Nomination and Data Sharing Agreement:

Bury Council &



NOMINATION AND DATA SHARING AGREEMENT

1.0 INTRODUCTION

- 1.1 This document sets out an Agreement between The Council of the Metropolitan Borough of Bury of Town Hall, Knowsley Street, Bury BL9 0SW ('The Council') and
- 1.2 The Agreement is in two parts. The first part details the process for nominating Council housing waiting list applicants into properties owned by The second part deals with the protocols for data sharing, to ensure that personal information shared with throughout the nominations process is secure and that has mechanisms in place to keep the data protected, in accordance with the Data Protection Act 1998 and the Human Rights Act 1998 & Common Law Duty of Confidentiality.
- 1.3 Activity under this Agreement will be reviewed quarterly by the Council.

NOMINATION AGREEMENT

2.0 BACKGROUND

- 2.1 The Nominations Agreement has been developed in accordance with the Housing Act 1996 (s170), The Homes and Communities Agency Framework for Social Housing in England 2012, the DCLG Code of Guidance for Local Authorities in England and the DCLG 2011-15 Affordable Homes Programme Framework. It applies to general needs, sheltered housing and adapted properties. Extra care and specialist supported accommodation will be dealt with separately through bespoke nomination agreements.
- As part of its duties and obligations as a housing provider under the Housing Acts 1985 and 1996, the Council is entering into this agreement to assist those people on the Council's Housing Waiting List with an alternative housing option and the ability to access at least 50% of all void/vacant properties in the Borough owned and managed by Registered Providers (RPs).
- 2.3 This Agreement provides for such a nominations arrangement with, in relation to properties currently owned by it and those that may be purchased or built by it throughout the duration of this agreement.

3.0 OVERVIEW

3.1 Under this arrangement, have agreed to give the Council 100% nomination rights to all new build properties in the Borough and at least 50% nomination rights on all vacant properties that are classed as 'true voids', in order to achieve a minimum 50% successful nomination rate. If the nomination rights on future lets differ, they must be reflected in a separate agreement/local lettings policy. Local

- lettings policies in respect of new build properties must be approved by the Council prior to implementation.
- 3.2 'True voids' are properties owned by that are vacant, except those specifically required for transfer, succession, mutual exchange or decant to facilitate major repairs and improvements where the tenants will be returning.
- 3.3 If a property cannot be let via nomination, the nomination will be recorded as unsuccessful, which will affect the target percentage. Accordingly, must give the Council nomination rights to more than 50% of its true voids, in order to achieve a minimum 50% success rate overall.
- 3.4 The properties offered for nomination must be a cross section of the various types of properties owned by which become vacant during the financial year, taking account of location, size and accessibility. They must include a selection of adapted properties.

4.0 THE NOMINATIONS PROCESS

- 4.1 General Needs and Sheltered Accommodation
- 4.1.1 When a property becomes available for let, must complete the 'Bury Home Options: Housing Association Property Advertising Request Form' at Appendix 1 and return it to the Council (via e-mail to nominations@bury.gov.uk) by 12 noon on a Monday, together with any existing local lettings policies. The property will be advertised the following Wednesday for 7 days. When a Bank Holiday Monday occurs the form must be returned to the Council on the following Tuesday by 12 noon. Properties will generally be advertised for 14 days during Christmas and Easter holiday periods.
- 4.1.2 Within two working days of the advertisement period ending, the Council will return the form to with details of up to six interested applicants (the nominees) from the Council's Housing Waiting List in priority order, according to the Council's Allocation Policy. The following information will be sent to via secure/password protected email:

Application number
Details of current/former rent arrears
Band and date band awarded
Full name(s)
DOB
Address
Contact number(s)
Medical needs yes/no

4.1.3 must give the Council a decision on the selected nominees within 10 working days of receipt of the form, using the reason codes provided at Appendix 3.

- 4.1.4 Where the property falls within an established local lettings scheme, applicants will not be nominated if they do not meet the appropriate criteria.
- 4.1.5 will, as far as possible, offer a property to the nominee(s) with the most priority in accordance with the Council's Allocation Policy.
- 4.1.6 must regard homeless applicants as a priority for re-housing. Close liaison between and the Council will be required as these applicants may be difficult to contact. If a homeless nomination is unsuccessful, a review of the reason(s) will be undertaken by senior officers at the Council.
- 4.1.7 If a property cannot be let via nomination, can either request that the property is re-advertised for let by the Council or, they may find a suitable applicant from their own waiting list. However, the nomination will be recorded as unsuccessful which will affect the overall successful nomination percentage.

4.2 Adapted properties

- 4.2.1 When an adapted property becomes available for let, must complete the 'Adapted Property Nomination Request Form' at Appendix 2 and return it to the Council (via e-mail to nominations@bury.gov.uk). Applicants will only be nominated if the adapted property is suitable for their needs.
- 4.2.2 The advertising process and procedures for selecting the nominees is set out in paragraphs 4.1.1 to 4.1.8 above.
- 4.3 Shared Ownership and Shared Equity
- 4.3.1 is expected to give the Council 100% nomination rights to all shared ownership and shared equity properties in the Borough.
- 4.3.2 These properties will be offered for sale in accordance with the Council's Affordable Housing Policy and Procedures.

5.0 MONITORING AND REVIEW

- 5.1 The Council will monitor all nominations to ensure that a 100% success rate is achieved on all new build properties and a minimum 50% success rate is achieved on all vacant properties classed as 'true voids'.
- 5.2 must complete the Council's 'Nomination Monitoring Form' (Appendix 4) at the end of each month, to reflect all lettings activity within the Borough and return it to the Council within 7 working days. If there is no activity during any particular month, a 'nil' return is requested for audit purposes.

5.3 The Council will record the outcomes of the nominations and an annual report will be sent to the organisation's Chief Executive at the end of each financial year.

6.0 EQUALITY & DIVERSITY

- 6.1 The Council is committed to equality of opportunity to promote diversity and combat discrimination on the basis of race, gender, age, religion/belief, disability, sexual orientation, gender reassignment, caring responsibilities, pregnancy and relationship status.
- 6.2 An Equality Analysis is attached at Appendix 5.

7.0 DATA SHARING AGREEMENT

- 7.1 The Council and recognise that in order to fulfill the requirements of this Agreement there is a need for the sharing of, access to, and the usage of personal data and personal sensitive data, as defined by the Data Protection Act 1998 ('the personal information') by both parties.
- 7.2 The Council and hereby agree that the personal information to be shared is that solely required for and limited to that which is reasonably required for the fulfilment of purposes set out within this Agreement, namely the identification and selection of nominees for appropriate social housing.
- 7.3 The personal information to be shared will be processed and stored solely for the purposes of and in accordance with the terms of this Agreement and will delete the said information in accordance with its data retention policies when the personal information is no longer required under this Agreement.
- 7.4 It is recognised that unless the law specifically requires or permits this, shared information will not be used for different purposes or further disclosed. Even where the law permits further disclosure, in line with good practice the originating data controller will be consulted first and depending on the circumstances, it may be necessary for the data subject to be informed of the disclosure.
- 7.5 The parties shall take appropriate technical, security and organisational measures against unauthorised or unlawful processing of the personal data and against accidental loss or destruction of, or damage to, personal data.
- 7.6 These protective measures will take account of the nature and sensitivity of the information and the harm that could potentially result if the shared information were to become compromised in line with the requirements of the seventh data protection principle.
- 7.7 Consistent with the 'need to know' principle, users shall only access shared information where this is authorised and necessary for their role.
- 7.8 The parties confirm that employees with role based access to shared data:
 - (i) are aware of the circumstances in which unauthorised access or inappropriate disclosure of personal information may give rise to:
 - Disciplinary measures if confidentiality is knowingly or recklessly processed in a manner in contravention of the law.
 - The commission of a criminal offence under s.55 of the Data Protection Act 1998 if unlawfully accessing or obtaining personal data.

- (ii) are subject to relevant employment vetting checks in line with legal requirements or recognised industry practice.
- 7.9 The parties shall ensure that users authorised to access shared personal information have received awareness training on data handling and information security.
- 7.10 This awareness training will include users' responsibilities for safeguarding confidentiality and the consequences if information is not secured or is used inappropriately.
- 7.11 The parties recognise that the point at which information is exchanged poses a specific security risk. The parties shall ensure that the method for exchanging personal information under this ISA is via secure/password protected e-mail only.
- 7.12 Where the purpose of the sharing means that shared information will become part of the receiving organisation's record for the individual concerned, organisations undertake to maintain an up to date retention and disposal schedule.
- 7.13 The parties shall ensure that the retention period for the shared information is documented within their respective organisations' retention and disposal policies.
- 7.14 Applicants will be informed about the sharing of their personal information each and every time they bid for a property under this Agreement.
- 7.15 Such sharing of personal information within the terms of this Agreement will at all times be in accordance with the general principles of confidentiality and:
 - (1) The Data Protection Act 1998 to be found at; http://www.legislation.gov.uk/ukpga/1998/29/contents
 - (2) Caldicott Principles:
 - (3) Bury Council's Information Governance Policies and Procedures to be found at http://intranet.bury.gov.uk/DataProtection/default.htm;
 - (4) The Human Rights Act 1998;
 - (5) Data Protection and Security Policies.
- 7.16 The Council and confirm that they are a data controller registered with the Information Commissioner's Office.

Their registration numbers are:

15

- 7.17 The Council and agree to indemnify all other partners and keep them fully and effectively indemnified against all direct losses, claims, damages, liabilities (whether criminal or civil), costs, charges, expenses (including legal fees and costs), demands, proceedings and actions which all, or any of the other partners may incur or which may be established against them by any person and which in any case arises out of:
 - Any breach by the indemnifying partner, its servants or agents of any of the provisions of this Agreement;
 - Any processing by the indemnifying partner, its servants or agents of personal data received, for purposes other than the originating purpose, or
 - Any breach of the indemnifying partner, its servants or agents of any law in respect of its processing of personal data received by reason of a disclosure made by another partner;
 - and to mitigate against all losses which it may incur.

NOMINATION AND DATA SHARING AGREEMENT BETWEEN:

THE COUNCIL OF THE METROPOLITAN BOROUGH OF BURY TOWN HALL KNOWSLEY STREET BURY BL9 OSW

AND

Signed on behalf of The Council of the	
Print name	
Date	
Signed on behalf of	
Print name	
Date	

APPENDIX 1

BURY HOME OPTIONS: HOUSING ASSOCIATION PROPERTY ADVERTISING REQUEST FORM

Housing Association details (including contact email address, telephone number and organisation's logo)	
Address of property (including postcode)	
Property Type (including number of bedrooms)	
Rent per week (and service charge if applicable)	
Council Tax Band	
Allocation Criteria – if applicable(i.e. single people, couples, 55+ etc.)	
Location of property and description of local area, including amenities.	
Additional Information (e.g. property not suitable for wheelchair users)	
Pets allowed? (Yes/No)	
Sheltered? (Yes/No)	
Lift? (Yes/No)	
Date property advertised	
Date nominations sent to Housing Association	

Please email to: nominations@bury.gov.uk

If you wish to discuss this nomination request further, please contact the Housing Choices
Contact Team on 0161 253 5251

FORM TO BE SENT NO LATER THAN 12PM ON A MONDAY – PROPERTY ADVERTISED FOLLOWING WEDNESDAY



	1 st Applicant	2 nd Applicant	3 rd Applicant
Application number			
Surname			
Forename			
DOB			
Address			
Contact Number			
Band and date band awarded			
Stat Homeless			
Current /Former tenant arrears			
Medical needs yes/no			
Any further information			
Date of offer			
Successful or unsuccessful?			
Reason for decision (using reason codes provided)			
Date of refusal or acceptance			

	4 th Applicant	5 th Applicant	6 th Applicant
Application number			
Surname			
Forename			
DOB			
Address			
Contact Number			
Band and date band awarded			
Stat Homeless			
Current /Former tenant arrears			
Medical needs yes/no			
Any further information			
Date of offer			
Successful or unsuccessful?			
Reason for decision (using reason codes provided)			
Date of refusal or acceptance			

APPENDIX 2

ADAPTED PROPERTY NOMINATION REQUEST FORM

Housing Association details (including contact email address, telephone number and	
organisation's logo)	
Address of property (including postcode)	
Property Type (including number of bedrooms)	
Rent per week (and service charge if applicable)	
Council Tax Band	
Allocation Criteria – if applicable (i.e. single people, couples, 55+ etc.)	
Location of property and description of local area (including amenities)	
Additional Information (e.g. property not suitable for wheelchair users)	
Adaptation Information (Detailed information regarding the adaptation in the property and the suitability criteria)	
Pets allowed? (Yes/No)	
Sheltered? (Yes/No)	
Lift? (Yes/No)	
Date property advertised	
Date nominations sent to Housing Association	

Please email to: nominations@bury.gov.uk

If you wish to discuss this nomination request further, please contact the Housing Choices

Contact Team on 0161 253 5251



	1 st Applicant	2 nd Applicant	3 rd Applicant
Application number			
Surname			
Forename			
DOB			
Address			
Contact Number	•		
Band and date band awarded			
Stat Homeless			
Current /Former tenant arrears			
Medical needs yes/no			
Any further information			
Date of offer			
Successful or unsuccessful?			
Reason for decision (using reason codes provided)			
Date of refusal or acceptance			

	4 th Applicant	5 th Applicant	6 th Applicant
Application number			
Surname			
Forename			
DOB			
Address			
Contact Number			
Band and date band awarded			
Stat Homeless			
Current /Former tenant arrears			
Medical needs yes/no			
Any further information			
Date of offer			
Successful or unsuccessful?			
Reason for decision (using reason codes provided)			
Date of refusal or acceptance			

APPENDIX 3 - REASONS CODES

CODE	DESCRIPTION				
ACCEPT	Property was accepted by the applicant(s).				
AREA	Applicant(s) is not interested in the area.				
ARREARS	Applicant(s) has rent arrears.				
GROUND	Applicant(s) requires a ground floor property.				
HIGH	Property has been offered to a higher placed applicant(s).				
LIKE	Applicant(s) does not like the property.				
MED	Property unsuitable due to the applicant's disability.				
MOVED	Applicant(s) is no longer at this address or contact telephone number was unobtainable.				
NOCON	RP unable to contact the applicant(s) or applicant(s) did not contact the RP.				
NOINT	Applicant(s) did not attend the interview arranged.				
NOLON	Applicant(s) no longer requires re-housing.				
NOREF	Applicant(s) was unable to provide references.				
NOTRE	Applicant(s) is not ready to move.				
PET	Applicant has a pet(s). Pets are generally not allowed at the property.				
RENT	Rent is too expensive for the applicant(s).				
SIZE	Property unsuitable due to size.				
SHELT	Applicant(s) do not want sheltered accommodation.				
TYPE	Property unsuitable due to type.				
UNSAT	Unsatisfactory references received.				

APPENDIX 4 - NOMINATION MONITORING FORM

Bury Council

NAME OF HOUSING ASSOCIATION:

MONTHLY NOMINATIONS MONITORING FORM (CHOICED BASED LETTINGS)

BILLIAN
COUNCIL

<u>H</u>												COUNC	COUNCIL			
<u></u>				April 2013												
			A		В		С		D		E		F		G	
	Property Adapted?		of voids in this		of true voids* in month	throug	erties advertised gh CBL	expression	erties where the le to provide s of interest	where nomi	es in this month inations were eessful	where nomi	ies in this month inations were scessful		of nomination	
Type of Property	Yes/No	Social Rent	Affordable Rent	Social Rent	Affordable Rent	Social Rent	Affordable Rent	Social Rent	Affordable Rent	Social Rent	Affordable Rent	Social Rent	Affordable Rent	Social Rent	Affordable Re	
House																
1 Bed																
2 Bed																
3 Bed																
4 Bed																
5 Bed +																
Bungalow																
1 Bed																
2 Bed																
3 Bed																
Flat																
1 Bed																
2 Bed																
3 Bed																
Maisonette																
1 Bed																
2 Bed																
3 Bed																
Other (please specify)																
Total		0		_												
l otal		0,	0	0	0	0	0,	0	0	C	0	· · ·	0			

^{*} true lets refers to the number of lets once the number of internal transfers have been taken away.

ADDRESSES OF SUCCESSFUL AND UNSUCCESSFUL PROPERTIES THIS MONTH							
SUCCESSFUL	UNSUCCESSFUL						
17							

APPENDIX 5 - EQUALITY ANALYSIS



EQUALITY ANALYSIS FORM

THE FOLLOWING QUESTIONS WILL DOCUMENT THE EFFECT OF YOUR SERVICE OR PROPOSED POLICY, PROCEDURE, WORKING PRACTICE, STRATEGY OR DECISION (HEREAFTER REFERRED TO AS 'POLICY') ON EQUALITY, AND DEMONSTRATE THAT YOU HAVE PAID DUE REGARD TO THE PUBLIC SECTOR EQUALITY DUTY.

1. RESPONSIBILITY

Department	Communities and Wellbeing		
Service	Housing Choices Contact Team		
Proposed policy	Nomination and D	ata Sharing Agreement between Bury	
	Council and Registe	red Providers – October 2014	
Date	01.10.14		
Officer responsible	Name	Jackie Summerscales	
for the 'policy' and	Post Title	Principal Officer – Housing Strategy &	
for completing the	Enablement		
equality analysis	Contact Number 0161 253 7652		
	Signature	JA Summonscales	
	Date 01.10.14		
Equality officer	Name	Mary Wood	
consulted	Post Title	Principal Officer - Equalities	
	Contact Number	0161 253 6795	
	Signature	and all	
	31/2014		
	Date 29 th October 2014		

2. AIMS

What is the purpose	The Nomination and Data Sharing Agreement has been
of the	developed in accordance with Government guidance, to
policy/service and	help meet housing need in the Borough.
what is it intended	
to achieve?	It sets out the nomination arrangements between Bury Council and Registered Providers (RPs) (also known as Housing Associations) who own or manage social rented accommodation in the Borough.
	In accordance with the Agreement, RPs are obliged to give the Council 100% nomination rights to all new build properties and at least 50% nomination rights on all vacant properties that are classed as 'true voids', in order

to achieve a 50% successful nomination rate.

The properties offered for nomination must be a cross section of the various types of properties owned/managed by the RP which become vacant during the financial year, taking account of location, size and accessibility. They must include a selection of adapted properties.

Properties are advertised on Bury Home Options for Council Housing Waiting List applicants to express an interest in. Applicants are nominated to RPs in priority order in accordance with the Council's Allocation Policy.

Extra care and specialist supported accommodation will be dealt with separately through bespoke nomination agreements.

The Agreement includes data sharing protocols between the Council and RPs to ensure that personal information shared between the parties for the purpose of nominating to and allocating social housing is protected and deleted in accordance with general principles of confidentiality, the Data Protection Act 1998 and other relevant legislation and policies etc.

Who are the main stakeholders?

Bury Council:

- Housing Choices Contact Team
- Housing Assessment Team
- Accommodation Team
- Urban Renewal

All 19 Registered Providers operating in the Borough:

- Abbeyfield (Bury)
- AKSA
- ARCON
- Anchor
- Alpha
- Contour Homes
- Guinness Northern Counties
- Great Places Housing Group
- Harvest
- Housing 21
- Irwell Valley
- "Johnnie" Johnson Housing
- MUIR
- Places for People
- Prestwich & North Western Housing Association
- Regenda
- Sanctuary
- Six Town Housing

 St Vincent's Housing Association
Applicants on the Council's Housing Waiting List and the Affordable Housing Waiting List Homes and Communities Agency (HCA) Elected Members Residents of the Borough

3. ESTABLISHING RELEVANCE TO EQUALITY

3a. Using the drop down lists below, please advise whether the policy/service has either a positive or negative effect on any groups of people with protected equality characteristics.

If you answer yes to any question, please also explain why and how that group of people will be affected.

Protected equality characteristic	Positive effect (Yes/No)	Negative effect (Yes/No)	Explanation
Race	Yes	No	The Agreement will help improve access to a range of social rented accommodation in the Borough. It takes account of size, design and location of housing to meet the needs of different BME groups.
Disability	Yes	No	The Agreement allows the Council to nominate suitable applicants to adapted properties that meet their needs and has the potential to increase the housing options available to this group.
Gender	No	No	
Gender reassignment	No	No	
Age	Yes	No	A number of RP's in the Borough provide housing specifically for older people which will help to increase the range of social housing for this group.
Sexual orientation	No	No	
Religion or belief	Yes	No	The Agreement will help to increase the range of housing options available to meet specific housing needs.

Caring responsibilities	Yes	No	The Agreement has a potentially positive impact on carers, in terms of carers being able to move to homes better suited to their caring responsibilities.
Pregnancy or maternity	Yes	No	The Agreement will potentially increase the range of housing options available to people who are pregnant or have young families to help meet their housing needs.
Marriage or civil partnership	No	No	

3b. Using the drop down lists below, please advise whether or not our policy/service has relevance to the Public Sector Equality Duty. If you answer yes to any question, please explain why.

General Public Sector Equality Duties	Relevance (Yes/No)	Reason for the relevance
Need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	No	
Need to advance equality of opportunity between people who share a protected characteristic and those who do not (eg. by removing or minimising disadvantages or meeting needs)	Yes	The Agreement provides the mechanisms to help meet the specific housing needs of customers with certain protected equality characteristics, by increasing the range of social housing options available to them, thus preventing them from being excluded from accessing social housing due to design or accessibility.
Need to foster good relations between people who share a protected characteristic and those who do not (eg. by tackling prejudice or promoting understanding)	No	J. Control of the con

If you answered 'YES' to any of the questions in 3a and 3b

Go straight to Question 4

If y	ou answered 'NO' to all of th	е
	questions in 3a and 3b	

Go to Question 3c and do not answer questions 4-6

3c. If you have answered 'No' to all the questions in 3a and 3b please explain
why you feel that your policy/service has no relevance to equality.

4. EQUALITY INFORMATION AND ENGAGEMENT

4a. For a <u>service plan</u>, please list what equality information you currently have available, <u>**OR**</u> for a <u>new/changed policy or practice</u> please list what equality information you considered and engagement you have carried out in relation to it.

Please provide a link if the information is published on the web and advise when it was last updated?

(NB. Equality information can be both qualitative and quantitative. It includes knowledge of service users, satisfaction rates, compliments and complaints, the results of surveys or other engagement activities and should be broken down by equality characteristics where relevant.)

Details of the equality information or engagement	Internet link if published	Date last updated
Discussion at the Council's HALG (Housing Association Liaison Group) meeting. HALG has representatives from all 19 RPs operating in the Borough.		
Consultation with staff from Communities & Wellbeing including the Housing Choices Contact Team, Performance & Housing Strategy Team, Housing Assessment Team, Urban Renewal and the Accommodation Team.		

Census 2011 – demographic breakdown of the Borough.	
Housing Strategy 2014 -2024	
Housing Act 1996 (s170)	
HCA – Framework for Social Housing in England	
2012	
DCLG Code of Guidance for LAs in England	
DCLG 2011-15 Affordable Homes Programme –	
Framework	
Caldicott Principles	
Data Protection Act 1998	
Human Rights Act 1998	
Bury Council Information Governance Policies and	
Procedures	
Housing Waiting List – demographic analysis	

4b. Are there any information gaps, and if so how do you plan to tackle them?

N	O	
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5. CONCLUSIONS OF THE EQUALITY ANALYSIS

What will the likely overall effect of your policy/service plan be on equality?	The overall effect of the Agreement is likely to be positive as it will help increase the range of housing options available to meet the specific housing needs of people on the Housing Waiting List.
If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?	
Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.	
What steps do you intend to take now in respect of the implementation of your policy/service plan?	Agreement to and signing of the individual Agreements by each RP and the Council. On-going operation of the nominations process. Monthly monitoring of nominations.

6. MONITORING AND REVIEW

If you intend to proceed with your policy/service plan, please detail what monitoring arrangements (if appropriate) you will put in place to monitor the ongoing effects. Please also state when the policy/service plan will be reviewed.

Activity under the Agreement will be reviewed monthly by the Housing Choices Contact Team. A report will be sent to the Chief Executive of every RP at the end of Quarter 4 each year.

The Agreement will be a live document that is continuously reviewed. The intention is to look at a re-write within five years.

COPIES OF THIS EQUALITY ANALYSIS FORM SHOULD BE ATTACHED TO ANY REPORTS/SERVICE PLANS AND ALSO SENT TO THE EQUALITY INBOX (equality@bury.gov.uk) FOR PUBLICATION.