



Gateway to Homechoice Allocation Policy

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Glossary of Terms

Affordable Rent	Local Authority or Registered Provider accommodation let at a higher rent level compared to social rent, normally up to 80% of market rent levels.
ALMO	Arms Length Management Organisation is a not-for-profit company that manages the housing stock and provision of housing services on behalf of a Local Authority. Ownership of the housing stock remains with the Local Authority.
Applicants	People who apply to join the housing register who are seeking access to Local Authority or Registered Providers properties for rent or low cost ownership.
Bidding	Bidding is a term used to describe the method by which an applicant expresses their interest in an available social rent property through the Gateway to Homechoice CBL scheme.
Choice Based Lettings (CBL)	CBL is a lettings system for social housing. Properties are openly advertised and applicants are able to express their interest and choice for the properties they would like to live in.
Decant	Decant is a term applied to existing tenants of Local Authority or RP accommodation who are moved into alternative Local Authority/RP accommodation, in order for repairs or improvements to be carried out.
Fixed Term and Flexible Tenancies	'Fixed term' tenancies are used by some RPs. 'Flexible' tenancies are used by some Local Authorities. Both types of tenancy are for a fixed period of time (normally 5 years).

Housing Register	The housing register is a list of applicants who are interested in being considered for social housing. Eligible applicants are able to apply to join the housing register and will be prioritised based on their need for social housing.
Large Scale Voluntary Transfer – (LSVT)	Large Scale Voluntary Transfer refers to Local Authorities that have transferred their housing stock to a RP. The RP owns the housing stock and is responsible for overall management and provision of housing services. The RP will advertise their housing stock through the Gateway to Homechoice CBL scheme.
Partner Organisation – (PO)	The term PO refers to the eight Local Authorities or RPs participating in the scheme.
Registered Provider – (RP)	RP are private, non-profit making organisations who provide low cost social housing. Sometimes RPs can be referred to as Housing Associations.
Social Housing	Social housing is a term used to describe accommodation owned and managed by Local Authorities and Registered Providers. This includes accommodation let on social rent and affordable rent levels.
Social Rent	Local Authority or RP accommodation let at a lower rent level compared to affordable rent or market rent.
Stock Holding Local Authority	Stock holding refers to Local Authorities who have a housing stock and are responsible for the overall management and provision of housing services. Stock holding Local Authorities will advertise their housing stock through the Gateway to Homechoice CBL scheme.
TIS	Tenants Incentive Scheme is an incentive scheme provided by Local Authorities and RPs aimed at existing social housing tenants within the Gateway to Homechoice area, who wish to downsize into smaller sized social housing.

Key terminology used in this document

Throughout this document we will use some set terminology. This includes the following:

- The sub-regional housing register and choice based lettings scheme will be referred to as the Gateway to Homechoice sub-regional scheme or the scheme.
- The allocation policy will be referred to as the policy
- Local Authority and RP accommodation available for rent will be referred to as social housing (this includes properties let on social rent and affordable rent levels).
- People seeking access to Local Authority and RP accommodation (available for rent or low cost ownership) will be referred to as applicants.
- Local Authorities who participate in the Gateway to Homechoice scheme will be referred to as partner organisations (POs).
- Applications will be assessed and given a priority band based on their housing needs. Under the scheme, there are five priority bands, ranging from Band A – E. This priority band award will be referred to as “Band A, Band B, Band C, Band D or Band E”.

The scheme's aims

Fairness

Our aim is to:

- Ensure the widest possible access to housing by offering choice of accommodation, whenever possible: this includes options in the private sector.
- Give applicants the opportunity to express preferences whenever possible, whilst allowing us to meet the local needs of each Local Authority in the sub-region.
- Prevent discrimination on the grounds of race, religion, sex or marital status, sexual orientation or disability.
- Write our publications in plain English and offer translations, large print or a reading service where needed, to help applicants make an informed housing choice.

Excellence

Our aim is to:

- Be courteous and efficient.
- Respond to the needs of our customers and our partners and ensure the views of our customers are heard.
- Set out clear standards for services so that everyone knows what to expect
- Provide applicants with advice regarding access to social housing and other housing options, both over the phone and in person.
- Direct applicants to the appropriate team or agency where specialist advice is required e.g. housing advice or welfare rights services.
- Meet our legal and strategic requirements, whilst considering the needs of the local community.
- Confirm in writing any decision made in relation to an application for housing.
- Ensure decisions reflect the policy and are consistent and transparent

Applicant responsibilities

The scheme aims to proactively work with applicants. An applicant's responsibilities are to:

- Provide full and accurate details on a housing application. This will include full and accurate details in all correspondence.
- Tell us immediately if your circumstances change in any way.
- Respond to requests for information.
- Make a decision on viewed properties within the specified time scale agreed with the landlord.

1. Introduction to Gateway to Homechoice

1.1. Background information

- 1.1.1. Gateway to Homechoice is a sub-regional scheme (known as “the scheme”) consisting of a single housing register and a choice based lettings system for allocating social housing.
- 1.1.2. Gateway to Homechoice is an online scheme and can be accessed at www.gatewaytohomechoice.org.uk.
- 1.1.3. The scheme operates in the Greater Haven Gateway sub-region. The Greater Haven Gateway sub-region includes the Local Authority areas of Babergh, Braintree, Colchester, Ipswich, Maldon, Mid Suffolk, Suffolk Coastal and Tendring.
- 1.1.4. Waveney District Council is not officially part of the Greater Haven Gateway sub-region, but has joined the scheme.
- 1.1.5. Tendring District Council is part of the Greater Haven Gateway sub-region, and has opted not to join the scheme.
- 1.1.6. The scheme was introduced in April 2009. The scheme and its allocation policy were fully reviewed in 2012.

1.2. Partnership arrangements for the scheme

1.2.1. There are eight Local Authorities participating in the scheme. Throughout this document, the Local Authority partners will be referred to as “partner organisations (POs)”.

1.2.2. The POs who participate in the scheme are listed below, along with information of each POs housing arrangements.

PO Name	Housing Arrangements
Babergh District Council	Stock Holding
Braintree District Council	LSVT Transferred their housing stock to Greenfields Community Housing.
Colchester Borough Council	ALMO Management of their housing stock is undertaken by Colchester Borough Homes.
Ipswich Borough Council	Stock Holding
Maldon District Council	LSVT Transferred their housing stock to Moat Homes Ltd.
Mid Suffolk District Council	Stock Holding
Suffolk Coastal District Council	LSVT Transferred their housing stock to Flagship
Waveney District Council	Stock Holding

1.2.3. For POs contact details, please refer to Appendix 1

1.2.4. Within each PO area, there are also Registered Providers (RPs). Where nomination agreements exist with POs, the RPs will advertise their vacant social housing through the scheme.

1.2.5. The scheme operates with:

- one shared IT system for the eight PO areas
- a single housing register of housing need for the eight PO areas
- one common allocation policy for the eight PO areas

- 1.2.6. The POs use a common allocation policy (known as “the policy”), to assess applications and allocate social housing. There may be local variations in order to make the best use of social housing, in which case, the POs will ensure that advertised properties are clearly labelled. (For further information, please refer to sections 7.1, 7.2 and 10.1 of this document).

1.3. Governance arrangements for the scheme

- 1.3.1. The scheme is subject to a sub-regional agreement. This agreement ensures the scheme is kept up to date and meets national best practice.
- 1.3.2. The scheme is managed by a Project Board, made up of Housing Managers from the participating POs and RPs.
- 1.3.3. The Project Board will contribute to monitoring, developing, funding and making policy decisions about the scheme.

1.4. Housing Register

- 1.4.1. The housing register is a single register of housing need for the PO areas.
- 1.4.2. The housing register is the way in which all applicants must apply for social housing.
- 1.4.3. The housing register provides POs with information on housing needs and this information is used as part of the planning and development of new affordable housing.
- 1.4.4. The demand for social housing is greater than levels of available social housing. The housing register exists to enable the POs to prioritise households who are in the greatest housing need and to maximise their opportunities for re housing.

1.5. The Allocation Policy

1.5.1. The scheme's allocation policy sets out the following aspects for the scheme:

- The objectives of the scheme
- How the housing register operates
- Who is eligible to join or remain on the register and be considered for social housing
- How housing need is assessed
- How social housing is let in the sub-region
- How the sub-regional scheme operates

1.6. A summary of the objectives of the scheme

1.6.1.1. To meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) Part VI as amended by the Homeless Act (2002) and the Localism Act 2011.

- The POs will ensure the scheme's allocation policy complies with all legislative requirements, related legislation, case law, local policies and Local Authority and sub-regional strategies.

1.6.1.2. Provide a single system of choice in housing across the whole sub-region

- The POs will develop the policy in accordance with the principles set sub-regionally.
- All assessments of need and allocations will be made according to the agreed allocation policy.
- The scheme will provide applicants with choice and involvement in selecting the home and area in which they wish to live. This includes selecting the property type, location and tenure arrangements. Exceptions will apply for some groups, for further information, please see sections 8.3 and 8.4.
- The scheme aims to provide applicants with sufficient information to allow them to make informed choices about their housing options.
- The scheme also has the Housing, Help and Work Advice tool that can give information on range of housing options, for example, information on social housing, shared ownership, private renting and mutual exchanges. The tool also signposts applicants to appropriate services and

support agencies in their chosen PO area. Access to this tool can be found via the homepage of the scheme's website.

1.6.1.3. Produce a system that is easy to understand, open and fair

- To ensure consistency, fairness and transparency, the scheme will:
 - enable applicants to easily join the scheme
 - provide information and advice so applicants can understand the housing assessment and allocation processes
 - enable applicants to access their housing application so they can make updates (as appropriate) and access details of their priority award
 - clearly label properties to be advertised
 - ensure robust governance arrangements through the scheme's Project Board
 - maintain a consistent review process
 - carry out regular performance monitoring
 - work according to a single allocation policy based on common principles
 - work according to detailed procedures for needs assessment and allocations
 - provide comprehensive feedback on properties let through the scheme

1.6.1.4. Increase the sustainability of local communities

- Properties may be advertised with criteria aimed at improving long-term stability of a community.

1.6.1.5. Facilitate genuine opportunities for mobility across the sub-region

- In order to maximise choice and mobility opportunities for applicants, each PO will advertise their properties to applicants who have a local connection to any of the eight PO areas. Exceptions will apply for some groups, for further information, please see sections 8.3 and 8.4.
- In cases where an applicant successfully moves to a PO area where they have no established local connection, the move will be referred to as a "cross border let".
- Applicants with no connection to the sub-region will still be able to join and participate in the scheme, but they will not be given the same degree of priority as applicants with an established local connection. (Applicants with no connection to the sub-region will be given one priority band lower than if they had a local connection to the sub-region).

1.6.1.6. Meet local housing need

- In some areas, properties will be restricted to people with a close local connection to a village. This is because special planning laws have been used to develop these properties. In such cases, properties will be clearly advertised to show that a local connection rule applies.
- To ensure the scheme continues to meet local housing need levels, the POs levels of inward and outward migration and cross border lets will be monitored quarterly.

This monitoring will include analysis of the number of properties let by property type and size. If a PO's inward migration exceeds outward migration levels significantly, the Project Board will apply a local connection restriction to the affected property type and size. In such circumstances, it will mean the restricted properties will only be available to applicants who have an established local connection to that PO area.

1.6.1.7. To assist in minimising homelessness and assist applicants with the highest assessed need

- As demand for social housing exceeds supply levels, the scheme is designed so applicants in the greatest housing need are prioritised for social housing.
- All applicants will have their housing needs assessed. Each application will be given a priority banding award, which reflects the applicant's current housing circumstances.
- The needs assessment process (through the priority bands), will take account of the reasonable preference criteria outlined in the Housing Act (1996) as amended by the Homelessness Act (2002).
- Properties will generally be let to the applicant who:
 - has the highest level of housing need,
 - has been waiting the longest,
 - has expressed an interest in the property
 - meet any specific criteria for the property (e.g. local connection)
- All statutory homeless applicants will be assessed for social and private rent opportunities, in accordance with the sub-regional policy for discharging duties to statutory homeless applicants. (For further information, please refer to Appendix 2).

1.6.1.8. To ensure that vulnerable applicants are supported

- The POs will ensure appropriate support is available for anyone experiencing difficulties in accessing or using the scheme.
- A number of measures are available to ensure that vulnerable applicants are not disadvantaged. These include:
 - Providing appropriate advice and assistance
 - Translating documents on request
 - Providing information in other formats on request
 - Partnership working with support agencies
 - Producing and publishing a sub-regional vulnerable people strategy
 - Undertaking monitoring and regular reviews of the allocation policy
 - Records of applicants who due to their vulnerability, require additional help
 - Monitoring systems to ensure that vulnerable groups are successfully using the scheme and not disadvantaged by the scheme

1.6.1.9. Aim to provide a complete housing options service to increase opportunity for all

- The scheme has been developed to enable applicants to consider all their housing options.
- In conjunction with the scheme's Housing, Help and Work Advice tool, applicants can view a range of housing options, which include:
 - Available social housing from POs and RPs operating in the sub-region.
 - Low cost home ownership and intermediate housing.
 - Mutual exchange opportunities (via the House Exchange at www.g2h.houseexchange.org.uk).
 - Private rent accommodation.

1.6.1.10. Ensure the scheme allows POs to make the best use of properties

- Properties with adaptations or properties specifically developed for someone with a disability will usually be advertised through the scheme.
- Due to the shortage of adapted properties, POs will give preference to households who require an adapted property/specific type of adaptation.

- Adapted properties will be clearly labelled in the property advertisement, giving details of the adaptations. In addition, the property advertisement will give details of which groups will be eligible to express an interest (bid) or be given preference.

1.7. Summary of how the scheme will operate

- 1.7.1. The scheme's website has information on how to make an application and bid for available properties. This includes a detailed online demonstration of how the scheme works.
- 1.7.2. Anyone can apply to join the scheme by completing an on-line application.
- 1.7.3. Applications should be made to the PO area where the person is currently living.
- 1.7.4. If an applicant does not currently live in any of the PO areas, they should apply to the PO area where they hold a local connection.
- 1.7.5. If an applicant does not have a local connection to any of the eight POs, they should apply to the PO where they wish to live.
- 1.7.6. The holding PO will be responsible for the application.
- 1.7.7. Applications will be assessed to ensure the applicant is eligible to join the housing register.
- 1.7.8. Applicants who join the housing register are placed in one of five priority bands. The band will reflect the applicant's assessed need for housing.
- 1.7.9. Applicants who join the housing register will be given a bedroom entitlement. This will be the assessed number of bedrooms needed by the household. Applicants will be able to bid on properties that meet their household requirements (also referred to as "eligible properties").
- 1.7.10. Some applicants may be assessed for a particular property type based on their assessed housing needs e.g. properties with adaptations. Applicants will be able to bid on their eligible properties.
- 1.7.11. Most vacant properties will be advertised in a weekly cycle via the scheme's website.

- 1.7.12. Applicants can only express an interest for eligible properties. In order to be considered for a property, applicants must meet the labelling criteria specified in the property advertisement.
- 1.7.13. Applicants may express an interest for two eligible properties in each weekly bidding cycle.
- 1.7.14. If an applicant has a local connection with other POs in the scheme, the holding PO may make further checks and enquiries.
- 1.7.15. Applicants may express their interest in a property by using one of the following methods:
- Placing a bid via their Gateway to Homechoice account
 - Using the Interactive telephone service (0845 2700724)
 - Visiting or contacting a local PO office (in person, by email or telephone)
 - Using an advocate
 - Assisted bidding. By arrangement, the PO can place bids on behalf of applicants for suitable properties, in the areas of their choice. This option will only be available to vulnerable applicants or applicants experiencing difficulties in participating in the scheme.
- 1.7.16. Once the bidding cycle has finished, a shortlist of applicants interested in the property will be generated by the IT system.
- 1.7.17. The policy is used to determine which applicants are prioritised from the shortlist.
- 1.7.18. Feedback on successful lettings is provided through the scheme's website. This will include the priority band of the successful applicant and their effective date. The feedback will not include any personal information relating to the successful applicant.

2. Review of the scheme

- 2.1.1. The Project Board, comprising of representatives from the POs and RPs, will meet quarterly to monitor the scheme and manage any changes required.
- 2.1.2. The last full review of the scheme and the allocation policy was in 2012.
- 2.1.3. The next review of the scheme and the allocation policy is scheduled for November 2013.

3. Legal Framework for the scheme

3.1. Framework

- 3.1.1. The allocation policy (known as “the policy”) has been drafted to comply with:
- The requirements of Part 6 of the Housing Act (1996), as amended by the Homelessness Act (2002)
 - Localism Act 2011
 - Equality Act 2010
- 3.1.2. The policy has regard to the following:
- Allocation of accommodation: guidance for local housing authorities in England (2012)
 - Sub-regional policy for discharging duties to statutory homeless applicants
 - Greater Haven local lettings policy
 - Greater Haven Gateway strategic tenancy strategy
 - Greater Haven Gateway housing strategy
 - POs housing strategies
 - POs homelessness strategies
 - POs tenancy strategies
- 3.1.3. The policy sets out the circumstances of applicants to whom reasonable preference must be given, when deciding who will be offered a property.

3.2. Allocations (covered by the policy), where the rules under Part 6 do not apply

For the following allocations, the rules of Part 6 of the Housing Act 1996 will not apply:

- 3.2.1. Where a PO needs to provide alternative accommodation for a PO tenant, in order to carry out repairs or improvements to their property.
- 3.2.2. Where the PO has a duty to re-house home owners following a compulsory purchase, provide suitable alternative accommodation under the Land Compensation Act 1973, s39, or under the Rent Agricultural Act 1976.
- 3.2.2.1. If it is not possible to provide a permanent tenancy immediately, the applicant will be registered and awarded Band A.

- 3.2.3. Where a PO grants a secure tenancy to a former owner-occupier or statutory tenant of a defective home under the Housing Act 1985, s554 or s555.
- 3.2.4. Where a PO provides temporary accommodation for Local Authority employees under Para 5, Schedule 1 of the 1985 Housing Act (Temporary accommodation for persons taking up employment).

3.3. The policy does not apply to the following situations (also not covered by the rules in Part 6)

- 3.3.1. Temporary accommodation provided for homeless households under Part 7 of the Housing Act 1996. Applicants in this situation can apply to join the scheme.
- 3.3.2. Mutual exchanges between PO tenants or PO and RP tenants under the Housing Act 1985, s92.
- 3.3.3. Where a secure tenant dies, the tenancy is periodic, and there is a person qualified to succeed the tenant (as defined in the Housing Act 1985 and Localism Act 2011), then that person will be offered the secure tenancy. If the home is bigger than they reasonably need, they may be offered a suitable alternative property, which meets their assessed housing need.
- 3.3.4. Where a secure tenant with a fixed term tenancy dies and the tenancy remains secure by virtue of the Housing Act 1985.
- 3.3.5. Where a secure tenancy is assigned to someone who would have qualified to succeed to the tenancy, if the secure tenant died immediately before the assignment. That person becomes the secure tenant.
- 3.3.6. Where a court makes an order deciding who is to be the secure tenant under:
 - a) The Matrimonial Causes Act 1973, s24 (property adjustment orders in connection with matrimonial proceedings)
 - b) The Matrimonial and Family Proceedings Act 1984, s17 (1) (property adjustment orders after overseas divorce); or
 - c) The Children Act 1989, schedule 1, paragraph 1 (orders for financial relief against parents).

3.4. Legal Context

- 3.4.1. Every application will be considered according to its facts. The scheme accepts every applicant's situation is different and therefore all assessments will be considered on an individual basis and take into account individual circumstances.
- 3.4.2. Applications will be assessed by the holding PO and given a priority band that reflects the applicant's assessed need for housing. Under the scheme, there are five priority bands, ranging from Band A – E. The priority band system ensures POs can:
- allocate properties to those applicants the highest assessed housing need; **and**
 - meet their legal obligations (as set out in the Housing Act 1996, as amended by the Homelessness Act 2002).

3.5. Reasonable preference

- 3.5.1. The law sets out the five groups of applicants for whom reasonable preference must be considered. These groups are:
- Applicants who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002).
 - Applicants who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by such authority under section 193(3).
 - Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
 - Applicants who need to move on medical or welfare grounds (including grounds relating to disability).
 - Applicants who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).
- 3.5.2. The policy has been designed to ensure applicants who meet the reasonable preference categories will be given the due priority on the housing register.
- 3.5.3. Under the policy, priority bands A, B and C, reflect the reasonable preference categories (as detailed in point 3.5.1 above).

- 3.5.4. The Allocation of accommodation: code of guidance for local authorities in England (2012), gives Local Authorities the power to include additional reasonable preference categories.
- 3.5.5. The scheme has considered the powers to include additional reasonable preference categories, however due to prevailing demand and availability of properties across the sub-region; it will not be possible to award reasonable preference to applicants in the following situations:
- a) Applicants with young children who have limited or no access to a garden
 - b) Applicants with young children living in flats above ground floor

Applicants in the situations described in points (a) and (b) above, who have a medical and/or welfare need to move to alternative accommodation, can be considered for additional priority on medical and/or welfare grounds. (For further information on medical and welfare assessments and priority awards, please refer to section 17.20).

3.6. Additional preference

- 3.6.1. Under section 166A (3) of the Housing Act 1996, Local Authorities have the power to frame their allocation policies and schemes to give additional preference to particular groups who:
- a) meet the statutory reasonable preference categories (as detailed in section 3.5 of the policy); **and**
 - b) have an urgent housing need

The law states the following groups of people should be considered for additional preference if they meet points (a) and (b) above:

- 3.6.1.1. Applicants who need to move urgently because of a life threatening illness or sudden disability. Applicants meeting this criterion will be assessed for additional priority on medical and/or welfare grounds. (For further information, please refer to section 17.20 of the policy).
- 3.6.1.2. Families with severe overcrowding which poses a serious health hazard. Applicants meeting this criterion will be assessed for additional priority on medical and/or welfare grounds. (For further information, please refer to section 17.20 of the policy).

- 3.6.1.3. Applicants who are homeless and require urgent re-housing as a result of violence, threats of violence (including intimidated witnesses) and those escaping serious anti-social behaviour or domestic violence. Applicants meeting this criterion will normally be assessed in accordance with homeless legislation. (For further information, please refer to section 17.20 of the policy).
- 3.6.1.4. Armed forces, reserve forces personnel and bereaved spouses or civil partners of armed forces personnel, under the following circumstances:
- (i) former members of the armed forces¹
 - (ii) serving members of the armed forces¹ who need to move because of serious injury, medical condition or disability sustained as a result of their service
 - (iii) bereaved spouses, partners and civil partners of members of the armed Forces¹, leaving services family accommodation following the death of their spouse or partner
 - (iv) serving or former members of the reserve forces² who need to move because of a serious injury, medical condition or disability sustained as a result of their service

Main or joint applicants who meet the reasonable preference criteria and any of the criteria listed in points (i) – (iv) above, will be awarded additional preference by being prioritised within their band when they apply for eligible properties.³

- 3.6.1.5. Foster carers who are registered and approved by Social Services may be considered for additional preference and extra bedroom entitlement. Applicants meeting this criterion will be assessed for additional priority on medical and/or welfare grounds. (For further information, please refer to section 17.20 of the policy).

3.7. Equal opportunities and diversity

- 3.7.1. The POs will be responsive, accessible and sensitive to the needs of all applicants.
- 3.7.2. The POs will not tolerate prejudice and discrimination.

¹ Means the Royal Navy, the Royal Marines, Her Majesty's Regular Army or the Royal Air Force.

² Means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

³ If other applicants in the same priority band also have additional preference entitlement (as defined in section 3.6.1.4), applications will be ranked according to the longest effective date.

3.7.3. The POs will actively promote equality.

3.8. Monitoring and reviewing the allocation policy

3.8.1. The Project Board will monitor the operation of the policy

3.8.2. The Project Board will be responsible for ensuring the policy is regularly reviewed and meets its stated objectives and complies with legislative changes.

4. The Housing Register

4.1. Who is eligible to join the housing register?

4.1.1. Anyone can apply to join the housing register, but not everyone will be eligible to join the housing register.

4.1.2. In accordance with legislation, Local Authorities are permitted to set their own scheme eligibility criteria.

4.1.3. The eligibility criteria for joining the housing register are as follows:

- Only those 16 and over can make an application. If the applicant is 16 or 17 they will not be offered a tenancy, unless they have a guarantor. This may include an applicant whose partner is 18 or over. In circumstances where the partner is over the age of 18, the partner should be the main applicant.
- The main applicant must not be subject to immigration control or be a person from abroad, unless they are a 'qualifying person'. They must pass the habitual residence test (as defined in section 161 of the Housing Act 1996 and the Allocation of Housing Regulations 1996 (SI 1996 number 2753), as amended by the Homeless Act 2002).
- The main applicant and their household must be resident in the UK or the Common Travel Area. (The Common Travel Area includes the United Kingdom, Republic of Ireland, Channel Islands and Isle of Man).

4.1.4. POs will not be able to register anyone who is not eligible to be housed.

4.1.5. Applicants are advised there is high demand for social housing in the sub-region. Many people who are eligible to join the housing register may not be successful in obtaining an offer of a property.

4.2. Who may not be eligible to join or remain on the housing register?

4.2.1. In accordance with legislation, Local Authorities are permitted to set their own scheme eligibility criteria.

4.2.2. Applicants may be found to be ineligible and therefore unable to join or remain on the housing register if:

They, or a member of their household have been subject to a notice seeking possession because they are guilty of unacceptable behaviour, serious enough to make them unsuitable to be a tenant, for example, if they have broken the conditions of their tenancy because of anti-social behaviour and this was either:

- (a) proven by their conviction of an offence, for example, being a perpetrator of sexual or racial harassment, use of the premises for illegal purposes e.g. drug offences; **or**
- (b) backed up by evidence, which would have been presented in court action for possession, had their tenancy not ended before the action could be taken

4.2.3. The POs decision to find someone ineligible to join or remain on the housing register (on the grounds in 4.2.2 listed above) will be based on the circumstances at the time of application and assessment. The PO will consider the applicant's current circumstances when reaching its decision, for example, the health of the applicant and any dependants and any other relevant factors.

4.2.4. A decision that an applicant is ineligible due to his or her unsuitability to be a tenant will be objective and will be taken with reference to relevant information, such as Police or Environmental Services reports or by reviewing landlord records.

4.2.5. If a PO decides an applicant is ineligible, they will notify the applicant of the decision and also the right to request a review of the decision. (For further information on requesting a review of a housing register decision, please refer to section 15).

4.2.6. A person deemed ineligible due to his or her unsuitability to be a tenant, may make a fresh application if they consider their behaviour should no longer be a deciding factor, due to a change in circumstances. It will be the individual's responsibility to show that his or her circumstances or behaviour have changed.

4.3. Multiple applications

- 4.3.1. The scheme does not permit multiple applications. An applicant can only have one active application on the housing register.

4.4. Joint applicants

- 4.4.1. Where more than one eligible applicant wishes to have a shared application, they will be considered as joint applicants. This will include married couples, civil partners, co-habiting couples and couples living apart. The PO may also include others, such as friends and relatives. The landlord will decide at the time of letting whether to offer a joint or sole tenancy.
- 4.4.2. For a joint application, both applicants have to be eligible to join the housing register. (For further information on the eligibility criteria, please refer to section 4.1).
- 4.4.3. Joint tenants of a social housing tenancy, who no longer want to live in the same property, can apply to join the housing register. POs may accept applications from one or both parties. No priority will be given to the application simply because they want to live apart.
- 4.4.3.1. Applicants will not be able to participate in the scheme (i.e. bid for properties) until the issues of assignment relating to the existing tenancy have been resolved. POs will advise the applicants to seek advice from their current landlord or professional legal services, before signing over any rights to the existing tenancy (as this could result in one party being made homeless). For further information, please refer to section 4.9.

4.5. Household members – who can be included on an application

- 4.5.1. A person is considered to be a member of a household if they:
- b) usually reside with the main applicant, as a member of the family/household. (This would include any close blood relative, marital relationships and co-habiting partners); **or**
 - c) might reasonably be expected to reside with the main applicant.

4.6. Household members – who will not be included on an application

- 4.6.1. Some people will not automatically be considered to be part of the main applicant's household. This will include lodgers and live in help.
- 4.6.2. People found not to be eligible as part of the main applicant's household will be advised by the PO to make their own housing register application.
- 4.6.3. In cases where the main applicant or member of their household requires an extra bedroom for a carer, the PO will make appropriate investigations and seek supporting evidence that a live in carer is required. (For further information, please refer to section 9.4).

4.7. Adding a new household member to an application

- 4.7.1. If the main applicant wishes to add new household member/s, to their application, the housing application will need to be updated, providing the new household member's details.
 - 4.7.1.1. Details can be updated on the main applicant's online application form (which can be accessed via the applicant's Gateway to Homechoice account). (For further details on how to update an application, please refer to section 5.1 and 6.5 of the policy).
- 4.7.2. The PO will assess any new household members in accordance with points 4.5 and 4.6 of the policy. Each case will be assessed on individual circumstances.
 - 4.7.2.1. In accordance with the policy, new eligible household members will be included in the assessment for bedroom entitlement. Overcrowding priority will not be considered for 12 months (from the date of the new household member joining the household).
 - 4.7.2.2. After 12 months, the application will be reviewed, and if appropriate at that point, overcrowding priority will be applied.
 - 4.7.2.3. If the priority band increases, the effective date will be amended to the date the overcrowding priority was applied.

4.8. Two households forming one household on an application

- 4.8.1. When two households wish to form one household on one housing application, the PO will complete a full assessment of the housing situation. The assessment will establish if either party's existing accommodation is adequate to meet the needs of the new household structure.
- 4.8.2. If either party's accommodation is deemed adequate for the needs of the new household structure, the PO will award Band E.
 - 4.8.2.1. The PO will advise the household to reside in the suitable property.
 - 4.8.2.2. Should the applicants disregard the PO's advice and opt to move into the unsuitable accommodation, the PO will consider if the applicants have deliberately made their housing situation worse in order to increase their housing priority. (For further details of actions taken in circumstances where an applicant has deliberately made their housing situation worse, please refer to section 6.13 of the policy).
- 4.8.3. If both parties' accommodation is assessed as being unsuitable for the new household structure, the PO will not at the point of application give any additional priority due to overcrowding.
 - 4.8.3.1. In accordance with the policy and if appropriate, the household will qualify for additional bedroom entitlement but overcrowding priority will not be considered for 12 months (from the date of the new household formed).
 - 4.8.3.2. The PO will assess to see if the application is eligible for additional priority on welfare grounds. (For further information on welfare assessments, please refer to section 17.20 of the policy).
 - 4.8.3.3. If welfare priority is not applicable, the application will be reviewed after 12 months (from the date the new household was formed), and if appropriate at that point, overcrowding priority will be applied. If the priority band increases, the effective date will be amended to the date the priority changes.

4.9. Circumstances when eligible applicants will not be able to participate in the scheme

4.9.1. Some applicants, who are eligible to join the register, may not be allowed to participate in the scheme for a temporary period. These will include:

- **Applicants successfully housed into a social housing property through the scheme**

Applicants will be able to re-join the housing register, but will not be permitted to participate in the scheme for 12 months from the start of their tenancy. Applicants will be given a future effective date of 12 months from the start of their tenancy.

- **Applicants housed temporarily in a PO's private lettings scheme under a homeless duty**

These applicants may have an Assured Shorthold Tenancy with a private landlord with a mandatory six month period. Therefore, to ensure they do not incur financial liability for two tenancies, they will be restricted from bidding for properties, until 28 days before the end of the fixed term of their Assured Shorthold Tenancy.

- **Applicants who are not considered ready to sustain a tenancy because of their age or need for specialist support**

Applicants will be restricted from bidding for properties. The PO will be responsible for carrying out regular reviews of the applicant's circumstances in conjunction with any specialist support providers.

- **Applicants who have accepted an offer of housing, but the property is not yet ready**

- **Joint applicants of an existing social housing tenancy who no longer wish to live together and require separate housing applications**

In such cases, the applicants will not be able to participate in the scheme until the existing tenancy has been resolved.

POs will advise the applicant to seek advice from their landlord or professional legal services before signing over any rights to the existing tenancy (as this could result in one party being made homeless and subsequently affect any future priority on the housing register).

The only exception may be where the PO has assessed a homeless duty is owed to both parties. In such situations, the PO reserves the right to allow the parties to participate in the scheme.

- **Applicants who repeatedly select and/or view properties which they have no intention of taking**

In exceptional circumstances applicants can be suspended from taking part if they repeatedly select and or view properties which they have no intention of accepting. The PO will monitor these cases very carefully and discuss whether it is appropriate to restrict participation with the applicant before action is taken.

4.9.2. The decision to restrict an eligible applicant from participating in the scheme will be considered following a full assessment of the individual circumstances.

4.9.3. If a decision is taken to restrict an eligible applicant from participating in the scheme, the PO will decide on these cases explaining to the applicant:

- the reasons why they are temporarily not able to take part in the scheme
- any conditions which will need to be met before they will be entitled to resume participation in the scheme
- the date when they will be able to resume participation in the scheme or request a review of the original decision
- any conditions which will need to be met before they will be entitled to resume participation in the scheme
- the right to a review of the PO decision. (For further information on the review of a housing register decision, please refer to section 15 of the policy).

5. How the register works

5.1. Making a new application

- 5.1.1. Anyone who wishes to join the housing register will need to set up a Gateway to Homechoice account and complete the online registration and housing application form.
- 5.1.2. By setting up a Gateway to Homechoice account, a person can complete a housing application, place bids and provide updates if their circumstances should change in the future.
- 5.1.3. The scheme's website can be found at www.gatewaytohomechoice or on the websites of the POs.
- 5.1.4. POs can provide advice and assistance to anyone experiencing difficulties in accessing or completing the registration process. (Contact details for the POs can be found in Appendix 1).
- 5.1.5. Once an account has been set up, the applicant will be assigned a unique housing reference number and this will act as the login for the account.
 - 5.1.5.1. Applicants will also need to select a memorable date, which will act as the password to their account. (Passwords can be re-set by selecting the relevant option on the website or by contacting one of the POs).
- 5.1.6. As part of the online application process, applicants will be asked to select a PO to hold their application. Applicants should select the PO based on the following criteria:
 - Applications should be made to the PO area where the person is currently living.
 - If an applicant does not currently live in any of the 8 PO areas, they should apply to the PO area where they hold a local connection.
 - If an applicant does not have a local connection to any of the eight POs, they should apply to the PO where they wish to live.

- 5.1.7. The selected PO will be responsible for processing and assessing the application.
- 5.1.8. Once the online application form is submitted, the selected PO will receive the application and will assess it. (For further information on the assessment of applications, please refer to section 6.4).
- 5.1.9. Each partner PO receives large numbers of applications on a daily basis. POs will endeavour to process applications within 28 days of receipt.

5.2. Applications from previous applicants (those housed or whose application has been closed)

- 5.2.1. Applicants who have previously been registered and their application has been closed can re-apply to join the register. These applicants do not need to complete the entire registration process, as detailed in section 5.1.
- 5.2.2. Previous applicants will have an existing account and will retain their unique housing reference number and memorable date.
- 5.2.3. Previous applicants wishing to submit a new housing application will need to access their previous housing application (via their Gateway to Homechoice account) and update it based on the current circumstances.
- 5.2.4. Applicants previously housed into social housing will be permitted to re-apply to the housing register; however they will receive the effective date of 12 months after their tenancy began. (For further information, please refer to section 4.9.1).

5.3. Applicants' consent and declaration

- 5.3.1. When an applicant applies for housing, they must complete a declaration. The submission and confirmation of the declaration section contained in the on line application form, will be taken as the applicants formal declaration and agreement, confirming that:
 - The information provided by the applicant is complete, true and accurate.
 - The applicant will inform the POs immediately of any change in circumstances.
 - The applicant understands that information will be shared with all the POs and all participating RPs together with other relevant organisations in order to complete or verify information or to prevent fraud or protect public funds in other ways.

- The applicant consents to POs making enquiries of any relevant persons to confirm the information on the application form is correct, or to add to the information given where this is necessary to complete an assessment of need or consider suitability for housing.

5.4. Data protection

- 5.4.1. The POs will make every effort to keep information provided by applicants safe and confidential. They will comply with policies on Data Protection, which can be viewed on their websites.

5.5. Closing an application

- 5.5.1. An application will be closed from the housing register in the following circumstances:

- At the applicants' request.
- If the applicant becomes ineligible for housing in accordance with section 4.2.
- When the applicant has been housed through the scheme.
- When a statutory homeless applicant has been housed into private sector accommodation.
- When a tenant of social housing completes a mutual exchange.
- Where an applicant does not maintain their application through the re-registration process, or where they move and do not provide a contact address.
- If the applicant fails to respond to a request for further information within a reasonable time.

- 5.5.2. Should an applicant whose application has been closed wish to re-join the housing register they will receive a new effective date according to the rules in paragraph 6.7.

- 5.5.3. Where appropriate, a PO may agree to reinstate a removed application provided the applicant notifies them within 3 months of removal.

5.6. False Information

- 5.6.1. Any applicant who deliberately attempts to deceive or defraud the POs in order to secure a home to which they are not entitled, may lose any home provided for them, and may also be prosecuted. The law imposes severe penalties, including substantial fines or imprisonment, where an offence is proved.

5.7. Councillors and Involvement in decision making

- 5.7.1. Elected Council members cannot take part in the assessment and allocation process but this does not prevent them seeking or providing information on behalf of their constituents or from being involved in future policy development.

6. Assessment of Housing Need

6.1. Legal background

- 6.1.1. All applicants will be assigned a priority band following a full assessment of their household's needs. This is to ensure the POs assist those applicants in the greatest housing need and also meet their legal obligations (as set out in section 3 of the policy).

6.2. Advice and information

- 6.2.1. All POs will ensure that housing advice and options information is available free of charge, to everyone. This will include:
- Information on how to apply for housing
 - Where to get help to make an application
 - Obtaining assistance if an applicant requires help with making an application
- 6.2.2. Information on a range of housing options is available on the scheme's website.
- 6.2.3. Applicants experiencing difficulties accessing or completing an application can contact one of the POs for advice or assistance. (Contact details for the POs can be found as Appendix 1).

6.3. Housing Needs Bands

- 6.3.1. Applicants will be placed into one of the following five housing needs bands, based on the information provided in their application:
- Band A (urgent housing needs)
 - Band B (high housing need)
 - Band C (moderate housing need)
 - Band D (low housing need/reduced preference)
 - Band E (no housing need)
- 6.3.1.1. Band A will contain those applicants in highest housing need.
- 6.3.1.2. Band E will contain those applicants in lowest need.
- 6.3.2. Applicants will be placed in the highest possible band that represents their housing need.
- 6.3.2.1. Where applicants have 2 or more assessed Band B housing needs, they will be moved to Band A. (Please note, this does not apply to those accepted as statutory homeless. Additional preference is applied within Band A to assist accepted statutory homeless applicants in severe need).
- 6.3.2.2. Where applicants have “multiple needs”, by this we mean meeting four or more Band C reasons), the applicant will be moved to Band B.
- 6.3.3. Where any PO makes an assessment of need and places an applicant in one of the five housing needs bands, this band will apply to the whole scheme. Different POs will not place applicants in different bands, even if they have a local connection to more than one authority.
- 6.3.4. Some allocations will be dealt with outside the scheme’s policy, in these cases the applicant will be placed into Band F.
- 6.3.4.1. Applicants placed into Band F do not participate in the scheme (they are not able to bid for properties).
- 6.3.5. For further information on the bands, please refer to section 16 of the policy.

6.4. Assessment of Applications

- 6.4.1. Once an application has been received it will be assessed by the PO selected by the applicant.
- 6.4.2. The PO will assess each applicant's eligibility to join the housing register. (For further information, please see section 4.1).
- 6.4.3. Sometimes it may be necessary to obtain additional information for assessment and verification purposes. If this is necessary, the Local Authority will write to the applicant providing details of the information required.
- 6.4.4. If an applicant fails to provide the information requested, the application can be closed. (For further information, please see section 5.5).
- 6.4.5. Once an application has been fully assessed and entered onto the Housing Register; the applicant will receive an acknowledgement letter. The letter will:
- Explain which band the applicant has been placed in on initial assessment. If they are subsequently assessed as having a medical or welfare need they will be advised separately after the assessment has been made.
 - Confirm the size (and if applicable the type) of property the applicant is eligible for.
 - Confirm the applicants' effective date.
 - Include a reminder about informing the PO of any change in circumstances.
 - Give details of appeal and review procedures.
 - Give the applicants login number.
 - If an applicant is temporarily restricted from bidding or has reduced preference it will explain the reasons why.
 - Give details of the authorities where they have a local connection.

6.5. Changes of circumstances

- 6.5.1. If circumstances change, it is the responsibility of the applicant to update their on-line application form.
- 6.5.2. Changes in circumstances can include:
- Moving home
 - Changes to the household members
 - Birth of a child
 - Changes in medical conditions
 - Changes in welfare situations
- 6.5.3. Applicants can review and update their on-line application form via their account.
- 6.5.4. POs will provide advice and assistance to applicants experiencing difficulties in updating their on-line application form. (For Local Authority contact details please refer to Appendix 1).
- 6.5.5. All updates will be assessed by the PO responsible for the application. The application will be re assessed in line with the policy.
- 6.5.6. Failing to update an application following a change of circumstances could mean the application is inaccurate, contains false information and has the wrong priority award.
- 6.5.6.1. If false information has been given deliberately, action will be taken by the POs and may have serious consequences for the applicant. (For further information, please refer to section 5.6).

6.6. Renewing an applications

- 6.6.1. The POs carry out renewal to ensure applications are accurate and valid.
- 6.6.2. Applicants will be notified of the need to complete the renewal through their account.
- 6.6.3. It is the responsibility of an applicant to complete the renewal and provide any updates to their current circumstances
- 6.6.4. Applicants will usually be given 30 days to complete a renewal.
- 6.6.4.1. If an applicant fails to complete the renewal, their application may be closed. (For further information, please refer to section 5.5).

6.6.5. Failing to update an application following a change of circumstances could mean the application is inaccurate, contains false information and has the wrong priority award.

6.6.5.1. If false information has been given deliberately, action will be taken by the POs and may have serious consequences for the applicant. (For further information, please refer to section 5.6).

6.7. Deciding the effective date

6.7.1. Priority position within a band is decided by the applicant's effective date. The effective date is usually the date the application is received, except;

- Where an applicant is moved from one band to a higher band. Their new effective date will be the date their circumstances changed.
- Where an applicant receives priority on medical or welfare grounds, their effective date will be the date they applied for this award.
- Where an applicant has been accepted as Homeless their effective date will be the date they applied as homeless; unless they already qualify for Band B with an earlier date.

6.8. Local Connection to the sub-region

6.8.1. The applicant will have a local connection to the sub region if:

- Their only or principle home is within the boundaries of the district covered by the sub-region.
or
- They were placed in specialised housing which is not available in the sub-region, but had a local connection previously through residence.
or
- They (not a member of their household) are in permanent paid work in the sub region.
or
- They have a son, daughter, brother, sister, mother or father, who is over 18 and lives in the sub-region, and has done so for at least five years before the date of application.

6.8.2. In accordance with the Allocation of Housing (Qualification Criteria for Armed Forces – England – Regulations 2012), the following people will be deemed to have a local connection to the sub-region if:

- The main or joint applicant is serving in the regular forces or who has served in the regular forces within five years of the date of their application.

or

- The main or joint applicant has recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:

(a) the spouse or civil partner has served in the regular forces; **and**
(b) their death was attributable (wholly or partly) to that service.

or

- The main or joint applicant is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

6.8.3. Applicants will lose their local connection if:

- Since applying to join the register they have moved outside the sub-region and no longer meet any other local connection conditions.
- They had a local connection through a close relative but the relative no longer resides in the area.
- They had a local connection through their employment but this no longer applies.

6.9. Connection to the local authority area

6.9.1. To ensure the scheme continues to meet local housing need, some properties may be advertised as being available only to applicants with a local connection to an individual PO area. (For further information please refer to section 10).

6.9.2. The criteria for local connection to an individual PO area will be the same as the criteria for local connection to the sub-region but will relate to that PO area only.

6.9.3. Applicants will be asked to identify their local connection to the sub-region and an individual PO in that sub-region.

6.9.3.1. If they have a local connection to more than one PO they should mention this on their application form.

6.10. Applicants from outside the sub-region who have no local connection to the sub-region

- 6.10.1. The sub-region is a high demand area where demand for social housing is in excess of supply.
- 6.10.2. For this reason applicants, who live outside the sub-region with no local connection to it, cannot expect the same priority for housing as those with a local connection.
- 6.10.3. Applicants living outside the sub-region will be assessed in the same way as others to establish their housing need. If the applicant has no local connection to the sub-region, the application will then be placed one band lower than the assessment, except, that, an application assessed as in Band E will stay in Band E but will be shortlisted below those people in Band E who do have a local connection.

6.11. Special Assessments of Need

- 6.11.1. Applicants placed in temporary accommodation under s193 of the Housing Act 1996 by other Boroughs not in the sub-region are entitled to reasonable preference and will be placed in Band C.

6.12. Reduced Preference

6.12.1. Section 166a, sub section 5 of the Housing Act (1996) as amended by the Homelessness Act 2002 and Localism Act 2011, allows allocation schemes to give reduced preference to the following groups of applicants:

- An applicant with significant financial resources “where the applicant was financially able to secure alternative accommodation at market rent for himself”
- Where the “behaviour of the applicant (or member of his household) affects his suitability to be a tenant”.

6.12.2. Significant financial resources

An applicant will be given reduced preference where:

- An applicant with reasonable preference with sufficient resources to buy a property applies to the register. Their housing need will be assessed as usual, however, their priority may be restricted due to their financial resources.
- The applicant’s income, capital and/or interest held (and which could be redeemed) in a current home or other property would be taken into account along with their ability to get a mortgage and the size and type of property needed.
- Those who cannot afford to buy a property on the open market but who could afford to buy through a low-cost home ownership scheme or have sufficient resources to rent in the private sector, will be placed in Band D under reduced preference if they have an assessed need. The financial thresholds will be reviewed annually and published on the Gateway to Homechoice website.

6.12.2.1. Members of the armed forces, who have received a lump sum payment as compensation for an injury or disability sustained during active service, will not be subject to reduced preference on grounds of significant resources.

6.12.3. Suitability to be a tenant

An applicant will be given reduced preference where:

- The applicant owes any PO, or another local authority or RP, money from a former tenancy either because of not paying rent or charges for use and occupation or through damaging the property. Debts with private landlords could also be taken into account. If it can be demonstrated that the applicant has entered into and maintained effective arrangements for repaying this debt it may not necessarily result in reduced preference criteria.
- An applicant has received a notice from their current landlord because of their own actions e.g. rent arrears or anti-social behaviour. Under these circumstances, a PO reserves the right to apply reduced preference or suspend the applicant from participating in the scheme or make the applicant ineligible. This will depend on which tenancy conditions have been breached. For further information, please refer to sections 4.2 and 4.9.
- An applicant has been evicted from a home owned by a Council or RP.
- An applicant has abandoned a property, (left the property without giving the required notice to their landlord).
- An applicant has assaulted or harassed an employee or agent of a Council or RP.
- An applicant or members of their prospective household have committed acts causing or likely to cause a nuisance or annoyance to their neighbours or others in the locality of where they live or where they have previously lived.
- An applicant has failed to maintain a rented property in a proper and reasonable condition.
- An applicant has deliberately damaged a property.
- An applicant (or member of their prospective household) has committed acts of anti-social behaviour.
- An applicant has obtained a previous tenancy fraudulently

6.12.4. In these circumstances, generally an applicant will be placed in Band D to reflect reduced preference if they hold another assessed housing need. If they have no assessed housing need they will be placed in Band E.

6.12.5. A PO will notify applicants given reduced preference. Applicants can ask for the decision to be reviewed. The PO will inform applicants in writing, if there is action they can take to improve their assessment. Decisions will be reviewed each year. (For further information on the scheme's review process, please refer to section 15).

- 6.12.6. This is not a blanket policy. In exceptional circumstances, applicants will be given additional preference despite meeting one of the criteria outlined above. This may occur, for example, where an owner-occupier has a severe medical need and needs sheltered housing, or a person fleeing domestic violence has rent arrears; each case will be considered on its merits.

6.13. Applicants who have deliberately made their housing situation worse

- 6.13.1. The PO will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of re housing through the register.
- 6.13.2. If it is decided that the applicant has made their housing situation worse, they will remain in the band that reflects their housing need in their previous accommodation.
- 6.13.3. If the applicant was not registered from their previous address, the assessment of housing need will be based on the accommodation occupied before their accommodation changed.
- 6.13.4. The assessment will be reviewed after 12 months, on request. If the restriction is removed, the application will be placed in the band that reflects current circumstances. Their effective date will be the date they moved to the new band.

6.14. Owner-occupiers

- 6.14.1. Owner-occupiers or applicants who own other residential property are eligible to join the housing register, but will be placed below other groups in our lowest priority band (Band E).
- 6.14.2. Applicants who previously owned a property and have sold it will be asked to provide proof of the sale and evidence of any proceeds received.
- 6.14.3. Generally, owner-occupiers will not be able to move to another band or be awarded medical or welfare priority.

- 6.14.4. Property owners may be able to be moved to a higher band, awarded medical or welfare priority and made an offer of accommodation if:
- they are over 60 and have been assessed as being unable to meet their housing need from their own resources; **or**
 - they have a disability and need an adapted property and have also been assessed as being unable to meet their housing needs from their own resources and the home they need is not available in the housing market.
- 6.14.5. Owner-occupiers will be able to express an interest for a property if they wish to do so, however, because a Council or RP tenancy can only be held as a main home, homes are not usually offered to applicants who still own their home or are paying a residential mortgage. An exception may be considered where an elderly owner-occupier wants to express an interest in low demand sheltered accommodation.
- 6.14.6. The PO will assess whether an applicant can meet their housing needs from their own resources. To make this assessment they will need details of the applicant's income and savings.
- 6.14.7. Based on information received there may be one of three outcomes:
- That the applicant could buy suitable accommodation outright.
 - That the applicant may be able to buy suitable accommodation with an affordable mortgage (with assistance from the welfare benefit system if appropriate).
 - The applicant is unable to buy suitable accommodation.
- 6.14.8. If it is decided that the applicant is unable to buy suitable accommodation, it will be recommended they qualify to move to a higher band if they are awarded priority on medical or welfare grounds.

6.15. Applicants in 'tied' accommodation which is suitable for their needs

- 6.15.1. Applicants are considered to be in tied accommodation if the occupation of their home is essential for the performance of their duties as an employee. This includes applicants who are accommodated by HM Forces.

- 6.15.2. Applicants in 'tied' accommodation will be placed in Band E. They will be moved to Band C if:
- (i) they are six months away from retirement; **or**
 - (ii) they have received a legally binding notice asking them to leave their accommodation
- 6.15.3. Applicants who are armed forces/reserve forces personnel or bereaved spouses/civil partners of the armed forces personnel, and who meet points (i) or (ii) above, will be prioritised within their band. (For further information, please refer to the section on additional preference, 3.6.1.4).
- 6.15.4. Applicants who are qualifying agricultural workers may be covered by the Rent Agricultural Act 1976. (For further information, please refer to section 17.17).

7. Finding a Home under the scheme

7.1. Advertising available homes

- 7.1.1. All social landlords using the scheme will advertise their properties as widely as possible.
- 7.1.2. In exceptional cases a property may not be advertised through the scheme. For example if a property is needed urgently to deal with an emergency, facilitate a decant, meet the needs of those with specific housing needs, or it is specifically adapted and meets a particular need of an applicant, or it is needed to provide temporary accommodation to fulfil a statutory duty. This will include "extra care" and very sheltered accommodation.
- 7.1.3. Direct Lets may apply in the following circumstances:
- Extra care and very extra care properties.
 - If a property is needed to house someone in a social housing property temporarily.
 - In cases where someone has to be moved immediately a direct let may be made.
 - In the case of a specially adapted property built for a specific person.
 - Decants
 - Where a homeless applicant has either failed to bid or failed to bid on a property on which they could be successful, or has refused a property and the PO needs to move them on from temporary accommodation.
 - If there is no suitable temporary accommodation and the PO would be breaching their duty.
 - Where it has been deemed that the person is at risk or is a risk to others and it is not appropriate for them to bid through the scheme.

- 7.1.3.1. Where a direct let is made, the property will not be advertised through the scheme, but we will report that that property has been used as a direct let to ensure transparency. All applicants will be placed in Band F which is a non-bidding category.
- 7.1.4. Some partner RPs may decide not to advertise all their properties through the scheme. This will depend upon the level of nomination rights agreed with each PO.
- 7.1.5. To ensure applicants are aware of available properties, they will be advertised:
- On the Gateway to Homechoice website (www.gatewaytohomechoice.org.uk)
 - At local offices.
 - In a property newsletter sent to all RPs, voluntary agencies and other agencies who request it or sent to:
 - Applicants in Bands A and B, who require assistance with bidding and request a newsletter
 - Applicants who require sheltered accommodation
- 7.1.6. Advertisements will include information about the property, which can include the following:
- a description of the home
 - a photograph of the property
 - rental type (social or affordable rent)
 - rental charge and period (e.g. weekly, monthly, 4 weekly)
 - service charges
 - length of tenancy (e.g. fixed term tenancy and number of years)
 - special facilities
 - adaptations
- 7.1.7. The advertisement will also highlight if there are any special criteria for letting the property, (we refer to this as “labelling”). Examples could include when a property is only available to applicants with a local connection or applicants of a certain age range. (For further information, please refer to section 7.2 below).
- 7.1.7.1. The labelling will show who is able to bid for the property. The system will automatically restrict applicants who do not meet the labelling criteria from expressing an interest.

- 7.1.8. To be considered for a property, applicants must place their bids by the advertising cycle deadline. (For further information on expressing an interest in advertised properties, please refer to section 7.3 below).

7.2. Labelling properties

- 7.2.1. POs will label advertised homes to provide as much information as possible about the property, and details of who is eligible to express an interest.

- 7.2.2. Where an applicant does not meet the criteria outlined, they will not be considered for the property.

- 7.2.3. Labelling criteria will include:

- **Local connection**
If the home is only available to households with a local connection to a village or PO area, or with the sub-region.
- **Transferring tenant**
Sometimes RP or POs may decide that a home will only be available for their own existing tenants.
- **Property size**
Applicants must be eligible for the size/type of property. Applicants will be advised their eligibility when they join the scheme.
- **Housing needs bands**
Some homes may only be offered to applicants in particular bands.
- **Adapted homes**
Homes particularly suitable for people with disabilities will have special symbols to help applicants with those needs identify them. Adverts for adapted or accessible homes (for example those with wheelchair access) will specify that they are only available for people assessed as needing them.
- **Supported Housing**
Homes which have been developed for vulnerable groups who require support, will be advertised to those applicants who are eligible for such support. This will include homes in sheltered housing schemes.
- **Age Restrictions**
Some homes may have a minimum age requirement.

- **Local Lettings Policy**
To promote sustainable and settled communities, POs may introduce specific lettings policies in some areas which will vary from this allocations policy. For example, where there is a need to balance the child to adult ratio or there are too many vulnerable residents in an area.
- **Pets**
The advert will identify whether pets are allowed.
- **Home type and facilities**
The advert will show the home type, floor level, heating, service charges and any other relevant details.
- **Tenancy type for ‘fixed-term’ or flexible tenancies only**
Where properties are to be let on a fixed-term or flexible tenancy, the advert will display this information and the length of the fixed-term.

7.3. Expressing an interest in available homes (bidding)

- 7.3.1. Expressing an interest in a property is also referred to as “bidding”.
- 7.3.2. Properties are advertised through the scheme’s website.
- 7.3.3. Available properties will be advertised on a weekly cycle.
- 7.3.4. Applicants can express their interest by placing up to two bids on properties that meet their housing requirements during each bidding cycle.
- 7.3.5. To be considered for an available home, applicants must place their bids by the publicised deadline and must any meet any labelling criteria.
- 7.3.6. Applicants will be able to register their interest in a property by placing a bid through several methods:
 - Placing a bid via their Gateway to Homechoice account
 - Using the Interactive telephone service (0845 2700724)
 - Visiting or contacting a local PO office (in person, by email or telephone)
 - Using an advocate
- 7.3.7. Support will be offered to applicants who require assistance to use the scheme. (For further information, please refer to Appendix 1 for the Local Authority contact details).
- 7.3.8. The number of bids and the length of the bidding cycle will be considered as part of the regular scheme reviews.

7.4. Making an offer of accommodation

- 7.4.1. Once the weekly advertising cycle finishes, the scheme's IT system will produce a shortlist of applicants who have expressed an interest in the property. The shortlist will contain applicants who meet the property's specified labelling criteria.
- 7.4.2. The successful applicant for each home will usually be the one who is eligible, meets any labelling criteria, in the highest band, and with the earliest effective date.
- 7.4.3. A viewing of a property may not be offered if:
- an applicant's circumstances are found to be different to those stated in their housing application
 - an applicant has been found to have made false claims
 - problems have been identified which may make the applicant or their household unsuitable for the property or as a tenant of the property
- 7.4.3.1. In such cases the applicant will be told why they were not being put forward for viewing.
- 7.4.3.2. If false information has been given deliberately, action will be taken by the POs and may have serious consequences for the applicant. (For further information, please refer to section 5.6).

7.5. Feedback

- 7.5.1. After each advertising cycle, information and feedback on the properties let will be available on the Gateway to Homechoice website. The information and feedback will include the following:
- Property size and type
 - If the property was let as social or affordable rent
 - Location of the property
 - Number of bids for each property
 - Priority band of the successful applicant
 - Effective date of the successful applicant

- 7.5.2. The information and feedback will also contain information relating to any properties that were not advertised as part of the scheme, for example, properties used to decant tenants. This information and feedback will be made available to ensure transparency. (For further information on reasons why properties may not be advertised, please refer to section 7.1.2).
- 7.5.3. The POs believe that the provision of feedback is important, to ensure transparency and also help applicants to make informed and realistic choices.

7.6. Accompanied Viewing

- 7.6.1. Once the top applicants have been identified, arrangements will be made by the appropriate partner landlord for them to see the property as quickly as possible.
- 7.6.2. The landlord will decide whether or not they take multiple applicants to view at the same time or make individual appointments.
- 7.6.3. At the viewing or on the phone, the applicants will be given further information about the property, which may include information on repairs to be carried out, the date when the property is expected to be available, and any special conditions of tenancy.
- 7.6.4. After the viewing, the applicant who is highest on the shortlist and interested after viewing the property, will be offered a tenancy.
- 7.6.5. The selected applicant will have up to 24 hours to decide whether or not to accept the offer. In exceptional circumstances this period of time may be increased.

7.7. Refusals

- 7.7.1. When an applicant rejects a home after viewing, the applicant next on the shortlist will be considered.
- 7.7.2. Applicants may need to complete a viewing feedback form, if requested by the landlord, so any special issues with a property or area can be identified.
- 7.7.3. If an applicant refuses a property there will usually be no penalties except in certain circumstances. (For further information, please refer to sections 4.9.1 and 8.3).

- 7.7.4. If an applicant signs a tenancy agreement and then rejects the property, this does not count as a refusal. At this stage, they are legally a tenant. If they have given notice on a previous property it may not be possible to withdraw the notice.
- 7.7.5. Should an applicant accept a tenancy but then decide they do not wish to proceed, it is likely that their landlord will insist on four weeks notice.
- 7.7.5.1. Even if the applicant is permitted to withdraw their notice, they may still be suspended from the scheme and not allowed to participate for 12 months.
- 7.7.5.2. The POs will decide if they need to complete a new application.
- 7.7.5.3. Each situation will be considered on the individual circumstances.

7.8. Lower Demand homes

- 7.8.1. Where there are no expressions of interest from eligible applicants, a property will be re-advertised. The criteria for selection may also be reviewed.

8. Offers of accommodation

8.1. Choice and mobility opportunities

- 8.1.1. In order to maximise choice and mobility opportunities for applicants, each PO will advertise their properties to all applicants who have a local connection to any of the eight Local Authority areas. Exceptions will apply for some groups, for further information, please see sections 8.3 and 8.4.
- 8.1.2. To ensure the scheme continues to meet local housing needs, levels of inward and outward migration (also called 'cross border moves') between the PO areas will be monitored quarterly by the Project Board.
 - 8.1.2.1. If inward migration exceeds outward migration significantly, properties will be restricted to applicants with a local connection to the PO area until the balance has been redressed. Properties will be clearly advertised to show a local connection is required. (For further information on labelling of properties, please refer to section 7.2).
- 8.1.3. Certain areas or homes may be restricted to applicants with a local connection to a village or local area. This is because some properties are developed through special planning laws and mean a local connection is required. In such cases, properties will be clearly advertised to show a local connection is required.

- 8.1.4. Most applicants can decide where in the sub-region they would like to live. The only exceptions are statutory homeless applicants, applicants moving on from supported housing schemes and applicants awarded medical and/or welfare priority to give or receive support. (For further information on the restrictions for these groups, please see section 8.2 – 8.7 below).
- 8.1.5. For new developments, properties will be subject to a local lettings policy that restricts allocations to applicants with a local connection to the PO area. This will normally only apply on the first time of letting the properties. For further information on local lettings policies, please refer to section 10.

8.2. Summary of applicants with restricted bidding arrangements

The following applicants will be subject to restricted bidding arrangements under the scheme.

- Applicants where a Local Authority owes a statutory homeless duty and who are not at risk of violence, threats or harassment.
- Applicants who are assessed as meeting the statutory homeless criteria, but who are not within 28 days of becoming homeless and are not at risk of violence, threats or harassment and have received a homeless prevention award (Band B).
- Certain applicants in Band A. For further information, please refer to section 8.5.

8.3. Applicants owed a statutory homeless duty

Legal context

- Under section 193 (7AA)-7AC) of the Housing Act 1996, as amended by S148(5)-(7) of the Localism Act 2011, Local Authorities can fully discharge their housing duties to statutory homeless applicants by making one offer of suitable social or private sector accommodation.
- The Local Authority with the statutory homeless duty (known as the “awarding PO”) will have regard to the policy for discharging duties to statutory homeless applicants, when deciding to offer social or private sector accommodation. (For further information, please refer to the policy for discharging duties to statutory homeless applicants, found at Appendix 2)
- Offers may be made based on availability of social and private rented accommodation.

8.3.1. Arrangements for applicants owed a statutory homeless duty and offered private sector accommodation

8.3.1.1. Arrangements for applicants owed a statutory homeless duty and offered private sector accommodation are contained in Appendix 2 of this policy document.

8.3.2. Arrangements for applicants owed a statutory homeless duty and made an offer of social housing

8.3.2.1. Statutory homeless applicants bidding for social housing will be subject to location and time restricted bidding under the scheme. For further information, please see below:

(a) Location bidding restrictions for statutory homeless applicants

- Statutory homeless applicants will be restricted to bidding for properties in the awarding PO area. Location bidding restrictions are applied because:
 - homeless legislation states a Local Authority will owe a housing duty to anyone who meets the statutory homeless criteria and has established a local connection to that Local Authority area
 - applicants accepted as being statutory homeless, many also challenge the decision of a Local Authority on suitability grounds if they are offered accommodation outside of the Local Authority area
- Location bidding restrictions will not necessarily be applied if the statutory homeless applicant is at risk of violence, threats or harassment. In such cases, the awarding PO will consider the facts of the case and decide if it is appropriate for the applicant to be exempt from location bidding restrictions. If the awarding PO finds the applicant's circumstances warrant an exception, the applicant will be permitted to bid for properties across the sub-region.

(b) Time limited bidding restrictions for statutory homeless applicants

- Statutory homeless will be given 4 weeks to bid for appropriate properties, after which time the PO may place bids on the applicant's behalf.
- This 4 week time limit will be set from the date the applicant is formally accepted as being homeless. Applicants will be notified of the 4 week time limit and will be expected to actively participate in the scheme.

- During the 4 weeks, the awarding PO reserves the right to bid on the applicant's behalf for suitable properties.
- If a bid is placed on the applicant's behalf and is successful, or a direct offer of a property is made, this will be considered to be the applicant's formal offer of accommodation. Under these circumstances, if the applicant refuses the formal offer of accommodation, the awarding PO may end the statutory homeless duty. (For further information, please see section 8.3.3 below).

8.3.3. Refusal or failure to respond to an offer of suitable accommodation by a statutory homeless applicant

- 8.3.3.1. In accordance with the Housing Act 1996, part 7 (as amended) and the policy for discharging statutory homeless duties, all statutory homeless applicants are entitled to one reasonable offer of accommodation.
- 8.3.3.2. If a statutory homeless applicant refuses or fails to respond to a reasonable offer of accommodation, the awarding PO can end its statutory duty to provide accommodation.
- 8.3.3.3. In such circumstances, the awarding PO will explain the applicants' right to request a review of the suitability of the accommodation offered. The PO will also explain the applicant may lose their right to temporary accommodation. (For further information on statutory homelessness review and appeals, please refer to the policy for discharging duties to statutory homeless applicants in Appendix 2 and section 8.3.4 below).
- 8.3.3.4. An applicant, whose statutory homeless duty has been ended as a result of their refusal or failure to respond to an offer of suitable accommodation, can remain on the housing register.
- 8.3.3.5. The awarding PO will remove the statutory homeless priority banding award. The application will be reassessed and given the priority band that reflects their current situation. The effective date will not change. The PO will advise the applicant of their new priority band and the right to request a review of the decision to remove the statutory homeless priority banding. For details on how to request a review of a housing register decision, please refer to section 15.
- 8.3.3.6. The applicant will be advised of the decision to remove their statutory homeless priority banding award and given details of their new priority award and effective date.

8.3.4. Reviews and appeals on the suitability of an offer (for applicants whose statutory homeless duty has been ended)

8.3.4.1. The awarding PO will explain the applicant's right to request a review of the suitability of the offer of accommodation offered.

8.3.4.2. For further information review and appeals on the suitability of an offer to statutory homeless applicants, please refer to the policy for discharging duties to statutory homeless applicants in Appendix 2.

8.4. Arrangements for applicants awarded homeless prevention priority under the scheme

8.4.1.1. POs have the ability to award homeless prevention priority (Band B) to applicants who meet the statutory homeless criteria, but are not within 28 days of becoming homeless.

8.4.1.2. The awarding PO will update the application and the effective date (to the date of the interview).

8.4.1.3. Applicants awarded homeless prevention priority will be subject to location and time restricted bidding under the scheme.

(a) Location bidding restrictions for applicants awarded homeless prevention priority

- As with statutory homeless applicants, those awarded homeless prevention priority are restricted to bidding in the awarding Local Authority area.
- Location bidding restrictions will not necessarily be applied if the statutory homeless applicant is at risk of violence, threats or harassment.
- In such cases, the awarding PO will consider the facts of the case and decide if it is appropriate for the applicant to be exempt from location bidding restrictions. If the PO finds the applicant's circumstances warrant an exception, the applicant will be permitted to bid for properties across the sub-region.

- (b) Time limited bidding restrictions for applicants awarded homeless prevention priority
- The awarding PO will set the time period for bidding, which may be in line with the applicant's circumstances e.g. valid notice periods/section 21 notices to quit.
 - Applicants will be notified of the time limit period and the expectation to actively participate in the scheme, by bidding on appropriate properties.
 - The awarding PO reserves the right to review the priority band award and/or bid on the applicant's behalf for suitable properties during the time period if the applicant has:
 - (i) failed to bid for any properties
 - (ii) failed to bid for properties which they would have likely to have been successful in securing
 - (iii) placed bids on unsuitable properties
 - (iv) placed a bid on a suitable property and then refused the offer
 - If during the set time limit period, the PO decides to bid on behalf of the applicant, they will notify the applicant of their decision and the reasons for this action.

8.4.2. Refusal or failure to respond to an offer of suitable accommodation by an applicant with homeless prevention priority

- 8.4.2.1. If an applicant with homeless prevention priority refuses or fails to respond to an offer of a suitable property, the awarding PO reserves the right to review the application and remove the homeless prevention award.
- 8.4.2.2. If awarding PO removes the homeless prevention award, the application will be reassessed and given the band that reflects their current situation. If the applicant's new band is lower, there will be no change to their effective date, but if their circumstances mean the band remains the same, they may be given a new effective date.
- 8.4.2.3. Under these circumstances, the PO will notify the applicant of their decision and the reasons for this action. The PO will also advise the applicant of their new priority band, effective date and the right to a review of the decision. (For further information on the reviews of housing application decisions, please refer to section 15).

8.4.3. Reviews and appeals for applicants whose homeless prevention priority is removed

- 8.4.3.1. If an applicant's homeless prevention priority is removed, they will have the right to request a review of the Local Authority's decision.
- 8.4.3.2. For further information on requesting a review of a housing register decision, please refer to section 15.

8.5. Arrangements for applicants awarded urgent/high priority (Band A)

- 8.5.1.1. Some applicants in Band A will be subject to time limited restrictions. In some cases, applicants will also be subject to location restrictions. This is because Band A is the highest priority band and applicants will be expected to actively participate in the scheme.
- 8.5.1.2. Applicants in Band A will be kept under regular review by the awarding PO, to ensure they are bidding appropriately. Failure to do so may result in the priority being reduced.
- 8.5.1.3. Detailed below are the categories in Band A that are subject to location and time limited bidding restrictions:

(a) Location bidding restrictions for certain applicants in Band A

- Accepted Homeless in severe need
 - Applicants will be restricted to the awarding PO area, in accordance with the arrangements for statutory homeless applicants. (For further information please refer to section 8.3.2.2 of the policy).
- Applicants awarded medical or welfare priority because they need to move to a specific PO area in order to give or receive support
 - Applicants will be restricted bidding to the specific PO area where they wish to live. This is because the award is based on the applicant moving to the PO area.

- Applicants who are ready to move on from supported housing schemes
 - POs will have their own arrangements with housing providers to assist applicants to move on from supported housing schemes. Location bidding restrictions will be applied because ongoing support will usually be a condition of their tenancy.
 - In certain cases, applicants may be permitted to bid for properties across the sub-region; however this will only be permitted following agreement between the awarding PO, receiving PO and Supporting People teams.

(b) Time limited bidding restrictions for certain applicants in Band A

Applicants in Band A will be subject to time limited bidding restrictions. Suggested time limits are listed below; however, the POs reserve the right to set the time limits based on local circumstances, which can include the availability of accommodation required by the applicant in the PO area.

- Accepted homeless in severe need
 - Applicants will be subject to a time limited bidding restriction of 4 weeks. This is in accordance with arrangements for statutory homeless applicants. (For further information please refer to section 8.3.2 of the policy).
- Applicants awarded high medical or welfare priority
 - Applicants will be subject to a time limited bidding restriction of 2 bidding cycles
- Applicants awarded multiple needs in Band A
 - Applicants will be subject to a time limited bidding restriction of 2 bidding cycles
- Applicants who are ready to move on from supported housing schemes
 - Applicants will be subject to a time limited bidding restriction of 6 months
- Retiring scheme managers
 - Applicants will be subject to a time limited bidding restriction of 6 months
- Relationship breakdown (applicants in social housing properties where they are under occupying and assessed as having a housing need)
 - Applicants will be subject to a time limited bidding restriction of 6 months

- Successions (applicants in social housing properties where they are under occupying but have been assessed as having a housing need)
 - Applicants will be subject to a time limited bidding restriction of 6 months

8.6. Failure to bid, refusal or failure to respond to an offer of suitable accommodation of applicants in Band A

- 8.6.1.1. If an applicant in Band A fails to bid or refuses or fails to respond to an offer of a suitable property, the awarding PO reserves the right to review the application and remove the priority award.
- 8.6.1.2. In cases where applicants in Band A (assessed as being accepted homeless in severe need), refuse or fail to respond to an offer of suitable accommodation, the awarding PO may end the statutory homeless duty. (For further information, please see section 8.3.3).
- 8.6.1.3. If the PO removes the priority award, the application will be reassessed and given the priority band that reflects their current situation. The effective date will not change.
- 8.6.1.4. Under these circumstances, the PO will notify the applicant of their decision and the reasons for this action. The PO will also advise the applicant of their new priority band, effective date and the right to a review of the decision.
- 8.6.2. Reviews and appeals for applicants whose a Band A priority is removed**
- 8.6.2.1. If an applicant's Band A priority is removed, they will have the right to request a review of the POs decision.
- 8.6.2.2. For further information on requesting a review of a housing register decision, please refer to section 15.

8.7. Offering properties to tenants who owe rent

8.7.1. Tenants on the register will not normally be offered a new tenancy if they are in arrears with their rent. An offer is possible if:

- The rent owed is no more than four times the weekly rent (less any Housing Benefit payable). Any rent owing must be paid before the tenant signs to accept the new tenancy.
Note: This may not always apply to RP tenants, as the rent account may need to be clear before making the offer. This is checked with the RP at the time.

- A PO has accepted a duty to house the applicant under the Homelessness legislation. However the applicant will still be expected to agree to pay outstanding rent.
Note: If court action is being taken to gain possession or other legal action, no offers of housing will be made without the agreement of the PO.

- The applicant is a Council or RP tenant who has a high priority because they:
 - have been temporarily moved from their property by the Council or RP to allow repairs or re-development work to take place.
 - are moving under the Transfer Incentive Scheme (TIS). In this case the rent they owe cannot be more than any payment due from the scheme. An exception may be made if a move would benefit both housing needs in the area and the POs housing management work. The PO and the Landlord must agree this.
 - have a 'high' medical, welfare or hardship assessment. For clarification purposes this is for those who have been awarded Band A on medical or welfare grounds. No offers of housing will be made without the agreement of the PO.
 - tenants who are at significant risk due to violence or harassment. No offers of housing will be made without the agreement of the PO.

- In some circumstances, a new tenancy will be approved if there is rent owing. This could include applicants who have accrued rent arrears as direct result of housing benefit deductions due to under occupation of their property. These cases will need to be agreed by the PO and the landlord. Generally these cases will include a strong social or housing management need for the household to move.

9. Type of property offered

9.1. Property size and household size

- 9.1.1. The POs will always aim to make the best use of their housing stock.
- 9.1.2. Sometimes properties will not be offered to the applicant with the highest priority, for example if another applicant needs ground floor or specially adapted accommodation. Sometimes properties may not be offered if it will result in either overcrowding or under-occupation or if the landlord deems it to be unaffordable.
- 9.1.3. In exceptional circumstances, and with the agreement of the landlord, an applicant will be allowed to move into a property that is smaller than their needs, if doing so improves their situation. For example, if an applicant has 4 children and is entitled to a four bedroom property, but is living in a 2 bedroom flat, their application for a 3 bedroom property may be considered.
- 9.1.4. Due to prevailing demand and availability of properties across the sub-region, it will not be possible to automatically give additional bedroom entitlement for adult children. Adult children will be considered as children of the household and bedroom entitlement will be assessed as detailed in 9.1.5 below.
- 9.1.5. The following table advises how many bedrooms an applicant and their household should have.

Household Size	Bedroom entitlement
1 adult	Bed sit or 1 bedroom
2 adults living together as a couple	1 bedroom
2 adults living together, but not as a couple	2 bedrooms
1 adult (or 2 adults living together as a couple) with 1 child or expecting their first child	1 or 2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the same sex	2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the opposite sex, where both children are under 10 years old	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: - 2 children of the opposite sex where one child is aged 10 years or more	3 bedrooms

Household Size	Bedroom entitlement
<ul style="list-style-type: none"> - 2 children and the applicant or their partner is pregnant - 3 children - 4 children (all of one sex or 2 boys and 2 girls) 	
1 adult (or 2 adults living together as a couple) with either: <ul style="list-style-type: none"> - 4 children (3 children where one is over the age of 10 years or more) - Or up to 6 children 	4 bedrooms
1 adult (or 2 adults living together as a couple) with 6 or more children	5 or more bedrooms

9.2. Parents with ‘staying access’ to dependent children or shared residency orders

- 9.2.1. Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children.
- 9.2.2. The general principle is that a child needs one home of an adequate size, and that the POs will not accept responsibility for providing a second home for children.
- 9.2.3. The POs will make an assessment based on the individual circumstances.

9.3. Applicants with a medical or social need for a larger property

- 9.3.1. Applicants can apply for an extra bedroom due to their medical or social needs. Their circumstances will be considered and evidence supporting the need for an extra room will be required.

Applicants in receipt of housing benefit will need to be aware that from April 2013, they may not qualify for housing benefit for an extra bedroom. In such circumstances, the applicant will be responsible for paying any short fall.

9.4. Extra rooms for carers

- 9.4.1. If an applicant needs an extra room for a carer, the PO will investigate and offer advice on the need for an extra room. The PO will make the decision. The guidelines are as follows:

- Social Services should be able to give supporting evidence that a 'live in' carer is needed, and that if the support was not given voluntarily or paid for by the client, they would qualify for funding for a 'live in' carer.
- If one person has two carers working on a rota to cover 24 hours we would assume that they only needed one bedroom.
- In most cases only one extra bedroom for a carer will be considered. Extra rooms for a carer's dependents cannot usually be considered.

9.4.2. If the applicant does not need 24 hour care or intensive support an additional bedroom would not normally be considered, however an individual assessment will be made.

Applicants in receipt of housing benefit will need to be aware that from April 2013, they may not qualify for housing benefit for the extra bedroom. In such circumstances, the applicant will be responsible for paying any short fall.

9.5. Bungalows – Age restricted

9.5.1. Many of the bungalows advertised are designed for older people, or people with disabilities.

9.5.2. In areas where there is high demand and limited availability of bungalows, preference will be given to:

- Those aged 60 or over.
- Those under 60 with Bands A or B medical assessment for mobility, who require this type of accommodation.
- In areas where there is an abundance of bungalows, applicants under 60 with a Band C medical assessment for mobility, will be considered. Under these circumstances, applications will only be considered when it has been assessed that a bungalow is the most suitable type of accommodation to meet their housing need.
- Those who will release a property that is needed by the Council (as decided by the TIS) aged between 40 and 60.

Note: The property advert will stipulate there is age restriction applied

9.5.3. To make best use of stock, in exceptional circumstances, other applicants will be able to bid for age restricted bungalows, in order to resolve a high welfare issue, which cannot be resolved by other types of accommodation.

9.6. Bungalows – without age restrictions

- 9.6.1. Due to differing demand in certain localities some of the POs have bungalows they let to applicants of any age. It will be clearly stated on the advertisement who can apply for the properties.
- 9.6.2. Bungalows adapted to meet the needs of wheelchair users or severe mobility problems will be offered to those who have been assessed as needing that type of property.

9.7. Properties empty for major repairs and alterations (decants)

- 9.7.1. A decant is where the landlord needs to do major repairs to their property or redevelop the area and the property needs to be vacant for this work to be carried out.
- 9.7.2. This will only apply to tenants of local authorities or tenants of RPs who allocate 100% of their properties through the scheme. This is usually a temporary move.
- 9.7.3. All such cases will be dealt with outside the scheme, to enable the landlord to move applicants as quickly as possible. These moves will be featured in the scheme feedback to ensure full transparency.

10. Local Lettings Policies

10.1. Introduction

- 10.1.1. In exceptional circumstances, the partnership may decide to let properties on a slightly different basis from normal, in the interests of building a strong and sustainable community or to deal with particular local issues. The set of criteria where this applies will be called a “local lettings scheme”.
- 10.1.2. The decision to apply a local lettings scheme will be jointly made by the landlord of the property and the PO.
- 10.1.3. For existing developments there will need to be clear evidence of the need for a variation in the normal policy, and a time limit for review of not more than 2 years. The implications for equal opportunities and for the ‘reasonable preference’ criteria of the law will be considered.
- 10.1.4. On new developments, the partnership may consider widening the eligible bands for home types on first lettings, again taking equal opportunities and legal issues into account.

- 10.1.5. Sometimes RPs may have agreed that they will allow a certain amount of their stock go to their own tenants. If so homes may be advertised accordingly.

10.2. Local lettings policy – properties

- 10.2.1. Local lettings policies may be used in an area or a block of flats with significant management problems, which put other tenants at significant risk and where other action has failed. In these circumstances action may be taken against the perpetrators and a decision made as to whether a local lettings procedure should apply.
- 10.2.2. Although applicants will only apply once to the scheme, some RP will still operate their own allocations policies, and in such circumstances the highest bidder may not always fit the criteria for the letting. Some RP may keep transfer registers for their tenants and use this to find tenants for some homes.

10.3. Local lettings policy – people

- 10.3.1. The local lettings policy will also be used if a PO knows that an applicant has committed serious offences, which restrict where they can live. This could include Registered Sex Offenders or those identified as posing a serious risk to a specific community.
- 10.3.1.1. In such cases the PO will consult fully with the Police, Probation Service and other interested parties.
- 10.3.1.2. In such cases (and after a risk assessment has been completed), applicants may have their bidding restricted to certain areas where it is deemed they provide less risk or a direct let may be offered.

10.4. Local lettings policy – connection to an area (normally villages)

- 10.4.1. Some housing developments, particularly in villages, have been designated for people with a local connection to that area. This means that only applicants with a local connection to the area will be given preference for that property.

11. Allocating properties designed for people with physical disabilities or properties for older people

11.1. Allocating sheltered housing

11.1.1. When allocating sheltered housing the same general principles as for other property types are followed, apart from the following:

- An assessment of the applicant's suitability and need for support must be completed before any tenancy is offered. If the applicant is considered unsuitable for sheltered accommodation, they will be advised and given advice on homes more suitable to their needs.
- When assessing the applicant's suitability for sheltered housing they will also be given advice about the scheme and how to bid. If they need help this will be noted and appropriate arrangements made. All applicants requesting sheltered housing will be monitored to ensure that they are participating in the scheme.

11.2. Allocation of extra-care sheltered housing or very sheltered housing

11.2.1. The scheme will not be used for extra care or very sheltered housing schemes. This means that the properties will not be advertised.

11.2.2. These schemes have been commissioned with Social Services and RP and the eligibility rules means that applicants are assessed both on their housing and support needs. For more information on these schemes please contact your PO.

11.2.3. Applicants waiting for extra care will be placed in Band F (non-bidding band).

11.3. Properties designed or adapted for people with physical disabilities

11.3.1. All applicants who need a property suitable for wheelchair users will usually be assessed by an Occupational Therapist report before an offer can be considered.

11.3.2. Properties particularly designed for, or accessible to, people with disabilities will be advertised as such to help applicants with those needs identify them.

- 11.3.3. Properties which have been adapted to a very high standard may not be included in the scheme and will be directly allocated. The appropriate officer in the PO will make the decision whether the home is to be part of the scheme.

11.4. Age restrictions on homes

- 11.4.1. Except in special circumstances, sheltered housing and linked accommodation is let to people over the state retirement age (60 years for both men and women) or to those aged 55 and over in receipt of disability allowance and who need supported housing.
- 11.4.2. Some landlords may offer sheltered accommodation to those aged 55 or over who are not in receipt of disability allowance. This will be stated in the individual advert. (For further information, please refer to sections 11.1 and 11.2 for information about how the scheme allocates sheltered housing and extra-care, sheltered housing).
- 11.4.3. Bungalows are reserved for applicants as determined in section 9.5 and 9.6.

12. Types of Tenancies offered

The types of tenancies that can be offered by POs and RPs are as follows:

- 12.1.1. Introductory and starter tenancies
- These are probationary tenancies, set for a 12 month period.
 - Local Authorities can use introductory tenancies
 - RPs can use starter tenancies
 - These probationary tenancies have less security than permanent tenancies (also known as secure or assured tenancies).
 - Introductory and starter tenancies are used by POs and RPs to ensure new tenants look after their property and maintain and sustain their tenancy conditions
 - Tenants who successfully manage their tenancy during the probationary 12 month period are normally converted to a different tenancy type, which could be a longer fixed period tenancy or a permanent tenancy.
 - The conversion of a tenancy will be subject to the discretion of the landlord.
 - If a serious breach of the tenancy conditions occurs during the probationary 12 month period, the PO or RP can consider terminating the tenancy or extending the introductory/starter tenancy.
 - Tenants on introductory or starter tenancies are able to join the housing register and will be assessed in accordance with the scheme's policy.
 - Tenants on introductory or starter tenancies will not be able to mutually exchange their home or assign their tenancy.

12.1.2. Fixed term and flexible tenancies

- These are tenancies offered for a fixed period of time, usually for 5 years.
- Local Authorities can use flexible tenancies
- RPs can use fixed term tenancies.
- These tenancy arrangements are used to ensure that tenants residing in the properties continue to have a need for social housing.
- Landlords will be responsible for carrying out regular reviews of tenants during the period of the tenancy. These reviews ensure tenants are meeting the agreed tenancy conditions and can afford to the rent the property.
- Before the end of the end of the tenancy period, the landlord will carry out a full assessment of the tenant's circumstances. Depending on the situation at the time, the landlord may decide to renew the tenancy for a further fixed term period or decide that the tenant no longer requires social housing.
- Landlords will offer advice and assistance to tenants whose fixed term or flexible tenancy is not renewed. This advice and assistance will be free of charge and will include advice on all housing options.

12.1.3. Permanent tenancies (known as assured or secure tenancies)

- Local Authorities use secure tenancies
- RPs use assured tenancies
- Often assured or secure tenancies are offered following successful management of an introductory or starter tenancy.
- Assured and secure tenancies give the tenant the right to remain in the property so long as the terms of the tenancy are not broken (for example for rent arrears, nuisance, anti-social behaviour, using the premises for illegal activities).
- If the terms of either tenancy are broken, the landlord can serve notice based on set grounds for possession and apply to the County Court to seek possession of the property. Information on possession proceedings can be obtained from Landlords, PO Housing Advice Teams or through independent housing advice services, such as Citizens Advice Bureau or Shelter.

12.2. Letting permanent housing on a temporary licence

- 12.2.1. Homes are sometimes temporarily let to homeless applicants under a licence agreement or non-secure tenancies. This accommodation will not be let through the scheme.

13. Checks to make sure housing is offered to those with the greatest housing need

13.1. Renewing applications on the register

- 13.1.1. To keep the register up to date applicants will be required to complete a renewal. For further information, please refer to section 6.6.
- 13.1.2. Applicants who fail to respond to the request to renew their application may have their applicant closed. For further information, please refer to section 5.5.

13.2. Home visits before we make an offer of housing

- 13.2.1. POs and other landlords may visit applicants at the address given on their application form or conduct a telephone interview before actively considering them for an offer of tenancy.
- 13.2.2. The officer visiting will need to be satisfied that the details given by the applicant are correct. The failure of an applicant to disclose relevant information to the PO may result in the application being suspended or withdrawn. The PO may also seek to prosecute the applicant.
- 13.2.3. If application details are not accurate or circumstances have changed significantly the application will be re-assessed.
- 13.2.4. The PO may ask for a tenancy reference from their current landlord.

14. Making the best use of our housing stock

14.1. Tenants of Registered Providers (RP) where no nominations rights exist

- 14.1.1. There are some RP within the sub-region that are not subject to nomination agreements and can therefore choose to let their homes according to their own rules. Applications from tenants with these landlords will be treated in the same way as an application from a tenant in the private sector.

14.2. Council and RP tenants from outside the sub-region

- 14.2.1. Council and RP tenants living in accommodation outside the sub-region can apply to join the housing register.
- 14.2.2. Applicants living outside of the sub-region, will be assessed in the same way as others to establish their housing need.
- 14.2.3. If the applicant does not have a local connection to the sub-region, the application will then be placed one band lower than the assessment. (For further information, please refer to section 6.10.3).

15. Reviews

15.1. Rights to a review

15.1.1. Applicants have the right to ask for a review of decisions made about your application for housing or offer of accommodation. This includes:

- Decisions about refusing an application to join the register
- Removing an application from the register
- Assessment of bands
- Offers of housing

15.2. How to request a review of a Housing Register Decision

15.2.1. Applicants who disagree with a decision a PO has made may request a review of that decision. This may include the assessment of priority.

15.2.2. The appeal must be in writing within 21 days of the decision to the PO that made the decision. It must outline the reasons for the appeal. If an applicant is unable to appeal in writing an interview appeal may be offered.

15.2.3. The PO will reply in writing, giving the reasons for changing or upholding the original decision. Although the PO will aim to reply within 5 – 10 working days, they are legally obliged to reply within 56 days of receiving a request for a review.

15.2.4. If an applicant wants to appeal again against the decision they can request that another PO hears their review. The review process will be as follows:

- Babergh – appeal to Braintree
- Braintree – appeal to Colchester
- Colchester – appeal to Ipswich
- Ipswich – appeal to Maldon
- Maldon – appeal to Mid Suffolk
- Mid Suffolk – appeal to Suffolk Coastal
- Suffolk Coastal – appeal to Waveney
- Waveney – appeal to Babergh

15.3. Appealing against the suitability of an offer of housing

- 15.3.1. Separate rules apply to statutory homeless applicants. (For further information, please refer to the policy for discharging duties to statutory homeless applicants, found at Appendix 2 and the relevant PO Homelessness Review Policy).
- 15.3.2. With the exception of offers to statutory homeless applicants, there are generally no penalties for refusals of permanent accommodation under the scheme. However, if housing register applicants receive a direct offer and refuse the offer their priority may be reduced. For information on how to appeal against the reduced priority please refer to section 15.2 above.
- 15.3.3. If a housing register applicant wishes to appeal against the offer of housing they must appeal in writing to the PO within two working days of the offer being refused. The PO will normally confirm the outcome of the appeal within ten working days.
- 15.3.4. The written reply will explain the right to take the appeal further if the applicant is not satisfied with the decision.
- 15.3.5. On refusing an offer of accommodation the PO may ask applicants to complete a form to record the reasons why the property has not been accepted. This will be used to monitor the scheme and allow POs to make improvements where possible.

15.4. Complaints procedure

- 15.4.1. If an applicant is dissatisfied with any aspect of the management of their application, other than when a review can be made, they should contact the PO and ask for a complaints form.

15.5. The Local Government Ombudsman

- 15.5.1. If an applicant is not satisfied with the action of a PO, they can send a written complaint to the Local Government Ombudsman.
- 15.5.2. The applicant must give the PO the opportunity to deal with a complaint first, using its complaints procedure.
- 15.5.3. The Local Government Ombudsman will consider a complaint if an applicant believes they have been treated unfairly as a result of maladministration. Examples include:
- Delayed taking action without good reason
 - Taken into account irrelevant considerations or ignored relevant considerations
 - Not followed rules (legal or local procedures)
 - Given the wrong decision
 - Not reached a decision in the correct way
- 15.5.4. The Local Government Ombudsman will not consider certain matters, for example, if 12 months has passed since the cause for complaint occurred or where matters are, or could be, subject to court proceedings.
- 15.5.5. The Local Government Ombudsman can be contacted at:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Tel: 0300 061 0614
Website: www.lgo.uk

16. Banding Scheme

Each application will be assessed and placed in a band based on the individual circumstances of each case.

16.1. Band A

- Negotiated surrender of a tenancy within the sub region.
- Retiring Scheme Managers in Council or RP properties where accommodation was a condition of their employment within the sub region.
- Statutory accepted homeless applicants in severe need.
- Critical medical/welfare award (includes emergency situations).
- Nominations (move on from specified agencies).
- Qualifying Agricultural Workers within the sub region.
- Relationship breakdowns (Council properties where they are under occupying but have been assessed as having housing need) within the sub region.
- Successions (Council properties where they are under occupying but have been assessed as having housing need) within the sub region.
- Releasing a property in need (Council or RP properties) or where it prevents the Council making expensive alterations to the property within the sub region.
- Tenant Incentive Scheme (TIS) currently in three or four bedroom accommodation, releasing one or two bedrooms within the sub region.
- Multiple needs. If someone has two or more needs in Band B, they will be moved into Band A.

Note: Accepted Homeless cases do not come under this category. If additional preference is needed for homeless cases, they will be assessed as Accepted Homeless in severe need.

16.1.1.1. Some applicants in Band A will be subject to time limited restrictions. In some cases, applicants will also be subject to location restrictions. This is because Band A is the highest priority band and applicants will be expected to actively participate in the scheme. (For further information, please refer to section 8.5).

16.1.1.2. Applicants in Band A will be kept under regular review by the awarding PO, to ensure they are bidding appropriately. Failure to do so may result in the priority being reduced. (For further information, please refer to section 8.5).

16.2. Band B

- Serious medical/welfare award.
- Tenant Incentive Scheme (TIS) currently in one or two bedroom accommodation, releasing one or two bedrooms within the sub region.
- Overcrowded in social or private rented housing within the sub region (Please note, this will not apply to applicants whose statutory homeless duty has been ended by the PO and who are residing in temporary accommodation and overcrowded. For further information, please see section 17.2).
- Statutory accepted homeless applicants.
- Those applicants required to leave their property as a result of an emergency prohibition order served in relation to the premises under the Housing Act 2004 within the sub region.
- A prohibition order or demolition order has been served, or is about to be served in relation to the applicants dwelling by the Private Sector Team of the particular scheme Council. This indicates that the property contains one or more Category 1 Hazards that probably cannot be remedied.
- An improvement notice has been, or is about to be served in relation to the applicants dwelling by the Private Sector Housing Team of the particular scheme Council and:
 - The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time.
 - The cost of the remedies is beyond the means of the applicant (where applicable).
 - The remedies will make the property unsuitable for occupation by the applicant.
- Applicants assessed as meeting Band A criteria, but with no local connection to the sub region.
- Multiple needs. Applicants with four or more needs in Band C will be moved into Band B.
- Applicants threatened with homelessness, who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the particular scheme PO as likely to be in priority need and who are receiving housing advice from the particular scheme Council to prevent homelessness.

Note: Applicants awarded priority to prevent homelessness will be subject to location and time limited bidding restrictions. For further information, please refer to section 8.4.

16.3. Band C

- Moderate medical/welfare award
- Notice to quit
- Applicants who are homeless or threatened with homelessness, who are assessed by the particular scheme PO, as not in priority need.
- Applicants who following a homelessness application have been deemed by the particular scheme PO to be in priority need, but intentionally homeless.
- Overcrowded in social or private rented housing outside of the sub region (For further information, please refer to sections 17.2.4 and 17.2.5).
- No fixed abode.
- Fixed term licensees.
- Shared facilities.
- Lacking facilities.
- A hazard awareness notice has been served by the Private Sector Housing Team of the particular scheme Council, in relation to a Category 1 or 2 hazard at the applicants dwelling and:
 - The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time; or
 - The cost of the remedies are beyond the means of the applicant (where applicable); or
 - The remedies will make the property unsuitable for occupation by the applicant.
- A suspended improvement notice or prohibition order exists but a foreseeable change in the applicants circumstances will cause it to become active and result in a high priority situation.
- Applicants assessed as meeting Band B criteria, but with no local connection to the sub region.

16.4. Band D

- Applicants assessed as meeting Band C criteria, but with no local connection to the sub region.
- Reduced preference. For further information, please refer to section 6.12).

16.5. Band E

- Caravan or mobile home, but no housing need.
- Tied accommodation, but no housing need.
- Applicants who live in a property that is adequate to meet their needs in terms of property type, size and facilities.
- In prison.
- A suspended prohibition order or improvement notice has been or will be served by the Private Sector Housing Team of the particular scheme Council, in relation to the applicants dwelling, but the criteria leading to it becoming active are not met by the applicant.
- A hazard awareness notice or improvement notice has been or will be served by the Private Sector Housing Team of the particular scheme Council, in relation to the applicants dwelling, but the specified remedies are low cost and straight forward to achieve.
- Owner Occupiers.

Note: Owner Occupiers will normally only be offered tenancies in sheltered accommodation or where there is no other demand.

17. Housing Priority

17.1. Deciding who has priority on the register

- 17.1.1. Applicants will be placed in the relevant band defined by their specific circumstances. Reasonable preference, where appropriate, is awarded in accordance with legal responsibilities.

17.2. Overcrowding

- 17.2.1. Homeless applicants cannot fulfil the overcrowding criteria. This will also apply to applicants whose statutory homeless duty has been ended by the PO and who are residing in temporary accommodation and overcrowded
- 17.2.2. Applicants will be placed in Band B if they are overcrowded by one or more bedrooms and live in social or private rented accommodation. The overcrowding must arise within the household of the tenant, as named on the transfer application.
- 17.2.3. Applicants will be placed in Band C if they are overcrowded and living with relatives or friends.
- 17.2.4. Overcrowded applicants living outside the sub-region with no local connection to the sub-region living in either private rented or social housing will be placed in Band D.
- 17.2.5. Overcrowded applicants living outside of the sub-region with a local connection to the sub-region living in either private rented or social housing will be placed in Band C.
- 17.2.6. Additional priority may be considered on medical and/or welfare grounds. For further information please refer to section 17.20. If applicants need an extra room for medical or welfare/hardship reasons they will not be considered overcrowded but will be assessed for medical or welfare priority.
- 17.2.7. Overcrowding priority will not be given if someone moved into the applicants' household making them overcrowded. This will be looked at on welfare grounds. As part of the assessment, consideration will be given as to whether applicants have deliberately made their housing situation worse. (For further information, please refer to section 6.13 of the policy).
- 17.2.8. Where an applicant is pregnant and they are entitled to a larger property they will not receive overcrowded priority until that baby is born.

17.3. Children sharing bedrooms

- 17.3.1. Children of the same sex are expected to share a bedroom unless there is a medical or welfare reason why the children cannot share a bedroom. Medical and welfare priority will be assessed using the scheme's standard process.
- 17.3.2. Applications will only be considered for overcrowding priority if the applicant is the main person who cares for the children named on the application. Welfare or medical grounds may be considered in other circumstances.
- 17.3.3. Applicants who have two children of opposite sex in a two bedroom Council or RP property that need a three bedroom property will be placed in Band B when one of their children is 10 or over.
- 17.3.4. Due to prevailing demand and availability of properties across the sub-region, it will not be possible to automatically give additional bedroom entitlement for adult children. Adult children will be considered as children of the household and bedroom entitlement will be assessed as detailed in 9.1.5 of the policy.

17.4. Bedroom size

- 17.4.1. Bedrooms of less than 6.7 square metres are not considered for use by more than 1 child.
- 17.4.2. Rooms of less than 8 square metres are not seen as suitable for use by more than one 'non-dependent' adult (aged 16 or over), usually being the son or daughter.
- 17.4.3. Rooms between 6.7 – 8 m² are not considered suitable for more than 2 children and a second bedroom occupied by 4 or more children is considered unreasonable.

17.5. Applicants without children

- 17.5.1. Single applicants and couples without children who are living in overcrowded conditions will not be given priority for overcrowding unless they are in self-contained accommodation which is too small, for example a couple in a one person bed-sit. For example, young adults living with their parents or people temporarily sharing with friends will not get overcrowding priority.

17.6. Disrepair, poor design and lack of facilities

- 17.6.1. Any complaint about poor repair within Council or RP properties must be reported to the applicant's landlord's Repairs service.
- 17.6.2. Applicants living in private sector accommodation in poor condition must be referred to the Council's Private Sector Housing team who will assess the situation and then make their recommendations according to the banding scheme. (For further information, please see Section 16 of the policy).
- 17.6.3. If an applicant lacks facilities such as cooking facilities, washing facilities, toilet facilities or heating they will be placed in Band C.

17.7. Sharing with another household

- 17.7.1. Applicants will be placed in Band C if they share any of the following facilities with either people they are not related to or their family.
 - living room
 - kitchen
 - bathroom or toilet

17.8. People living in mobile homes or caravans

- 17.8.1. Applicants living in a caravan, mobile home or houseboat will be placed in Band E if there is no other housing need, reflecting parity with other private sector applicants. It does not matter if the caravan is on a site or not or if they own or rent the property.
- 17.8.2. If their accommodation lacks facilities they will be placed in Band C. (For further information, please refer to section 17.6.3 of the policy).

17.9. Homelessness and temporary or insecure accommodation

17.9.1. Section 8.3 of the policy details the specific arrangement for applicants accepted as being statutory homeless.

17.9.2. Accepted homeless households are applicants to whom:

- a PO has accepted a duty under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless)

and

- the PO accepts a duty to provide permanent PO or RP housing or private rented accommodation

17.9.3. The POs will have regard to the policy for discharging duties to statutory homeless applicants when deciding to offer social or private sector accommodation. (For further information, please refer to the policy for discharging duties to statutory homeless applicants, found as Appendix 2)

17.9.4. All accepted statutory homeless applicants housed in temporary accommodation, including Bed & Breakfast accommodation, hostels, homeless at home will be placed in Band B.

17.9.5. Accepted statutory homeless applicants placed in self-contained temporary accommodation under a Council's private sector lettings schemes or placed in supported accommodation will be awarded Band B. However their application may be suspended from taking part in the scheme for a period (they will be advised of this when they are placed in that accommodation). For further information, please refer to section 4.9.

17.9.6. Under the scheme, all accepted statutory homeless applicants will be expected to make expressions of interest for any suitable property in the awarding PO area. Homeless applicants will not be able to express an interest while their application is suspended.

17.9.7. Applicants will be monitored to make sure they are participating. Homeless applicants will be restricted to bidding in the awarding PO area.

17.10. Accepted homeless households in severe need

17.10.1. These are applicants to whom:

- the PO has accepted a duty under the Homelessness legislation
and
- the PO accepts a duty to provide permanent Council or RP housing
and
- are elderly and vulnerable due to frailty*.
- have a terminal or severe long-term illness.
- have severe mental health problems, have been unable to cope in temporary accommodation, and have been 'sectioned' or are likely to be admitted under the Mental Health Act.
- are permanent wheelchair users.
- are Council or RP tenants who have an urgent need to transfer as they are suffering from violence or threats of violence and are considered to be at significant risk.
- if the Council is unable to provide/continue to provide suitable temporary accommodation.

Note: Where the above circumstances apply these applicants will be placed in Band A.

17.10.2. The PO will decide who will be placed in Band A. Recommendations will be made by the Homelessness Team because they have the most accurate and up-to-date information on the applicant, due to the investigations completed before an applicant is accepted as homeless.

17.10.3. *Elderly non-frail applicants may still be placed in Band A, however clear supporting evidence will be required to support their application.

17.11. Other Homeless households not owed a duty

17.11.1. Other homeless applicants who are not owed a duty under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless) are still entitled to reasonable preference and will be placed in Band C of the scheme.

17.12. Prevention of homelessness

- 17.12.1. Applicants threatened with homelessness who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the particular scheme PO as likely to be in priority need and who are receiving housing advice from the particular scheme PO to prevent homelessness (this would require a homelessness prevention referral from the particular scheme Council's advice and homelessness service) will be placed in Band B.
- 17.12.2. Households placed in Band B to prevent homelessness will be subject to time limited bidding restrictions, after which, their case will be reviewed and the enhanced banding may be withdrawn. (For further information, please refer to section 8.4 of the policy).
- 17.12.3. If they are subsequently accepted as homeless they will remain in Band B but their earlier effective date will remain, unless their enhanced banding had been withdrawn.

17.13. Assured shorthold tenants under notice

- 17.13.1. Assured shorthold tenants who have received a 'Notice Requiring Possession' from their landlord will be placed in Band C if there is less than three months before the notice expires.
- 17.13.2. If notice has been received because the tenant has breached a condition of their tenancy agreement, the PO reserves the right to apply reduced preference or suspend the applicant from participating in the scheme or make the applicant ineligible. This will depend on which tenancy conditions have been breached. For further information, please refer to sections 4.2, 4.9 and 6.12).
- 17.13.3. All applicants will be offered advice regarding their housing options.

17.14. Lodger under notice

- 17.14.1. This applies to applicants living in the same property as their landlord.
- 17.14.2. They must be renting a room that is for their own use only, and be paying a market rent.
- 17.14.3. Proof that notice has been served is required.
- 17.14.4. Applicants will be placed in Band C if there is less than three months before the notice expires.
- 17.14.5. The PO will then check to see whether the notice will be enforced.
- 17.14.6. If their notice has been received because of rent arrears or anti-social behaviour or because of their own actions then they will be given reduced preference and placed in Band D.

17.15. Tenants of tied accommodation under notice

- 17.15.1. Tenants in tied accommodation with no need to move will be placed in Band E.
- 17.15.2. If they have received a legal notice asking to leave that accommodation they will be placed in Band C.
- 17.15.3. If their notice has been received because of rent arrears or anti-social behaviour or because of their own actions then they will be given reduced preference and placed in Band D.

17.16. Protected tenants with a possession order

- 17.16.1. This applies to a tenant with a 'protected' tenancy (that is a tenancy with protection from eviction, but not an assured shorthold tenancy).
- 17.16.2. They must have been served with a court order for possession and then will be placed in Band C.

Important Note: As highlighted in section 6.13 of the policy, applicants will not get extra priority if a PO considers they have made their housing situation worse, and that their actions have been unreasonable in this respect'. If a possession order has been granted because of a breach of tenancy, an applicant may be placed in Band D (reduced preference).

17.17. Qualifying Agricultural workers (protection under the Rent Agricultural Act 1976)

- 17.17.1. Certain categories of agricultural workers, who are provided with accommodation as a condition of their employment, may be protected against eviction even if their employment comes to an end.
- 17.17.2. The worker can only be asked to leave their accommodation if an Agricultural Dwelling House Advisory Committee (ADHAC) decides that the accommodation will be required by a successor or that the property is no longer in the interest of efficient agriculture.
- 17.17.3. If ADHAC decides that a worker must leave their accommodation, the PO must use their best endeavours to offer housing to the worker.
- 17.17.4. A PO would not be properly carrying out its duty if it were to refuse to offer suitable accommodation to the worker because they did not have enough priority on the register.
- 17.17.5. In such cases the applicant will be placed in Band A and be subject to regular reviews to ensure the applicant is bidding appropriately. For further information, please refer to section 8.5).

17.18. Fixed-term licensee

- 17.18.1. This applies to applicants living in supported housing schemes.
- 17.18.2. Applicants in these schemes will be placed in Band C.
- 17.18.3. Applicants in supported housing schemes may apply for medical/welfare priority if they are ready to move onto permanent accommodation.
- 17.18.4. If they receive a welfare/medical priority they will be placed in the highest band that applies.

17.19. Applicants with no fixed address

- 17.19.1. This applies to applicants who have no fixed address.
- 17.19.2. They will be placed in Band C.
- 17.19.3. If they are in prison they will be placed in Band E.

17.20. Medical, welfare and hardship

- 17.20.1. Priority can only be awarded under one heading: medical, welfare, hardship or harassment.
- 17.20.2. Applicants can be assessed under all headings, but will get awarded priority under only one heading.
- 17.20.3. Any medical or welfare priority can be reassessed if an applicant's circumstances change.
- 17.20.4. Applicants that have been given a priority under welfare or medical grounds to move to a local authority area to give or receive support will be restricted to bidding for properties in that local authority area.

17.21. Medical assessments

This applies if an applicant's present housing is detrimental to their health, or if a move to more suitable accommodation would have a positive effect on their health.

- 17.21.1. Applicants may also be awarded priority if the applicant is asking to be rehoused so they can receive care or specialist support
- 17.21.2. Extra information may be sought from private sector landlords, housing officers, GPs, health visitors and other parties.
- 17.21.3. The table below is used to act as a guide to priority:

Effect on housing	Medical problem			
	Very Serious 1	Serious 2	Moderate 3	Low 4
Very Serious 1	Band A	Band B	Band C	No award
Serious 2	Band B	Band B	Band C	No award
Moderate 3	Band C	Band C	Band C	No award
Low 4	No award	No award	No award	No award

- 17.21.4. Applicants accepted under Homelessness legislation will not be eligible for medical priority. If a homeless applicant's temporary accommodation is unsuitable on medical grounds the PO will first look to see if alternative temporary accommodation can be found.
- 17.21.5. Homeless households can be considered through a medical assessment if an extra room is required on medical grounds.
- 17.21.6. Applicants who have been awarded Band B prevention of homelessness cannot be assessed under medical or welfare grounds as these awards are based on their permanent accommodation and a Band B prevention award is because they are not in permanent accommodation.

17.22. Welfare/Hardship assessments

- 17.22.1. This applies if at least one person in the household is vulnerable and less able to find settled or suitable accommodation.
- 17.22.2. These people will have a need to move but may not get medical priority because their present housing may be suitable for their needs.
- 17.22.3. The table below is used to act as a guide to priority:

Need for settled suitable accommodation	Level of vulnerability		
	High 1	Medium 2	Low 3
High 1	Band A	Band B	Band C
Medium 2	Band B	Band B	Band C
Low 3	Band C	Band C	Band C

- 17.22.4. Foster carers who have been registered and approved by Social Services will be considered for additional priority and bedroom entitlement on welfare grounds.
- 17.22.5. Homeless applicants will not be looked at under welfare issues. If a homeless applicant's temporary accommodation is unsuitable on welfare grounds the PO will first look to see if alternative temporary accommodation can be found.
- 17.22.6. If a homeless applicant or household is particularly vulnerable and they may be at significant risk in temporary accommodation the PO can consider the category of 'accepted homeless applicants in severe need' to increase them to Band A. (For further information, please refer to section 17.10).

17.23. Tenants with a home that is bigger than they need

- 17.23.1. This applies to sub-regional secure tenants or tenants of RPs (where the sub-region has nomination rights), who are 'under-occupying' their homes and want to move to a smaller property. These applicants are given high priority because it enables a household with high need to move into the freed up larger property.
- 17.23.2. Applicants who are currently in 4 or 3 bedroom accommodation and will be releasing one or two bedrooms will be placed in Band A.
- 17.23.3. Applicants who are in 2 bedrooms or less and wish to move to smaller accommodation will be placed in Band B.
- 17.23.4. Some POs may also provide some financial incentives to move and can provide further information on request.
- 17.23.5. Applicants will be assessed under the criteria for occupation (please see 9.1) but will be allowed to bid for properties one bedroom more than they qualify for e.g. a single tenant currently occupying a 4 bed property will be able to bid on bedsits/one beds or two bed properties.
- 17.23.6. A tenant wishing to move into a smaller property from within a sheltered housing scheme, or linked to another linked sheltered scheme will not be entitled to priority under the transfer incentive scheme. This is because sheltered accommodation is not in high demand.

17.24. Applicants offered housing because of the death of a secure tenant in the sub-region

- 17.24.1. This applies if the applicant qualifies to 'succeed' to a tenancy when the tenant dies.
- 17.24.2. To be a 'successor tenant' the applicant has to meet certain rules – usually must be related to the tenant, or be their partner, and have lived in the property a certain time.
- 17.24.3. The rules for this are in the tenancy conditions for the property. In such circumstances the applicant will be placed in Band A.
- 17.24.4. If the successor tenant does not need the property because of its size, or the adaptations or services in the property, they may be served a notice seeking possession under Schedule 2, Ground 16 of The Housing Act 1985.

- 17.24.5. If the applicant has no legal right to succeed but has lived in the property for the last 12 months the PO may decide to offer a move to more suitable accommodation. Each case will be individually assessed.
- 17.24.6. Under the scheme, applicants are able to express an interest for properties under the scheme but if they have not expressed an interest within six months of their application their case will be reviewed and the PO may reserve the right to express an interest for them on suitable properties.
- 17.24.7. If the offer of a new home is refused the applicant may lose their right to remain in their present property.

17.25. Applicants offered housing because of a relationship breakdown of a secure/assured tenant in the sub-region

- 17.25.1. This category applies to secure and assured tenants only.
- 17.25.2. Applicants will be placed in Band A when there is a relationship breakdown and the joint tenant moves out and ends the tenancy and the other tenant either:
- qualifies to be offered the property; **or**
 - qualifies to be offered a smaller property; **or**
 - qualifies for the property size but does not need the adaptations within the current property.
- 17.25.3. If a joint tenant ends the tenancy when moving out, the property is not automatically offered to the tenant remaining.
- 17.25.4. If an applicant qualifies to be offered the same property we will make them an offer of that property.
- 17.25.5. This property will not be part of the scheme.
- 17.25.6. If an applicant qualifies to be offered a smaller property they will be placed in Band A.
- 17.25.7. They will be able to express an interest for properties under the scheme but if they have not expressed an interest within six months of their application their case will be reviewed. The POs reserve the right to express an interest for them on suitable properties.

17.25.8. If a property is then subsequently refused they may lose their right to remain in their current property.

17.26. Transfers which will release a property that is needed

17.26.1. Applicants will be placed in Band A of the scheme if they wish to move and:

- the property they would leave is needed to meet the urgent housing needs of another household on the register which otherwise would not be met within a reasonable time
- or**
- where it prevents the Council making expensive alterations to the property; and
- there is not a serious shortage of the types of home they want to move to.

17.27. Applicants where tenancy surrender has been negotiated

17.27.1. Applicants in this category would be placed in Band A if a tenancy surrender has been negotiated and meets these conditions:

- they were a Council or RP tenant when taken into custody and the offence did not mean that they had broken their tenancy or the tenant has to go into a mental health or other special facility for an extended period; **and**
- they have, or are likely, to be sent to prison or institution for more than 13 weeks (including the time spent on remand); **and**
- they have conducted their tenancy in a reasonable way and have not broken their tenancy agreement; **and**
- their rent is up to date; **and**
- they have not been served with a 'notice seeking possession'; **and**
- they offer to end their tenancy.

17.27.2. Before agreeing to a tenancy surrender, the landlord will agree this with the PO. Tenancy surrenders will not go ahead until the PO gives their written confirmation.

17.27.3. Tenancy surrenders are only applicable in the sub-region.

17.28. Nomination agreements with supported housing providers (move on)

- To help POs retain spaces within specialist or supported accommodation, POs have agreed to house a certain number of clients every year from this accommodation
- Each PO in the sub-region will have their own individual nomination agreements or move on agreements and further details are available from each PO.
- This arrangement does not apply to people who have been accepted under homelessness legislation.
- These applicants would be placed in Band A of the scheme.
- Applicants will be subject to time limited bidding restrictions of no more than six months.
- If no expression of interest had been received in that time their case would be reviewed and their priority could be removed.
- These applicants are restricted to bidding in the awarding PO area as that is where their support is provided.
- In certain cases cross boundary bidding will be allowed but agreement will be required from the awarding PO, receiving PO and Supporting People teams.
- For further information on location bidding restrictions and time limited restrictions, please refer to section 8.5.

Appendix 1

Contact details for each PO

Babergh District Council

Corks Lane, Hadleigh, Ipswich, Suffolk, IP7 6SJ

Telephone: 01473 825757

Website: www.babergh.gov.uk

Email: homechoice@babergh.gov.uk

Braintree District Council

Causeway House, Bocking End, Braintree, Essex, CM7 9HB

Telephone: 01376 552525

Website: www.braintree.gov.uk

Email: homechoice@braintree.gov.uk

Colchester Borough Council

Rowan House, Sheepen Road, Colchester, Essex, CO3 3WG

Telephone: 01206 282222

Website: www.colchester.gov.uk

Email: homechoice@colchester.gov.uk

Greenfields Community Housing

Greenfields House, Charter Way, Braintree, Essex, CM77 8FG

Telephone: 01376 535400

Website: www.greenfieldsCH.org.uk

Email: csc@GreenfieldsCH.org.uk

Colchester Borough Homes

Rowan House, Sheepen Road, Colchester, Essex, CO3 3WG

Telephone: 01206 282514

Website: www.colchesterboroughhomes.co.uk

Email: cbh@colchester.gov.uk

Ipswich Borough Council

Grafton House, 15-17 Russell Road, Ipswich, Suffolk, IP1 2DE

Telephone: 01473 423000

Website: www.ipswich.gov.uk

Email: homechoice@ipswich.gov.uk

Maldon District Council

Princes Road, Maldon, Essex, CM9 5DL

Telephone: 01621 854477

Website: www.maldon.gov.uk

Email: homechoice@maldon.gov.uk

Mid Suffolk District Council

131 High Street, Needham Market, Suffolk, IP6 8DL

Telephone: 01473 724760

Website: www.midsuffolk.gov.uk

Email: homechoice@midsuffolk.gov.uk

Moat Homes Ltd

Mariner House, Galleon Boulevard, Crossways, Dartford, DA2 6QE

Telephone: 0845 359 6161

Website: www.moat.co.uk

Email: customer@moat.co.uk

Suffolk Coastal District Council

Melton Hill, Woodbridge, Suffolk, IP12 1AU

Telephone: 01394 444822

Website: www.suffolkcoastal.gov.uk

Email: homechoice@suffolkcoastal.gov.uk

Waveney District Council

The Marina Customer Service Centre, Marina, Lowestoft, NR32 1HH

Telephone: 01502 523524

Website: www.waveney.gov.uk

Email: homechoice@waveney.gov.uk

Flagship

Keswick Hall, Norwich, Norfolk, NR4 6TJ

Telephone: 0808 168 4555

Website: www.flagship-housing.co.uk

Appendix 2

Policy for discharging statutory homeless duties

Adoption Date: 1 November 2012
Review Date: 1 November 2013

1. Policy overview

- 1.1 This document relates to the policy and procedural arrangements for discharging statutory homeless duties. The document will be referred to as “the policy”.
- 1.2 The policy applies to the following Local Authorities:
- Babergh District Council
 - Braintree District Council
 - Colchester Borough Council
 - Ipswich Borough Council
 - Maldon District Council
 - Mid Suffolk District Council
 - Suffolk Coastal District Council
 - Waveney District Council
- 1.3 The Local Authorities, who have signed up to the policy, all participate in the Gateway to Homechoice housing register and choice based lettings system.
- 1.4 The policy works alongside the Gateway to Homechoice Allocation Policy.
- 1.5 The policy will comply with:
- The Housing Act 1996, as amended by the Homelessness Act 2012
 - The Localism Act 2011
 - Equality Act 2010
 - Suitability of Accommodation Order (expected November 2012)

2. Policy aims and objectives

- 2.1 The policy will ensure a comprehensive and consistent needs and risk assessment is carried out for each statutory homeless household. This approach will ensure applicants' needs are appropriately met and risks to personal safety and that of staff and the community are minimised.
- 2.2 This policy and the needs assessment procedure will ensure there is no discrimination on the grounds of gender, age, religion, race, disability, nationality or sexuality.
- 2.3 Each case will be assessed on an individual basis, to avoid blanket policies.

3. Assessment Procedure

- 3.1 Enquiries will be made by the Local Authority Officers into the following areas of need and risk:
- Bedroom eligibility under Local Housing Allowance
 - Physical Mobility / Health needs
 - Mental / Emotional Health needs
 - Practical Support / Advice needs
 - Cultural/ Faith needs
 - Risks to staff and community
 - Risk to self (e.g. substance misuse/self-harming)
 - Recent housing history
 - Ability to manage finances/maintain home
 - Ability to manage personal health and hygiene
 - Concerns raised by the applicant
 - Status of Homelessness Application
 - Area of preference. The use of the Private Rented Sector will potentially provide greater opportunity for households to remain in their preferred area.
 - Confirmation of the affordability of each option. Each case will be assessed on its own merit.
 - Financial circumstances. Households above the current Gateway to Homechoice financial thresholds (for income and savings) will automatically be considered for private rent accommodation. Households with sufficient capital to meet 12 months' rent in advance in the private rented sector will receive reduced preference under the Gateway to Homechoice Allocations Policy and, if a homeless duty is accepted, then an offer (wherever possible) will be made to discharge into the private sector.
- 3.2 The outcome of these enquiries will be recorded on each Local Authority's Housing Advice/Enquiry form.
- 3.3 Some Local Authorities will complete a housing needs assessment as part of initial housing options advice and as part of the homeless application process.
- 3.4 The outcome of these enquiries will determine the eligible accommodation option(s) for each household. Available options for customers are detailed in section 4.
- 3.5 The policy and procedure for selecting households for properties is detailed in section 5.

4. Available options for customers

4.1 Assessed as suitable for discharge into private sector

a) Singles/Couples

- Singles – Under the age of 35 for shared housing only, unless they are in an exempt category of persons.
- Singles – 35 and over can be considered for bedsits, studio or one beds
- Couples – one beds

- Must be 18 years or over
- Low support needs
- Homelessness Application has been accepted
- Assessed income and savings are above the current Gateway to Homechoice financial thresholds (see section 3.1) or the property identified is assessed as being affordable to the household and they are assessed as being able to manage their finances with limited support.

b) Families

- Households aged 18 years or over and have children or include an expectant mother

- Low support needs
- Homelessness Application has been accepted
- Assessed income and savings are above the current Gateway to Homechoice financial thresholds (see section 3.1) or the property identified is assessed as being affordable to the household and they are assessed as being able to manage their finances with limited support.

4.2 Suitable ONLY for Council or RP Properties

- All singles, couples and families who do not meet the criteria as above.

- For further information, please refer to the Gateway to Homechoice Allocation Policy.

5. Selecting Households for Properties

5.1 Policy

A selection procedure is in place in order to prioritise households for properties when they become available. The decision to prioritise households for properties will be at the Local Authority's discretion. Each case will be assessed on individual circumstances and in line with the terms of this policy and procedure. In certain cases a landlord may determine the criteria for who will be accepted into the property.

5.2 Procedure

When a suitable property becomes available priority will be given as follows:

1st – Exceptional medical cases or other circumstances where it was agreed B&B/temporary accommodation would be unacceptable if the household was not prioritised for a property. Households with sufficient capital to meet 12 months' rent payments.

Then if none (or none suitable)

2nd - Households in Bed & Breakfast/temporary accommodation (longest stay first).

Then if none (or none suitable)

3rd- Households where negotiations have taken place (e.g. with a landlord) to avoid B&B if we prioritised them for a property.

Then if none (or none suitable)

4th - Next suitable homeless household (where a homeless duty has been accepted) with the oldest date homeless.

6. Offers of accommodation

6.1 Policy

Statutory homeless households are entitled to one reasonable offer of accommodation.

The Local Authority will consider its homeless duty discharged if a suitable offer (known as a “final” offer) is refused, in either the private rented or social sector.

6.2 Procedure for offers in the private sector

- 6.2.1 If an applicant is deemed to be suitable for a private sector offer and a suitable property is available, they will be made an offer immediately.
- 6.2.2 The private sector offer must be an offer of an Assured Shorthold Tenancy, with a minimum fixed term of one year.
- 6.2.3 Under these circumstances, this will be considered to be the applicant’s one offer of suitable accommodation and will therefore discharge the statutory homeless duty.
- 6.2.4 If the applicant refuses the offer of accommodation, the Local Authority can end its statutory homeless duty.
- 6.2.5 Once the offer has been formally made, the applicant’s homeless and housing register applications will be closed. Should the applicant wish to reapply to the housing register, they will need to complete a new application and their priority will be assessed based on their current accommodation.
- 6.2.6 If an applicant is deemed suitable for a private sector offer and there are no suitable properties available, the applicant will be given Band B and will be able to bid for social housing, subject to location and time bidding restrictions. (For further information on time and location bidding restrictions, please refer to the Gateway to Homechoice Allocation Policy).

If a suitable private rented property becomes available before an offer of social housing can be made, then points 6.2.2 – 6.2.5 above will apply.

6.3 Procedure for offers of accommodation in the social sector

- 6.3.1 Applicants assessed as being suitable for a social housing offer of accommodation will be subject to location and time restricted bidding under the scheme. For further information, please refer to the Gateway to Homechoice Allocation Policy.

7. Refusal or failure to respond to an offer of suitable accommodation

7.1 Policy

If a statutory homeless applicant refuses or fails to respond to a suitable offer of accommodation in the private or social sector, the Local Authority can end its statutory duty to provide accommodation.

7.2 Procedure

- 7.2.1 If a statutory homeless applicant refuses or fails to respond to a suitable offer, the Local Authority will explain the applicant's right to a review against the suitability of the offer of accommodation.
- 7.2.2 The Local Authority will also explain to the applicant that they may lose their right to temporary accommodation. For further information, please refer to section 9 below and to the relevant Local Authority Reviews Procedure.
- 7.2.3 An applicant, whose statutory homeless duty has ended as a result of their refusal or failure to respond, can remain on the housing register; however the Local Authority will remove the statutory homeless priority award. Their application will be reassessed and given the band that reflects their current situation. For further information, please refer to the Gateway to Homechoice Allocation Policy.

8. New approaches from applicants previously housed into the private sector

8.1 Policy

If an applicant becomes unintentionally homeless from their private rented tenancy within 2 years, the statutory homeless duty automatically revives (once).

In cases where the duty revives and the applicant applies to a different Local Authority, the applicant can be referred back to the original Local Authority, unless there is a risk of domestic violence.

8.2 Procedure

The revived duty may again be discharged through an offer of private or social rented accommodation, in accordance with this policy.

9. Reviews on the suitability of accommodation offered

As part of the offer process and in accordance with each Local Authority's policies and procedures, applicants will be advised of their right to request a review on the suitability of the accommodation offered. Applicants will also be advised of advice services, for example Citizens Advice Bureau or Shelter.

9.1 Review process

9.1.1 Applicants can request a review within 21 days of the Local Authority telling them that they consider an offer to be suitable and that it has discharged its duty under the homeless legislation.

9.1.2 Review requests can be made in writing or verbally to the relevant Local Authority. The Local Authority will advise the applicant of the full procedure and process for completing a review of the suitability of the accommodation offered.

9.1.3 The Local Authority will consider review requests received after 21 days, but they are not obliged to agree to carry out the review.

9.1.4 Once a review request has been received, the Local Authority will write to the applicant to:

- acknowledge the request
- provide details of the review procedure

9.1.5 The Local Authority will need to complete the review within 56 days of receiving the applicant's original review request (unless a longer period is agreed).

9.1.6 The review will be carried out by a Local Authority Senior Officer. This Officer must not have been involved in the original decision.

9.2 Review outcomes

9.2.1 The review outcome can be:

- Unsuccessful – in this situation the Local Authority's original decision will stand.
- Successful – in this situation the Local Authority will amend their original decision.

9.2.2 Once the review has been completed, the Local Authority will write to the applicant informing them of the review decision. The letter will be sent to the applicant or will be available for collection from the Local Authority offices.

9.2.3 The outcome letter will explain the following:

- the review decision
- how the Local Authority reached this decision; and
- the right to appeal the review decision to the County Court if the applicant believes the decision is legally incorrect. An appeal must be made within 21 days of being notified of the review decision. (For further information on the appeals process, please see below).

9.3 Accommodation options during and after a review decision

9.3.1 During the review process, the Local Authority is not legally obliged to provide the applicant with temporary accommodation. Applicants will be advised to accept the final offer of accommodation whilst the review is being considered. This is because:

- the applicant will have somewhere to stay during the review process
- there is no guarantee of a further offer of accommodation following the outcome of the review.

9.3.2 During the review process, the property originally offered, may at the landlord's discretion, be held open whilst the review is considered. Unfortunately this may not be possible in cases of private rented accommodation.

9.3.3 If the review is unsuccessful and the property is still available, the applicant may be offered the property again. If the applicant refuses the offer, they will be referred to a Local Authority Senior Officer, who will confirm if the statutory homeless duty has been ended.

10. County Court Appeals

10.1 An applicant can appeal to the County Court on any point of law for one of the following reasons:

- if they feel the review decision is legally incorrect; **or**
- if the Local Authority has not met the time limit to complete the review process

10.2 All appeals must be made to the County Court within 21 days of the review decision.

10.3 Applicants considering an appeal to the County Court are advised to obtain independent legal advice e.g. citizens advice bureau or shelter.

10.4 The Local Authority is not legally obliged to provide the applicant with accommodation during an appeal process.

11. Complaints to the Local Government Ombudsman

- 11.1 If an applicant is not satisfied with a review decision, they can complain to the Local Government Ombudsman.
- 11.2 The Ombudsman will not consider certain matters, for example, if 12 months has passed since the cause for complaint occurred or when matters are, or could be, subject to court proceedings.
- 11.3 The Ombudsman will consider a complaint if an applicant believes they have been treated unfairly as a result of maladministration. Examples include:
- Delayed taking action without good reason
 - Taken into account irrelevant considerations or ignored relevant considerations
 - Not followed rules (legal or local procedures)
 - Given the wrong decision
 - Not reached a decision in the correct way
- 11.4 Contact details for the Local Government Ombudsman are:

The Local Government Ombudsman

PO Box 4771

Coventry

CV4 0EH

Telephone: 0300 061 0614

Website: www.lgo.uk

12. Reviewing the Policy and Eligibility

This Policy will be reviewed in line with any significant change in legislation, guidance issued by the DCLG or significant case law. Separate to this it should be reviewed every five years.