribution of the whole cost for the provision of residential care, but the person requests the authority meet his or her needs under S.35(4)(b)(ii) of the Act, the authority will exercise its power under S.59(3) and require a person to pay a charge to the authority (in addition to any charge imposed under subsection (1)) to cover the cost of putting in place and maintaining the arrangements for meeting those needs.

3.4 Where a person, who has arranged and been funding their care and support privately, approaches the authority to arrange their care and support (e.g. due to their capital assets falling below the relevant capital limit or a reduction in income) the authority will accept responsibility only from the date of referral/completion of a Declaration of Financial Circumstances form. Responsibility will not commence from any earlier date, upon which a change in financial circumstances might have triggered a duty to provide care and support had application been made at that time.

3.5 Failure to provide all necessary documentary evidence and information within 28 days from the date of the initial request for care and support will cause the application to be suspended and any provision of care and support will take effect from such later date when everything is provided, though a longer period may be allowed where the person in need of care and support lacks capacity and the person(s) assisting him or her experience difficulty in obtaining evidence from third parties.

4. Deferred Payments

The authority will charge interest and cost under Deferred Payment agreements as permitted by law

5. Non-Residential Care

5.1 Non-Residential Care services broadly comprises Domiciliary/Home Care, Domiciliary Respite Services, Residential Care based Respite Care (of up to 8 weeks), Lifelink Extra Assistive Technology package, Day Care Services, and Direct Payments in lieu of these. Persons who are in receipt of more than one of the above services will be provided with a single financial assessment, based on the total cost of all of the services

provided.

5.2 The authority has chosen to charge a Flat Rate Charge as defined under the Care and Support (Charging) (Wales) Regulations 2015 [as amended] for the provision of Lifelink, or Lifelink Plus Assistive Technology packages. Such charges are in addition to any assessed charge, and would not fall within the “single financial assessment” referred to in the above paragraph.

5.3 Sometimes a person liable to pay a charge for receiving non-residential care and support arranged by the authority to be provided by a third party wishes to cancel a particular visit. If they give enough notice to the authority so that it does not have to pay for the cancelled call(s), this may reduce the charge for that week, but there will be no reduction if the authority still has to pay for the service. Similarly, the charge will apply if care and support are kept open during short hospital stays.

5.4 Non-Residential Financial Assessment Options

5.4.1 Where a person does not have a partner and is the only person in a household in receipt of a service, the authority will seek to undertake a financial assessment, both upon an individual and a household basis, and will take the lower figure as the liability to pay a charge.

5.4.2 Where a person has a partner, the financial assessment will be based on the combined income and expenditure of both partners, but the person will be responsible for paying for the care provided to him or herself.

5.4.3 In these circumstances, a person may specifically request an independent financial assessment based on their individual means, in which case 50% of relevant joint costs will be taken into account to calculate the allowable expenses.

5.4.4 Alternatively, where there are joint or multiple persons in a household, the combined income of all persons and the total relevant household expenditure, will be taken into account in calculating a single financial assessment for the household. A household assessment

will be based on the total cost of the combined services received by the household. In such circumstances, one member of the household will be responsible for ensuring payment is made for the care provided to the whole of the household.

5.4.5 If all persons specifically request independent financial assessments based on their individual means, the cost of each service and the entitlement to financial assistance will be calculated separately for each service user within the household.

6. Deprivation of Assets (Income and Capital)

If a person transfers assets with the intention of avoiding charges, as set out in S.72 (and relevant regulations) the authority will utilise the full extent of the powers available to it, both as to recovery from the person or persons to whom an asset has been transferred and for the purposes of notional capital.

7. Payment of Charges

7.1 Non-residential Care and Support

The authority's preferred method of payment in respect of charges is by monthly Direct Debit.

Any short stay (previously referred to as Respite) charges may be payable to the Care Provider (unless the person already receives an alternative service from the authority, and these charges are already collected by Direct Debit).

7.2 Direct Payments

Where a person is in receipt of Direct Payments, his or her assessed charge (if applicable) will normally be required to be paid by them directly into the Direct Payments Account into which the authority will also make payment. The combined sums will equal the total Direct Payment and ensure that the person has sufficient funds to meet the cost of their assessed need for care and support as set out in their individual plan.

7.3 Residential Care

Option 1

The Authority's preference and normal arrangement with care providers, is that a person who has been assessed to be liable to pay a charge pays it directly to the care provider and the authority will pay to the care provider the balance of fees due. This is purely a practical arrangement. The legal liability is still owed to the Council which it will take any necessary steps to recover

Option 2

A person must pay the assessed charge on a weekly or, by agreement, monthly basis to the authority, preferably by standing order/direct debit.

8. Additional Costs

If a person wishes to purchase care and support, whether non-residential or residential, over and above that which has been assessed to be needed to be provided by the authority under the Act, the arrangement of and payment for this will be a private arrangement between the person and provider. The authority will not have any responsibility for either the service or cost.

9. Formal Recovery of Charges

The authority has a separate Debt Recovery Policy (which should be consulted), under which it will seek to recover unpaid charges and any expenses connected with recovery of the same.

Appendix A - Schedule of Rates 2021-22

Long Term Residential Care

Fees Paid to Providers of Residential Care (Per Week) To 31st Mar 21 1 April 2021

Residential Care	£596.12	£619.96
Nursing Care	£603.43	£627.57
EMI Nursing Care Supplement (added to above figure)	£31.40	£32.66
Residential Care for Under 65's (Basic Fee)	£596.12	£619.96
Adult Family Placement	£459.00	£459.00
Pobl Homes (Basic Fee)	£745.87	£756.21
Pobl Homes (Spot Purchase)	£774.43	£785.19

Charges – Service Users per Week (Max Charge)

Pobl Homes – Existing Residents (admitted prior 01/04/12)	£601.50	£625.60
Pobl Homes – New Residents (admitted 01/04/12 onwards)	£790.00	£821.60
Residential Care – All Other Providers	£593.26	£619.96
Nursing Care – All Other Providers	£600.53	£627.57

Charges – Other Local Authorities (Per Week)

Learning Disabilities Accommodation	£1,893	£1,969 week
Additional Hours RCO	£17.00	£17.32 hour
Additional Hours NCO	£24.34	£24.81 hour

Non-Residential Care Charges

* Highlighted Charges below are subject to £100 maximum per week (following approval of WG Regulations)

*Short Term Residential Care

*Up to 7 seven days £100.00 **£100.00**

*Every week or part week thereafter (up to 8 weeks) £100.00 **£100.00**

Any stay longer than 8 weeks the whole period will be charged as per long term residential care

Non-Residential Services

*Domiciliary Care £16.50 **£17.00**

hour

*Domiciliary Respite Services £16.50 **£17.00**

hour

*Direct Payments value of direct
payment

	To 31 st Mar 21	<u>1 April 2021</u>
<u>Community Alarm/Telecare – Per Week</u>		
Lifelink (previously Lifeline/Category 1) – Flat Rate	£2.70	£2.70
Lifelink Plus (previously Home Safety/Category 2) – Flat Rate	£3.95	£3.95
*Lifelink Extra (previously Telecare/Category 3)	£5.70	£5.70
<u>Day Care Services – Per Attendance</u>		
*Day Care (Per Attendance)	£31	£32
<u>Other Local Authorities Only – Per Day</u>		
Day Care Training and Employment (Excluding Transport)	£79.00	£83.00
Day Care Complex Needs Service	£180.00	£188.00
<u>Other Charges</u>		
<u>Meals</u>		
	£4.60	£4.60
<u>Rent Cluster Houses (per week)</u>		
Southville Road	£79.70	£79.70
<u>Hillside Secure Unit (per day)</u>		
	£1,100	£1,150

Mae'r dudalen hon yn fwriadol wag