

Merlin Housing Society
Emergency Transfer Policy



1.0 Key objectives

- 1.1 This policy is open to tenants of permanent accommodation provided by Merlin Housing Society (MHS) as a way of solving problems of severe harassment and or/threats of violence and actual violence where it appears that the problems can be resolved only by an emergency transfer.
- 1.2 This policy is not to be used in the following circumstances:
- to support moves for instances of under-occupation;
 - in cases of overcrowding to support a move to a larger property;
 - where the case should be considered by the Council's Social Needs Panel;
 - to applicants other than assured tenants of Merlin Housing Society;
 - to support transfer requests where an area is experiencing generic anti-social behaviour – the purpose of this policy is to support tenants who are being directly targeted.

2.0 Key policy standards

- 2.1 Merlin Housing Society has a duty to safeguard its tenants who on the grounds of risk and threat to their immediate safety are unable to remain in their own accommodation, and who otherwise would be considered as homeless. Tenants in these circumstances should be considered under this policy.
- 2.2 This includes assured shorthold tenants, assured non-shorthold tenants, and demoted tenants where their reason for applying for the transfer is not associated with their demotion. Contractual tenants and tolerated trespassers will not be considered under this policy.
- 2.3 Where the tenant has breached their tenancy e.g. rent arrears, allegations of anti-social behaviour, harassment etc., this should not prevent them from being considered under this policy. The Housing Officer will nonetheless take these into account in investigating the case and to what extent they have motivated the application.
- 2.4 Emergency Transfers operate on a discretionary basis outside the normal transfer scheme using the Council's waiting list. Such transfers will only be used within the strict criteria outlined, and will be considered **only** where all other solutions have been examined to maintain a tenant in their home, and discounted as inappropriate.
- 2.5 In order to maintain the credibility and operational effectiveness of the scheme and of the usual transfer priorities, an Emergency Transfer will always be an

exceptional solution applying to exceptional circumstances, and where it has been clearly demonstrated that there are no other remedies.

3.0 Investigation of Emergency Transfer applications and housing management actions

- 3.1 Each case should be investigated and reported on by a Lead Officer, and agreed by the relevant Area Housing Manager. No case will be presented as an Emergency Transfer without the Area Housing Manager's approval.
- 3.2 A key line of enquiry for the Lead Officer in any application for an Emergency Transfer is to establish whether a solution to the problem is likely to be achieved by management action. The lead officer will make a judgement on the appropriate response to any report by a tenant of harassment and/or violence. A wide range of support, actions, and remedies are available and should be used.
- 3.3 A solution to the tenant's problem may be achieved in many ways, and a number of options can be considered simultaneously. It is for the Lead Officer to ensure that the most appropriate action/s are taken.
- 3.4 In investigating cases where the alleged perpetrator is a MHS tenant or someone associated with a MHS tenant, the information gained will be used to take action against the perpetrator. The complainant will be informed of this and their co-operation requested in providing evidence to enable the MHS to take action.
- 3.5 Where a case meets the criteria of this policy the Lead Officer will complete a report for the Emergency Transfer Panel setting out all the relevant facts in order that appropriate consideration is given to the circumstances.

4.0 Homelessness duties

- 4.1 A tenant being considered under the Emergency Transfer policy may concurrently pursue an application as a homeless person if they wish to do so.
- 4.2 Any homelessness application must be made to the Council's Housing Needs Section. However, it remains the responsibility of the Housing Officer to investigate the case and present the case to the Emergency Transfer Panel.

5.0 Emergency accommodation pending the Emergency Transfer decision

- 5.1 In some instances, and especially in the case of domestic violence or racial harassment, the tenant's immediate circumstances may be particularly acute and Housing Officers dealing with the case should be aware that the Council or MHS may have a duty to consider emergency accommodation pending the outcome of the Emergency Transfer application.
- 5.2 If there are no other accommodation options available and the risk of remaining in the property is too high, the Lead Officer will approve a temporary placement via the Lettings Team and ensure that the property is secured.
- 5.3 The tenant will be given appropriate advice about their tenancy, rent liability, and the temporary accommodation that they will be offered. They will be advised not

to relinquish their tenancy as this would bring the Emergency Transfer process to an end, there being no tenancy to transfer.

- 5.4 Where the tenant breaches the terms of occupancy for the temporary accommodation that they are provided with and this results in withdrawal of that accommodation, no further other offers of emergency accommodation will be made pending the outcome of the consideration of the Emergency Transfer.

6.0 Consideration of Emergency Transfer cases

- 6.1 All cases being considered for an Emergency Transfer will be referred to the Emergency Transfer Panel for consideration following housing management investigation. All referrals to the Panel will come via the Area Housing Offices.

- 6.2 Approval of an Emergency Transfer request can only be made by the Panel and reached by consensus.

- 6.3 The Emergency Transfer Panel will consist of the following staff:

- The Anti-Social Behaviour Manager;
- The Lettings Officer;
- A senior member of the Supported Housing Team.

The following staff will attend on a case by case basis and only for the case relevant to them:

- The lead Officer for the tenant applying for a transfer;
- any professionals who can provide supporting information.

- 6.4 Records of all Emergency Transfer Panel decisions will be kept, which will include the reasons for the decision.

7.0 Approval of Emergency Transfer cases

- 7.1 The Panel will consider all the information available to it. Where it is felt that additional information is required, the panel will refer the case back to the Lead Officer.

- 7.2 The Panel will consider the circumstances and what options have been considered and discounted for the tenant remaining in their accommodation. Where the tenant is regarded as being at risk should they remain in their tenancy, **AND** there are no other options that are recommended to secure them in their accommodation, **AND** this risk would be reduced if they were to move, then a transfer should be approved.

- 7.3 Where the tenant is not yet in emergency accommodation and the case is approved for a transfer, they will be offered temporary accommodation while waiting for an offer of re-housing.

- 7.4 Where the tenant refuses a reasonable offer of temporary accommodation, the case will be referred back to the Emergency Transfer Panel to consider whether

any further offers of temporary accommodation can be made and whether the case for the Emergency Transfer is still applicable.

8.0 Refusals of Emergency Transfer applications

- 8.1 The applicant will have the right to request the review of any decision by the Panel not to approve a transfer. This is not a statutory review, and is exercised by MHS on discretionary grounds. The request for a review should be made within 7 days of being notified of the decision. The review of the decision will be considered by a manager not involved in the original decision who will confirm the outcome of the review in writing to the applicant.
- 8.2 Where a tenant has been placed in emergency accommodation and the transfer is not approved, they will be given immediate notice and required to vacate their emergency accommodation. In exceptional circumstances, the notice period can be extended to 3 days where it is not possible for the person to move before then or it will cause *exceptional* hardship if they did.
- 8.3 No further applications for an Emergency Transfer will be considered in the absence of any significant change of circumstances or supporting evidence.

9.0 Allocation priorities for Emergency Transfers

- 9.1 All tenants approved for re-housing as an Emergency Transfer will be considered for re-housing as an immediate priority within MHS's 25% nomination rights. Where more than one Emergency Transfer case is awaiting rehousing at the same time, the offer will be made to the case that has been waiting longest for the type of property and area where the vacant property has become available.
- 9.2 It is an important underlying principle of Emergency Transfers that any permanent accommodation offered is on a "like-for-like" basis in terms of type or quality of property. Tenants should specifically be left in no doubt that the eventual offer of permanent re-housing will be on this basis.
- 9.3 However, any offer made must be demonstrably reasonable as defined by the relevant legislation and guidelines. In practice therefore, if reasonably possible, the opportunity of a move should be taken to provide accommodation of the correct size (and special facilities, if appropriate) to suit the household's requirements in accordance with the usual needs criteria.

10.0 Refusal of offers of accommodation and review of Emergency Transfer cases

- 10.1 Any household accepted for an Emergency Transfer will receive two offers of re-housing in line with the Society's re-housing policy.
- 10.2 If a reasonable offer of re-housing is refused by the applicant the offer will be reviewed by the Lettings Officer. If the review finds that the offer is reasonable, it will count towards the two offers of re-housing.
- 10.3 If a second reasonable offer has been refused, and where the Lettings Officer has conducted a review and decided that the refusal of the offer would have

discharged a homelessness duty had the offer been made under Part VII Housing Act 1996, the Lettings Officer will refer the case back to the Panel. Unless there are mitigating circumstances, the approval for an Emergency Transfer will be rescinded and any emergency accommodation occupied withdrawn.

10.4 The tenant will be notified of this in writing and will have the right to request a review of this decision as outlined in paragraph 8.1 above.

10.5 When a second reasonable offer has been refused:

- The Emergency Transfer priority will be removed;
- Any ordinary transfer application on the part of the same tenant will be unaffected;
- Temporary accommodation provided as part of the process (if any) will be terminated and the tenant will be expected to return to their original tenancy.

11.0 Equality and diversity

11.1 We will ensure that this policy is applied fairly and consistently to all our customers. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, gender, marital status, sexual orientation, disability or any other grounds set out in our Equality and Diversity policy.

11.2 When applying this policy we will act sensitively towards the diverse needs of individuals and communities.

11.3 When applying this policy we will take positive action to reduce discrimination and harassment in local communities.

11.4 This policy and any other related publications of MHS are available on request in other formats (e.g. in an alternative language, in Braille, on tape, in large type).

12.0 Key targets and performance indicators

- compliance with Housing Corporation Regulatory Code and Housing Corporation inspection outcomes;
- Compliance with relevant Audit Commission requirements (i.e Key Lines of Enquiry);
- benchmarking review comparisons on best practice elsewhere as part of Continuous Service Review;
- the achievement of the specified key policy standards;
- minimal homelessness presentations arising from risks in Merlin Housing Society stock.

13.0 Monitoring, consultation and review

- The Board and the Housing Corporation will receive regular reports on the performance against agreed targets and indicators.

- In line with our involvement policy, tenants, leaseholders and stakeholders will be included in:
 - monitoring our performance
 - reviewing this policy, in order to reflect their needs and priorities

Further details about how this will be achieved are set out in the Resident Involvement Policy.