

Management Transfer

1. Introduction

Management transfer is a procedure that awards a high priority transfer status to a council tenant because of the tenant's exceptional circumstances which requires the tenant to move urgently out of their home and/or the area.

It is not designed as an alternative route to the transfer process and tenants need to be aware of this and that there are alternative remedies.

1.1 Policy

There are three circumstances where a management transfer would apply:-

- **Threats to life and limb:** A threat to life or limb occurs when a tenant, or member of the tenant's family who lives at the same address, is the victim of a threat of physical harm. A threat would be considered where it can be demonstrated that perpetrators have been physically engaged in actions aimed at causing personal injury to either the tenant or other persons residing with them and that a move is required. This can include physical damage to their property or belongings. In deciding if the threat is credible, we will consider any current or previous actions or patterns of behaviour displayed by the perpetrators. We will also consider where there is a continuous and escalating pattern of more severe threats to the tenant. In these situations, the combination of all previous incidents suggest that a serious threat, assault or other forms of physical harm is more likely to be carried out against the tenant or one or more members of the tenant's family who live at the same address.
- **Properties in need of major work:** This is when a property is in need of major work that cannot be reasonably carried out with the tenant in occupation. The tenant's individual circumstances will determine whether they could be expected to occupy the premises whilst the works are carried out.

At present, there are no permanent decants for works purposes as the Department retains a number of flats scheduled for demolition that are used for the purposes of temporary accommodation.

- **Council's interest** – Please refer to the Allocations Policy for applications under this part.

In all the above, the decision to award a management transfer status must be based on the principle of 'reasonableness to continue to occupy' as established in homelessness assessments.

Supporting Evidence

Where the tenant is able to supply supporting information and/or evidence to support their request, officers are required to give due consideration to them. However, the onus must not be placed on the tenant to supply the information required to assess the request for management transfer.

Officers are required to use all available resources to obtain relevant information needed to carry out adequate assessment of the request. In so doing, they should liaise with all relevant agencies e.g. Police, Adult/Children Services etc, where relevant.

Timeline

Bearing in mind that management transfer is only awarded upon acknowledgement that it is unsafe for a tenant to remain in their property and that an urgent move is required, a lengthy delay in securing alternative accommodation, calls into question the reason for the award in the first place. In addition, once the application has been approved, it should be clear that the tenant will not be returning to that property.

As a result, immediate temporary accommodation should be offered to the tenant, except where they can and are willing to make their own arrangements, and they should be required to submit an NTQ (four weeks), which closes the tenancy of their previous home.

All management transfer cases must be reviewed every month by the Housing Officer and their line manager. This ensures any change in circumstances is monitored and taken into account.

Areas of Choice

Tenants should be given the opportunity to choose their preferred areas and within reason, exclude certain areas where they might feel threatened. Where the choices and exclusions significantly reduce the possibility of re-housing within six months, officers should use their discretion and add other areas.

The safety of tenants is of paramount importance and they should not be re housed within the same area where there is a risk of violence. If a tenant insists on being offered alternative accommodation in the same area, then the reason for a management transfer is questionable and in these instances, they should be advised and assisted to obtain the legal remedies available to ensure their safety in their current home.

Rent Arrears/History of Arrears

The safety of the tenant and their household is of paramount importance and should supersede any arrears issues. This should not therefore be a reason to refuse a management transfer request. Having said that, an arrangement must be reached with the tenant on paying whatever arrears they have before they move.

Action against the cause of the move

With every decision made to award a management transfer status, there should be a clear action plan against perpetrator/s because, unless the problem is resolved, new tenants could be subjected to the same violence/harassment. In cases of domestic violence and where the victim is a joint tenant of the property, a notice to quit should be required from the victim which automatically brings the tenancy to an end. The perpetrator then becomes a trespasser and recovery of the property is obtained by a Possession Order.

Transfer Options

Priority – management transfer status awardees should be given priority equivalent to decants. This helps fulfil the urgent need to re-house.

Offers – with their priority status, management transfer awardees will be registered on MCIL and asked to bid in order to obtain a property of their choice. At the end of a six month period, a final offer should be made if the tenant has failed to secure a successful bid and/or has been bidding unreasonably.

Property Type – management transfer awardees are to be registered for a property that meets their needs. i.e. not like for like based on their current home.

Moves out of the Borough – we cannot offer applicants a transfer out of the Borough under the management transfer policy. Where a move out of the borough is requested or considered to be required, officers should consult with Housing Advice as to whether a reciprocal move can be arranged with the authority for the area that they wish to move to. For a reciprocal arrangement to be considered, the case must be determined to have merited a management transfer.

Decision Making

The decision to award a management transfer must be taken with regard to the Housing scheme of delegation.