

Key Worker Housing Policy

1. Introduction

- 1.1 Spelthorne Borough Council is dedicated to providing affordable housing locally to key workers who are critical in keeping local public services going. As such, a proportion of lettings at upcoming Council developments, through its wholly owned housing company Knowle Green Estates Ltd. will be prioritised for key workers.
- 1.2 The definition of 'key worker' has varied significantly since the concept was developed in the early 2000s. No formal definition exists in relation to affordable housing, although several definitions exist for other reasons, such as the Government's criteria for critical workers to access school placements during the Coronavirus pandemic.
- 1.3 It is in the Council's gift to define key worker locally, based on local requirements and the local housing context. In preparation for these lettings, the Council commissioned a piece of research regarding the likely demand for accommodation amongst key workers, and the sectors in which those key workers are employed. This research provided valuable insight into the demand particularly for key workers in education, health and social care, and public safety and national security. As a result, these sectors will initially be prioritised as part of this.

2. Policy scope

- 2.1 A number of properties at Benwell House, Sunbury have been identified as being suitable for an initial key worker housing scheme.
 - (a) 9 x one bed two person flats
 - (b) 2 x two bed four person flats
- 2.2 This policy is initially intended to support the initial and any subsequent re-letting of that development. The operation of this policy will be reviewed, the results of which will inform a more embedded key worker housing policy.

3. Policy objectives

- 3.1 The Council has not had a standalone key worker policy in operation before. Although lettings to Knowle Green Estates Ltd. developments fall outside of Part VI Housing Act 1996, as they are not defined as social housing, in its early stages, any key worker policy will need to be delivered through existing 'infrastructure' in terms of IT and staffing structures. As such, the eligibility for a key worker home is in line with the broad eligibility requirements of The Borough of Spelthorne Housing Allocations Policy (2018) ('the Housing Allocations Policy').
- 3.2 This policy has been designed to ensure that affordable housing, designated as priority for key workers, is allocated fairly and transparently.

4. Definition of a Key Worker

- 4.1 Based on the research undertaken in 2020, to qualify as a key worker under this policy, an individual must be in one of the following roles:

- (a) **Health and social care:** Doctors, nurses, midwives, paramedics, social workers, care workers employed by a public sector organisation, other frontline health & social care staff.
- (b) **Education and childcare:** Childcare, support and teaching staff, specialist education professionals [including FE teachers and Early Years/nursery teachers; Local Authority Therapists, including Occupational Therapists and Speech and Language Therapists; and Local Authority Educational Psychologists].
- (c) **Public safety and national security:** Police and support staff; Armed forces personnel; Fire and rescue service employees; Prison and probation staff.

5. Eligibility criteria for a Key Worker home

5.1 A key worker as defined by this policy will qualify for a key worker home in Spelthorne provided they meet the following criteria:

- (a) Must have the Right to Rent as defined by the Immigration Act 2014
- (b) Must have a Local Connection to Spelthorne as defined by the Housing Allocations Policy.
- (c) Annual household income of less than £50,000
- (d) Savings of less than £30,000
- (e) Do not own or part own a property
- (f) Be employed as a key worker on:
 - i) a permanent contract of at least 18 hours per week, or
 - ii) an existing fixed term contract of 12 months or more of at least 18 hours per week, or
 - iii) a zero hours contract, where the applicant can demonstrate that they have worked more than 18 hours per week on average over 12 months. This will be considered on a case by case basis.
- (g) The contracted place of employment must be in Spelthorne, except in the specific exceptions listed below.

5.2 Exceptions to the requirement for employment to be based in Spelthorne include:

- (a) Key workers based in St Peter's Hospital, Chertsey
- (b) Key workers employed by the South East Coast Ambulance Service NHS Foundation Trust based at the Chertsey Ambulance Station
- (c) Key workers employed by Surrey County Council in education and childcare to provide therapy or psychology services to children across Surrey, including in Spelthorne
- (d) Officers of Surrey Police who are redeployed / seconded to the Metropolitan Police or other areas of Surrey Police will remain eligible provided their substantive role remains with Surrey Police based in Spelthorne.

(e) Armed forces personnel do not need to be based in Spelthorne

5.3 Key workers will be eligible for a home which meets their household needs, as defined by the Housing Allocations Policy. For clarification, property sizes are defined as follows:

Household	Bedroom Need
Adult person – single	Bedsit / One Bedroom
Adult couple	One bedroom
An overnight carer	One bedroom
Two persons / children of the same sex with less than a ten year age gap	One bedroom
Two persons / children of different sex both under 10 years of age	One bedroom
Two persons / children of the same sex with more than a ten year age gap where both are under 16	One bedroom
Two persons / children of different sex, of whom at least one is over 10 years of age	Two bedrooms
Two persons of the same sex with more than a ten year age gap and where at least one is 16 or over	Two bedrooms

6. Application process

6.1 All applications must be made and kept updated through Search Moves (www.searchmoves.org.uk).

6.2 Applications will be assessed as per Spelthorne Borough Council's Housing Allocations Policy in use at the time, and prioritised based upon housing need.

7. How accommodation will be allocated and offered

7.1 Accommodation will be advertised on Search Moves clearly identified as a key worker home. The advert will include details of the location of the property, the rent level, and any other criteria or special features. Adverts are usually open for six days, but this can vary depending on operational requirements.

7.2 Key workers will need to express an interest in the advert ('bid') whilst the advert is open.

7.3 Once the advert closes, Housing staff will create shortlists of key workers, prioritised by housing need and registration date. There may be some reasons why an eligible key worker may be 'bypassed' for consideration. These are set out below:

(a) Applicant is ineligible or unsuitable for the property

Applicants may be bypassed where their household does not meet the criteria for the property set out in the advert e.g. due to age restriction requirement, due to the household size not matching the property size, due to ages of household members or because any property adaptations in the vacant property are either not required or not matched to the household who has bid.

(b) Change in applicant's circumstances

Applicants may be bypassed where there has been a change in their circumstances which makes them unsuitable or ineligible e.g. change in medical requirements, change in financial situation

(c) **History of anti-social behaviour**

Applicants may be bypassed where they or their family members have a recent history of significant antisocial behaviour which would make them unsuitable for the property.

(d) **Rent arrears / debt**

Applicants may be bypassed where they have current or recoverable former rent arrears with any landlord or other debts with the Council and which are not being satisfactory repaid. Statutory homeless applicants will generally not be bypassed for this reason but individual circumstances will be assessed the Council and the relevant landlord.

(e) **Community safety concerns**

Applicants may be bypassed where there are community safety concerns / risks which relate to the applicant being placed in a particular property or area.

(f) **Fraudulent application has been made**

An applicant will be bypassed where there are reasonable grounds for believing that false information has been given.

(g) **Circumstances not confirmed**

Applicants may be bypassed where the required verification process has not been completed.

(h) **No response from applicant**

Applicants may be bypassed where they have been contacted for information relating to their application and / or a potential offer of accommodation and the applicant has not responded to that contact within a reasonable period of time.

(i) **Local Letting Plans**

Applicants may be bypassed where they do not match specific criteria set out in Local Lettings Plans which will be adopted for specific areas / schemes to ensure communities are as balanced as possible. Properties subject to local letting plans will be clearly advertised and priority will be given to those that meet the criteria.

(j) **Sensitive letting**

In exceptional circumstances, an applicant may be bypassed for a property where they are not considered suitable due to housing management reasons. For example, an applicant who has a history of drug dependency may be bypassed for a property in an area where the landlord is aware there are a number of other residents with drug problems. Any final decision about whether to bypass an application based on sensitive letting will be made by the Council rather than the landlord.

(k) **Property not suitable for adaptation**

Applicants requiring property adaptations to meet their mobility needs may need to be bypassed if the property they have bid for cannot be adapted to meet their needs.

(l) **Property advert withdrawn**

Some properties advertised for letting may need to be withdrawn either because it is urgently needed for a direct letting or because it was being advertised before the previous tenant had left and they have rescinded their notice. This could result in those who have bid being treated as having been 'bypassed'.

(m) **Special requirement of landlord**

Some Housing Association landlords have very specific applicant criteria built into their Allocations policies or charitable rules relating to ages of applicants or area of residence for example. These requirements will usually be set out in the adverts but applicants who bid may need to bypass if the requirements are not met.

(n) **Applicant has alternative property offer outstanding**

An applicant will be by passed if there is an outstanding offer of accommodation available to them which has not been resolved.

7.4 Housing staff will notify the top applicant(s) and carry out a 'verification check'. This is a process of checking documents, identity documents and employment status, to ensure that the key worker's circumstances are as stated on their application form. An enhanced identity check may also be carried out using credit reference agencies. Usually, the key worker will need to complete this process within 48 hours, or else their bid may be bypassed.

7.5 The key worker who is the highest on the shortlist, who has successfully passed a verification check, will be referred to Knowle Green Estates Ltd. who will make the final decision on who is granted the tenancy, in line with the Nominations Agreement between the Council and Knowle Green Estates Ltd.

7.6 Key workers are expected to accept their offer of accommodation. Unreasonable refusals create unnecessary delays for other applicants in need and for landlords to relet much needed affordable homes. If the key worker has bid on and been offered two or more properties within a 12-month period and unreasonably refused, then in line with the Allocations Policy, the Council will downgrade the applicant's banding.

8. Applicant reviews of decisions

8.1 Applicants can request a review of the following decisions:

- (a) A decision that an applicant is not a keyworker or is not eligible for keyworker housing.
- (b) Any decision relating to the facts of their case which have been taken into account in considering whether to make any offer of key worker housing to them.
- (c) A decision to bypass an application - Applicants will not be advised that their case has been bypassed but can establish this by specific enquiry

if they have bid for a property but find out in the lettings outcome list that the property was offered to someone with a lower banding or later registration than the applicants within the same banding.

- 8.2 The applicant's review request should be made in writing to the Council within 21 days of the original decision being made. Details of why they are requesting a review of the decision and any information they wish to be considered should be provided.
- 8.3 An independent senior officer who was not involved in the original decision will consider the review and they will decide whether to overturn or support the original decision. The applicant will be informed in writing of the decision within 21 days of receipt of the review request. The reply will contain the decision made, the reasons for the decision and the facts taken into account when making the decision.
- 8.4 If an applicant is still not satisfied with the decision that has been made they have a right to make a formal complaint which will be considered under the Council's Complaints Procedure.

9. Tenancy type and management

- 9.1 It is a requirement of the scheme that at least one eligible key worker must remain on the tenancy at all times.
- 9.2 Tenancies will be offered by Knowle Green Estates Ltd. which is Spelthorne Borough Council's wholly owned housing delivery company.
- 9.3 The tenancy offered to key workers will be an Assured Shorthold Tenancy with a minimum term of 12 months. This is the same as is usually offered by private landlords.
- 9.4 It is important to note that the tenancy offered to key workers is not a Council tenancy, and no secure rights of tenure are offered.
- 9.5 Key workers will not be allowed to sub-let any part of their home, including to lodgers.

Tenancy review

- 9.6 Two months prior to the end of the 12-month fixed term, tenancies will be reviewed, primarily to ensure that at least one tenant remains eligible under this policy. At this stage consideration will also be had to the conduct of the tenant and their household. Provided at least one tenant continues to be eligible under this policy, and that no steps to commence legal action have been taken in relation to non-payment of rent or other tenancy breach, then the tenancy will ordinarily be renewed.
- 9.7 If nobody in the household is eligible as a key worker at the point of review then possession action will commence in line with the established legislative framework for recovering possession. This will either be through:
- (a) Section 21 Housing Act 1988, otherwise known as 'no fault eviction'. Provided the notice is served correctly, then a Court has no discretion to not agree to the eviction.

(b) Ground 12, Schedule 2 Housing Act 1988 (“a breach of tenancy condition”). This ground requires that a Court is satisfied that the ground is made out and reasonable in all of the circumstances of the case.

9.8 Knowle Green Estates Ltd. and the Council’s Housing Options service will work together to prevent and relieve homelessness amongst households whose tenancies are not being renewed.

9.9 If the key worker’s household composition has changed since the last review which would otherwise make the household ineligible for the size of home they occupy, then they may be required to transfer to a smaller or larger property.

10. Rent levels

10.1 Key worker housing in Spelthorne is offered at up to 80% of the market rent for an equivalent property, capped at the relevant Local Housing Allowance for the relevant size of property. The key worker will be charged the lower of either the 80% of market rent, or the relevant Local Housing Allowance.

10.2 Rents must be paid to Knowle Green Estates Ltd. in line with the tenancy agreement.

10.3 Rent reviews will be carried out annually, and increases will be limited to fall in line with the Government’s Rent Standard. Currently, this is capped at Consumer Prices Index (CPI) + 1%.

10.4 When properties are vacant, the rents will be ‘rebased’ in line with the above criteria.

11. Void management

11.1 Where an empty key worker home is not let within 28 days of notification that a vacancy is due, then Spelthorne Borough Council and Knowle Green Estates Ltd. will work together to fill the vacancy with an applicant from the Housing Register who is in employment as defined by the Housing Allocations Policy.

12. Equality and diversity implications

12.1 An Equalities Impact Screening has been completed which has not identified any negative impact which needs addressing. This will be reviewed once this policy is reviewed at the end of the first twelve months.

13. Monitoring and reviewing

13.1 This policy is owned by the Strategic Lead, Housing, who is responsible for its monitoring and review.

13.2 At the end of the first year of operation, a comprehensive review will be carried out by Spelthorne Borough Council in partnership with Knowle Green Estates Ltd., to report on the following:

- (a) Current residents still meeting the criteria
- (b) Demand for the key worker homes, including unit size
- (c) Void performance and management
- (d) Affordability of key worker homes

(e) Review of key worker definition based on implementation and priority groups

13.3 This review will inform a more embedded policy position on key worker housing in Spelthorne.