**Item 4**

**North Yorkshire, York and East Riding Housing Board**

**20th September 2022**

**North Yorkshire Home Choice Lead Partner**

1. **Purpose of the Report**

This report sets out the implications of City of York’s decision to leave the North Yorkshire Home Choice Partnership and recommends that Districts accept an ‘in-principle’ offer from Broadacres (subject to the issues highlighted) to take on the lead partner role as an interim measure up to the creation of the new Housing Authority in April 2023.

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**2 Background**

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2.1 The Home Choice partnership and shared allocation scheme has successfully operated for over 10 years. All Districts (bar Harrogate) and their respective LSVT RP partners are members of this partnership.

2.2 Since its inception City of York have taken on the role as lead partner. York have stated their intention to give notice to the partnership from the end of August 2021 with a view to going live with their own new and separate allocations scheme from Spring 2022 (6 month notice period).

2.3 This report sets out the implications of York’s decision and highlights the key elements of the Lead Partner role.

2.4 The report sets out options going forward and seeks views on an offer from Broadacres to act as Lead Partner going forward up to the creation of the new Housing Authority in April 2023.

**3 The Lead Partner Role**

3.1 An extraordinary meeting of the Home the Home Choice Board was convened on 11 August following on from the LGR announcement and York’s decision to leave the partnership. At this meeting all partners again stated their on-going commitment to Home Choice and a strong desire to keep the partnership in place up to the point of LGR.

3.2 The Boards view is that the policy and approach to allocations through Home Choice works well and is fit for purpose. Whilst understanding that the new authority may longer term wish to review future policy and arrangements going forward and that the position regarding Harrogate shall need to be resolved, the view of the Board is that the existing partnership offers a strong and existing countywide model that at the very least needs to be sustained up to the point of where the new authority is established in April 2023.

3.3 In order to sustain the partnership, the Board considered the key elements of the Lead Partner Role that are essential to holding the partnership together. These are:

1. Chairing the quarterly Board Meetings and Operational Group Meetings and providing administrative support to the meetings.
2. Employing the Co-ordinator
3. Acting as banker for the budget the budget and finances including the annual invoicing of partners and the invoicing and receipting of RPs for lettings undertaken via the system
4. Providing legal advice on policy changes and holding all relevant legal documents for the partnership
5. Providing governance support on issues such as date sharing and privacy notices
6. Leading on liaison with the current IT provider CIVICA including the reporting of faults and supporting the management of installations and upgrades.
7. Co-ordinating he Review Panels and ensuring that reviews and complaints are dealt with effectively
8. Co-ordinating activity between partners to ensure consistency and organising training as needed.

**4. Future Options**

4.1 The Lead partner role is clearly essential as it acts as the glue that hold the partnership together. The role provides the single voice and leadership needed. It provides a host of ‘back office’ functions and employs the coordinator. York have performed this role with distinction over the years however they are leaving the partnership. Remaining partners need to decide the best option going forward to sustain the partnership.

4.2 Options could include one partner stepping up to take on all of most of the functions or different functions being shared out between different partners.

4.3 Further to the Home Choice Board meeting Broadacres have made an ‘in-principle’ offer to take on this role.

It is understood that this offer is subject to:

1. The partnership being sure that this is lawful, e.g. an RP taking on the lead partnership role within a partnership that helps perform a statutory function for the respective housing authorities
2. Pension and TUPE issues concerning the employment of the co-ordinator can be resolved.

4.4 Whilst legal documentation shall need to be updated including the partnership agreement and MOU, it is not anticipated that an RP partner taking on a lead role within the partnership is likely to cause a problem. As per existing arrangements the statutory duty for allocations sits with each respective LA (and some Councils have separate agency agreements with their LSVT partners around the delivery of this statutory function that would not be impacted by this change). The partnership helps to facilitate a single policy approach it does not perform the duties of an LA.

4.5 The mechanics of employing the co-ordinator however may be more problematic. It is accepted by the Board that this post is both essential and is protected under TUPE. A new employer is needed for this role. The post is currently employed by York and falls under the LGPS. Under TUPE a ‘broadly similar pension’ would need to be offered and this may not be possible should a transfer to Broadacres be made.

4.6 As first step the LGPS pension would need to be compared to the Broadacres pension to determine whether it is broadly similar. If it is not then a further option could be that an LA partner takes on the employment responsibilities (thus affording the employee a continuation of existing pension arrangements) but that the day to day line management of the employee is taken on by Broadacres. Whilst the employing LA would have full employment responsibilities and liabilities these could be discharged via a secondment agreement.

4.7 Whilst there is a willingness from each partner to take an elements of the role as an interim measure it is accepted that this approach would not be ideal (and could be disjointed). The offer from Broadacres is timely and appreciated.

**5 Recommendations**

It is recommended that CHOG accepts the offer from Broadacres subject to resolution of the legal and pension issues highlighted and that the Home Choice Board is instructed to support as needed both Broadacres and York to ensure the smooth transition of this role.

**Andrew Rowe**

**Head of Housing**

**Scarborough Borough Council**