

**Report of: Housing Services Business Manager**

**To: Executive Board**


**Date: 3 April 2006**

**Item No:**

**Title of Report : Common Housing Register for Oxford**



### Summary and Recommendations



**Purpose of report:** To outline issues and ask Executive Board to approve proposals for the establishment of a Common Housing Register in Oxford – providing a single access route for social housing in Oxford with all applicants held on a single register – with Oxford City Council entering into a legal agreement with Registered Social Landlords with stock in Oxford

**Key decision:** Yes


**Portfolio Holder:** Councillor Ed Turner



**Scrutiny Responsibility:** Housing Overview and Scrutiny


**Ward(s) affected:** All

**Report Approved by:**




Councillor Ed Turner

Val Johnson, Business Manager, Neighbourhood Renewal



Michael Crofton-Briggs, Business Manager, Planning

Michael Lawrence, Strategic Director



Emily King & Lindsay Cane, Legal and Democratic Services

Dave Higgins, Financial and Asset Management



**Policy Framework:**

Providing more Affordable Housing

Service Improvement

Reducing Social Exclusion

**Recommendation(s):**

That the Executive Board agrees:



- 1) To endorse the principle of establishing a Common Housing Register in Oxford
- 2) To Oxford City Council signing a Partnership Agreement with Registered Social Landlords
- 3) That the Partnership Agreement should replace any bi-lateral Nominations Agreements with that Registered Social Landlord
- 4) That any social landlord developing new social housing in the City be invited to sign the Partnership Agreement if it has not already done so

## **Background and Context**

- 1 A Common Housing Register (CHR) is a system which gives users a single way to access social housing, with all social landlords using a single list to fill vacancies in their stock
- 2 The aim of a Common Housing Register (CHR) is to provide simpler and fairer access to housing by creating a single application form on which anyone can apply for housing from various social landlords  
  
Landlords (Oxford City Council and partner Housing Associations) can then prioritise and select applicants from this single pool
- 3 Not having a CHR can mean that people seeking re-housing will face an often bewildering number and range of different organisations that may be able to assist them. They may have to apply to each organisation separately, by completing an application form. Each organisation will then process this form and register the application. Applicants least able to 'shop around' are often those in most housing need
- 4 Common Housing Register's also offer organisations the framework to improve partnership working and develop joint working arrangements together
- 5 Much of the guidance and best practice advice regarding CHRs was produced in 1996. Prior to this, there were less than 20 schemes in operation in England. Guidance or statute has not been produced to require local authorities to establish a CHR, but improved joint working and partnering between local housing authorities and housing associations has been a recurrent theme over the last ten years. In 2005, 116 of the 354 English Local Authorities (33%) reported that they were participating in a Common Housing Register (Source: 2005 Housing Strategy Statistical Appendix, Office of the Deputy Prime Minister). The Scottish Executive legislated in 2001 to require Scottish

Local Authorities to set about establishing CHRs, and has produced much of the good practice advice in recent years, building on the experiences of English authorities

- 6 Common Housing Registers can take various forms, and there are a number of different models operating across the country. These include CHRs where partners operate common allocation policies in addition to a common register; partners have set up a separate organisations/ partnership vehicles to operate the register; partners have invested in new ICT equipment to jointly operate the register
- 7 In Oxford, a Common Housing Register, based around a proposed Service Level Agreement between Oxford City Council and the four Housing Associations with most stock holding in the City, was drafted and discussed in 1996, but this was never implemented.

More recently, a number of Housing Associations were involved in the Allocations Policy Review in 2002/03. Recommendations from this included developing a Common Housing Register, including common application forms, joint literature, and a single register. The Council's Allocations Scheme (agreed by Council on 15<sup>th</sup> Sept 2003) allowed for these proposals to be implemented

- 8 There are a number of Social Landlords that have, or are developing, stock in Oxford. Most of these are Housing Associations, also known as Registered Social Landlords (RSLs), although some of the smaller organisations are charitable or benevolent organisations not registered with, or under the regulation of, the Housing Corporation. All these organisations are listed in Appendix One with an indication of how much social rented stock they hold in the City
- 9 At present, the only formal agreements in place with RSLs are Nominations Agreements. In Oxford, these are site-specific agreements relating to the proportion of Council nominations that an RSL should seek from the Council, and the mechanisms by which these will be provided. These agreements are negotiated at the development stage for new build units. It is usually a requirement imposed through the planning process (being required through section 106 agreements) or/ and as a condition of the grant of public money. They should be in place before the completion of the scheme, although the process does not always work satisfactorily.

Nominations Agreements are not in place for every RSL housing scheme, and even if they were, it would be extremely onerous to monitor nominations performance on a scheme by scheme basis due to their number

- 10 Regardless, the Housing Corporation states that it's minimum expectations in terms of nominations that RSLs give the Local Authority the opportunity to nominate to, are at least 50% of vacancies. It also

states that, “*agreed percentages may be considerably higher in areas of housing stress*”. (Housing Corporation, Regulatory Circular 02/03, Feb 2003). Recently re-stated Housing Corporation statutory guidance states that, “*When requested to do so by the local authority and to such an extent as is reasonable in the circumstances, associations must provide a proportion of their stock to local authority nominations and temporary accommodation to the homeless.*” (Housing Corporation, The Regulatory Code and Guidance, Aug 2005)

There is no such obligation on non-RSLs, and any arrangements with these organisations is by way of voluntary agreement only

- 11 In Oxford, of the Nominations Agreements that do exist, many do not reflect current working practices, and do not contain sufficient detail or clarity relating to nomination processes or dispute mechanisms. The agreement is not written within a framework of ‘partnership working’ and contract clauses allow the Council to impose penalty clauses on RSLs for non-compliance with the agreement. Although these have never been applied, it can lead to tensions and confrontation between organisations with similar objectives
- 12 The monitoring of RSL lettings performance, and in particular, the proportion of lettings that are made to Council nominations is difficult to monitor accurately – especially with the many different arrangements in place. There is little follow-up with the RSLs as a result of this, and little use is made of the data in order to improve performance.

The lettings of the social landlords with less stock, are generally not monitored at all. Indeed, the Council has had little or no recent contact with many of the smaller landlords, many of whom give the Council no opportunity to nominate to their stock. The introduction of the Common Housing Register will improve this situation

- 13 From the service user perspective, there is often confusion between the role of the Council and Housing Associations, with many (even tenants) not sure who to approach for re-housing.

That said, in many respects, there could be said to have been a CHR operating in Oxford ‘by default’. Although there is no formal agreement, direct applicants requiring general needs accommodation, are generally directed to Oxford City Council. This is generally the only access route to social housing in the City for most of these people.

Due to the low demand for sheltered accommodation in the City, most organisations maintain their own waiting lists. Therefore, at present, the best advice to an older person seeking such accommodation, would be to apply to Oxford City Council and up to ten other social landlords in the City that also have sheltered accommodation.

The RSLs also maintain their own transfer lists for tenants wanting to

move. Therefore, for example, if a RSL is under an obligation to give 75% of its family accommodation to the Council for its nominations, it may use the remaining 25% for its own transfer cases. This relies on the RSL having sufficient stock turnover to meet this need, and where this is not the case, in urgent cases RSLs may approach the Council for assistance

- 14 Under the current arrangements, when a nomination is made to an RSL vacancy, the Council shares some information with the RSL, but most RSLs then ask that the nominee complete the organisation's own application form, and the RSL may visit the applicant to confirm details. This can not only delay the re-housing of the applicant, but it introduces a duplication of time and effort that could be avoided with a more joined-up approach between the Council and the RSLs concerned

### **Key Issues**

- 15 The approach being proposed in Oxford is that a Partnership Agreement is agreed with all the RSLs that have a significant stock holding in the City, or that have an active development programme (This is indicated in Appendix One.) This agreement would be signed separately with each RSL and would replace all nomination agreements in place between both organisations
- 16 The Agreement will seek to establish the Common Housing Register and will specifically deal with the following:
  - How the CHR is defined and how it will operate
  - Who has responsibility for what functions
  - What proportion of vacancies should be given by RSLs for nominations and the process for this
  - Joint service expectations and standards that partners agree to work to, including joint working protocols
  - Cost and resource implications
  - Monitoring and review arrangements
  - Dispute resolution and obligations that will survive the agreement
- 17 It is proposed that the Partnership Agreement is referenced in the Affordable Housing Supplementary Planning Document (SPD) that is currently being prepared.
- 18 Subsequent to this, it may be appropriate to develop a Service Level Agreement with the other social landlords in the City that have a smaller stock holding; no development programme; or no nomination agreements, to also outline joint working initiatives
- 19 It is considered an essential pre-requisite to moving to Choice Based Lettings (CBL) in Oxford, that a Common Housing Register is in place. This will ensure that most social rented accommodation is accessed in the same way, and upholds the 'transparency' of the new

CBL scheme. This would be weakened if not all social rented accommodation vacancies were advertised through this method

- 20 There is a natural tension in any CHR between the desire of RSLs to maintain their independence (e.g. meeting charitable objectives, preserving committee control, and responding to housing management problems), and that of Local Authorities to develop their strategic role (e.g. making the best use of local social housing resources, meeting local housing need, developing partnerships, and improving access to public services), but these should be able to be overcome in agreeing the type of CHR model that is adopted
- 21 RSLs have been consulted about the CHR through the SHOP (Strategic Housing in Oxford Partnership) Housing Management sub-group meetings. All parties are in broad agreement concerning the principle of establishing a Common Housing Register, and negotiations concerning the detail of the Partnership Agreement are continuing with RSLs. RSL are seeking legal advice in relation to the drafting and clauses in the draft Partnership Agreement
- 22 It is proposed that the Council and RSLs will analyse their different policies in detail. Specifically, this will look at the following areas:
- Eligibility criteria
  - Exclusion criteria
  - Priority systems
  - Special schemes (e.g. under-occupation schemes)
  - Housing requirements
  - Application processing issues
  - Offers and refusals

Whilst not seeking to develop a Common Allocations Policy, which is not favoured by many RSLs as it removes much of their autonomy, where there is similarity between policies and procedures, we will explore trying to converge them. This will make it easier to understand, and ensure more consistency between approaches. The Oxford City Council Allocation Scheme is also to be reviewed in the Autumn 2006 (to be seen at Housing Overview and Scrutiny Committee in November 2006 and Executive Board/ Council in December 2006) and any changes as a result of this exercise could be incorporated at this time.

Where there is significant differences between the allocation policy of partner organisations, it is proposed to note these and (assuming they are accepted by Oxford City Council) use that information to identify suitable applicants for RSL vacancies at the short-listing stage (immediately prior to making the nomination)

- 23 The main area of discussion with RSLs relates to the proportion of vacancies that are given to the Council for Nominations.

The current Nomination Agreements generally follow two formats:

100%	of initial lettings		100%	of initial lettings
75%	for the next 10 years	<b>or</b>	75%	thereafter
50%	thereafter			

Although as stated above, not all 'social rented' stock is covered by agreements in which case the proportion ranges from anything to 0% (for example, with a small non-RSL) to 100% (for example, old stock with a large RSL)

- 24 The draft Partnership Agreement proposes that partner RSLs give most (if not all) their vacancies over to nominations from the common register. It proposes a minimum proportion of 90%, with the expectation that RSLs will give 100%. This allows for some flexibility, for example, if RSLs need to undertake an urgent 'management' move, or if a national RSL needs to transfer an urgent case across local authority boundaries
- 25 The proposed partnership agreement also proposes that tenants of partner RSLs are included on the transfer list rather than the general register. This change is within current policy, but has yet to be implemented as no agreement has been reached concerning this.

This should allow RSL tenants needing to transfer improved mobility.

- The Council's Lettings Plan gives a higher proportion of offers to the 'transfer' route than the 'general' register route – especially for larger family accommodation
- The relative housing need of RSL tenants is more likely to be 'balanced' against OCC tenants – whereas before they were 'competing' with many applicants in poorer quality accommodation (that would attract more housing needs points)

- 26 Concern has been expressed by some RSLs that giving the Council all nominations will fetter their ability to assist their existing tenants, and makes them very reliant on the Council meeting performance targets, in making nominations and processing urgent applications, etc. Council Officers are working to dispel these concerns through liaison with these organisations, and will negotiate an agreed arrangement in preparing the final Partnership Agreement

## Consultation

- 27 As stated above, there has been on-going consultation with the main RSLs through the SHOP Housing Management Sub-Group. Although these meetings have not been attended by some RSLs with less stock in the City, they have been circulated with the proposals through the meeting agendas

- 28 This is largely viewed as an operational change that does not require an immediate re-drafting of the Council's Allocation Scheme. The Council is not therefore under any legal duty to consult more widely about this change. Extensive consultation with service users and other stakeholders concerning the proposed implementation of Choice Based Lettings is, however, underway. The outcome of this will be the subject of a separate report
- 29 No comments have been received, to date, relating to this issue, following its inclusion in the Council's Forward Plan
- 30 The proposed change and the draft Partnership Agreement have been extensively circulated between council departments, and amendments made, in light of comments received. The Housing Corporation and Government Office of the South East (GOSE) have also been made aware of the proposals, and have responded favourably
- 31 It is proposed that a leaflet outlining the changes and any transitional arrangements is drafted for all Council and 'partner' RSL Tenants. This will be agreed by all the 'partner' organisations concerned. It is further proposed that tenants are asked to comment and assist in the drafting and design of new 'common' leaflets and forms
- 32 This report has been considered by Housing Scrutiny Committee at its special meeting on 8<sup>th</sup> March 2006. This meeting was partly convened to help facilitate more involvement and joint working between the City Council and RSLs. The Committee agreed the report, and asked that officers ensure joint working, and the setting of common standards of service delivery, for all social housing tenants in the City (regardless of landlord), are incorporated as a feature of the scheme, as set out in the Partnership Agreement and other documentation

### **Options Considered**

- 33 The proposed method of implementing a CHR in Oxford is not the only model, but it is the one, which seems to work best for the local conditions in the City. Other approaches that could be considered are as follows:

- 34 Stay as we are

The current arrangements have been in place for a number of years and are 'tried and tested'. They operate satisfactorily, but do not provide users with the easiest options to access social housing; do not enhance or develop partnership working with other housing providers; and have inherent inefficiencies in working practices. These drivers for change are also strongly prompted by the Audit Commission through their Key Lines of Enquiry documentation



The current situation will also not allow for an effective Choice Based Lettings Scheme to be introduced covering all social rented accommodation in the City

35 Keep the Nominations Agreements in place

It is possible to develop a CHR through agreement with the RSLs without the agreement replacing specific Nomination Agreements. Whilst this may make the agreement less 'burdensome' and legalistic, it does not exploit this opportunity for change. The current situation is inconsistent and it is not cost effective to monitor. The Agreement requires updating to reflect current working and does not provide adequate detail or dispute mechanisms. It does not provide a solid platform on which to develop better joint working with the RSLs.

As all social rented stock is not covered by an agreement, if the Council is not requesting more involvement regarding access to social housing, it could be said to not be doing enough to target resources most effectively, to those persons it considers to be in most housing need and therefore it's main priority

36 Invest in new ICT equipment to operate a full CHR

This option has the advantage of allowing all RSLs to maintain their own allocations policies and prioritisation schemes without any change. This allows some more independence for the RSLs. It would however require significant investment in new ICT software packages, and is not considered value for money in Oxford.

The reason for this not only relates to the size of the City and the amount of RSL stock holding, but also to the fact that most applicants offered a property in the City already come from the Council's Housing Register. There is also little difference between the allocation policies of most of the partners that cannot be accommodated by other means. This makes a weak case for investment in a new system, not only due to the money that would be required, but also that the introduction of this would slow down the implementation of a CHR significantly

37 On evaluating the above options, it is considered that the option outlined in the report is the most appropriate model to adopt in Oxford. It has the following advantages:

It:

- Provides a straightforward way of accessing social housing
- Realises operational efficiencies and reduces duplication of effort
- Streamlines the 'nomination to sign up' process for RSLs
- Helps ensure housing need is being best met in the City
- Provides more robust information on housing need
- Improves the 'matching' of applicants to properties and improves the use of the social housing stock

- Provides a springboard for new joint working initiatives
- Formalises agreements with social housing providers in the City
- Sets some minimum service standards for new RSLs and those with stock in the City already
- Is relatively cheap and quick to implement for the organisations concerned
- Provides better value for money, especially in relation to the application process
- Improves the monitoring and review processes with RSLs

38 Some of the features of the proposed CHR for Oxford were reported to Housing Scrutiny Committee in more detail. They are listed as a background paper to this report

### **Financial Implications**

39 There is a resource implication to implementing the Common Housing Register and securing the agreement of the proposed RSL partners. Much of this work has been completed already on existing staff resources. In order to ensure that the full implementation of the CHR is not delayed, an additional temporary staff resource has been employed for six months. This has a cost implication, but can be met from within existing budgets

40 The operation of the CHR will also increase the workload of the Housing Needs team in terms of applications that are received and need to be assessed and processed, and also the number of offers/ nominations that need to be made. However, it is considered that this is achievable within existing staff resources and some of this additional work will be off-set by RSLs taking a greater role in helping to provide advice and assistance to applicants, and by undertaking home visits to verify applicants circumstances

41 It is proposed that the cost of producing common forms, leaflets and other literature relating to the CHR are shared between partners in the same proportion to their stock holding in the City. This will reduce the Councils costs with respect to such publications by approximately £2,000 per annum, while ensuring far improved distribution of these through the RSLs

42 The partnership agreement also suggests that further joint initiatives are developed, such as joint training events, joint marketing of sheltered schemes, joint service developments, etc. with the costs of this also apportioned between partners. This will also ensure improved value for money for both the Council and RSLs, as well as helping to provide consistent service provision to the tenants of social landlords

## Legal Implications

- 43 The most significant legal implication is the final drafting of the Partnership Agreement. This will replace numerous Nominations Agreements that have been signed and sealed by the Council over a number of years
- 44 It will also require a change in relation to the clauses in section 106 agreements when planning consent is granted. (This is presently being considered through the consultation process relating to the new Affordable Housing SPD)
- 45 The CHR can be agreed within the existing Allocation Scheme and within existing delegated powers and existing policies. Should the work around this issue highlight changes that should be made, these will be the subject of a later report

## Staffing Implications

- 46 The staffing implications have been referenced already under section 6, but relate to 'smarter' working with partner organisations and the improved effectiveness and efficiency enjoyed as a result
- 47 There is also the need for an additional resource to assist with the transition from the current system to a CHR, including the following tasks:
  - Securing the full agreement of RSLs on the detail of the scheme
  - Changing application forms and associated leaflets
  - Changing general literature on allocations and the housing registers
  - Re-writing procedures and training staff
  - Managing the transfer of RSL lists to the OCC hosted 'common list'

But as stated, this can be managed within existing budgets

## Implementation Issues

- 48 A detailed Implementation Plan has been prepared to assist with the project planning for the CHR



It is proposed that agreement be reached with the RSLs as soon as possible, with organisations being in a position to sign the Agreement by the end of April 2006

- 50 Subsequent to this, it is proposed that the CHR is 'rolled out' on phased basis, with all the features of the CHR in place and working by September 2006. There will also be a transitional period with regard to the legal agreements used to ensure nominations (especially for new

build units) as nomination agreements are replaced with the partnership agreement. Further consideration needs to be given to this to minimise the risk of any errors occurring during this transitional phase

- 51 The operation of the CHR will be monitored by Oxford City Council and also through joint meetings of all the 'partners'. A formal review of the CHR is proposed in the CBL Project Plan for January 2007, and some aspects of the agreement may require amendment at that point, prior to the implementation of Choice Based Lettings, as the new method of allocating accommodation in the City

### **Recommendations**

- 52 To endorse the principle of establishing a Common Housing Register in Oxford
- 53 To agree to Oxford City Council signing a Partnership Agreement with Registered Social Landlords
- 54 To agree that the Partnership Agreement should replace any bi-lateral Nominations Agreements with that RSL
- 55 That any social landlord developing new social housing in the City be invited to sign the Partnership Agreement if it has not already done so

### **List of Appendices**

Appendix One – Social Landlords with stock in the City

#### **Name and contact details of author:**

**Dave Scholes**      **Choice Based Lettings Project Manager**

**Contact Tel No:**    **01865 - 252636**

**E-mail Address:**    **dscholes@oxford.gov.uk**

#### **Background papers:**

'Features of the Common Housing Register in Oxford' - Appendix Two to the 'Common Housing Register for Oxford' Report for Housing Scrutiny Committee of 8 March 2006

## Appendix One - Social Landlords with stock in Oxford

This list is based on information provided by the organisations concerned in January 2006. Only permanent social rented accommodation is included.

The following types of accommodation are specifically excluded:

- Temporary Accommodation (owned units & units managed for others)
- Shared Ownership Accommodation
- Key Worker Housing
- Student Accommodation
- Market Rented units
- Supported (non-permanent) Accommodation
- Specialist (non-permanent) Accommodation
- Accommodation leased to others and not directly managed
- Staff Accommodation
- Short Life Housing
- Units identified for demolition or to be permanently de-commissioned

Landlord	Stock Total	Development on-site	Development Partner	Proposed CHR Partner
Oxford City Council	7966			Yes
Oxford Citizens HA	1004	35	Yes	Yes
Cherwell HT	803	0		Yes
Ealing Family (Catalyst) HA	540	129	Yes	Yes
Anchor HA	191	0		Yes
Warden HA	108	0	Yes	Yes
Bromford HA	92	20	Yes	Yes
Jephson HA	75	0		Yes
Hastoe HA	56	0		Yes
SOHA	20	0		Yes
Thames Valley HA	6	0		Yes
Paradigm	0	0*		Yes
St Lukes HS	36	0		
Wyndham HA	33	0		
Housing 21	25	0		
City of Oxford Charities	22	0		
Advance Housing	21	0		
Abbeyfield HS	9	0		
English Churches HG	6	0		
St John's College HA	14	0		
<b>Sub Total (RSLs)</b>	<b>3061</b>			
<b>Total (20)</b>	<b>11,027</b>	<b>184</b>	<b>4</b>	<b>12</b>

(\* 48 units in the development pipeline)