



# **Approved Housing Allocation Scheme**

**October 2018**

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## 1. Introduction and Overview

### 1.1 Introduction

Cherwell District Council (the council) transferred its housing stock, which is now owned by Sanctuary Housing Group, through a Large Scale Voluntary Transfer (LSVT). Over 95% of all social housing in Cherwell is owned by partner Registered Providers (RPs). Therefore it is important to note that with the exception of a small number of units this allocation scheme relates primarily to housing owned by partner RPs. Please see Appendix 1 for a list of Cherwell's partner registered providers and how to contact them.

There is no statutory requirement to maintain a Housing register. However the council and its partners in the council's district (the district) believe there are significant benefits for the people of the district in maintaining a Housing register that provides a single point of entry to all applicants. Subject to fulfilling the eligibility requirements anyone aged 16 or over is able to apply to the council for accommodation as long as they are eligible and qualify in accordance with this Allocations Scheme.

In Cherwell the demand for social housing is greater than the number of homes available. This allocation scheme describes how the council prioritises housing applicants to ensure that those in greatest housing need, as described by the legal definition of Reasonable Preference in the Housing Act 1996 (as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017) (the Act), are given a head start to access available affordable housing, compared with those who have no housing need. Partner will also have allocation schemes and will assess applicants according to their own stated priorities if the council makes a nomination to them.

This allocation scheme applies to:

- new applicants
- current applicants
- existing tenants of a registered provider in housing need who want to transfer either with their current landlord or to another registered provider

The council's allocation scheme sets out in detail who is and who is not eligible or qualified under the scheme and how this assessment is made. It also sets out how applicants can apply for and access housing and what service standards an applicant can expect from the council.

The vast majority of the housing that we allocate under this allocation scheme is through a Choice Based Lettings system ([www.cherwell-homechoice.org.uk](http://www.cherwell-homechoice.org.uk)) which allows applicants to view available properties and express interest by making bids.

## 1.2 Aims and objectives

The key objectives of this allocation scheme are to:

- provide housing applicants in the district with a fair and transparent system by which they are prioritised for affordable housing
- help applicants most in housing need
- promote the development of sustainable mixed communities and neighbourhoods of choice
- encourage residents to access employment, education and training
- make efficient use of the council's resources and those of its partner registered providers

This Scheme is part of Cherwell's Housing Strategy 2012-17, which has six strategic priorities:

- Increase the supply and access to housing
- Develop financially inclusive, sustainable communities
- House the council's most vulnerable residents
- Ensure homes are safe, warm and well managed
- Prevent homelessness
- Maximise resources and be an investment ready district

The council designed the allocation scheme to meet all legal requirements and to support and contribute towards the objectives of Cherwell's Housing Strategy by promoting financially inclusive and sustainable Communities.

'Affordable housing' means social rented, affordable rented and intermediate housing, provided to specified eligible households whose needs are not met in the market. It should meet the needs of eligible households, including being available at a cost low enough for them to afford, taking into account local incomes and local house prices.

The council's Housing Strategy and the ways in which it provides advice and assists home seekers on a whole range of housing options, including access to the private rented sector and low cost homeownership opportunities can be found on the council's website at [www.cherwell.gov.uk](http://www.cherwell.gov.uk).

## 1.3 The legal context

The council's allocation scheme sits within a tight and complex legal framework of Part VI of the Act. This section describes this legal framework.

The Act requires local authorities to make all allocations and nominations in accordance with an allocation scheme. A summary of the allocation scheme must be published and made available free of charge to any person who asks for a copy. A summary of this allocation scheme and the general principles behind it are available through the council's offices and on the council's website. This document is the full version of the allocation scheme and is available for inspection at the Council's main office at Bodicote House.

The Act requires local authorities to give Reasonable Preference in their allocation scheme to people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Act also requires local authorities to state within their allocation scheme what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them.

This allocation scheme complies with the requirements of the Act and takes into account the various codes of guidance issued by the Ministry for Housing, Communities and Local Government (previously known as the Department for Communities and Local Government), including:

- *Allocation of Accommodation: guidance for local housing authorities in England* (June 2012)
- *Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England* (December 2013)
- *Right to Move: Statutory guidance for social housing allocations for local authorities in England* (March 2015)

The allocation scheme is drafted and framed to ensure that it is compatible with the council's equality duties including the duty to eliminate unlawful discrimination and to promote good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristics are age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.

Further, this allocation scheme has taken into account all other relevant legislation and case law, the council's Housing Strategy and Tenancy Strategy and the council's duties under the Care Act 2014. This Allocations Scheme has also taken into account the changes brought into effect by the Homelessness Reduction Act 2017.

In summary this allocation scheme has considered:

- the council's statutory obligations and discretion as to who is eligible for housing allocation
- the council's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law
- the council's statutory discretion to grant 'additional preference' and/or to determine priority between applicants with Reasonable Preference
- the general and specific statutory discretions the council can exercise when allocating housing in support of its Housing Strategy
- the local flexibility offered through the Localism Act (2011)

#### **1.4 Advice and assistance**

The council acknowledges that this allocation scheme requires the active participation of housing applicants and to reflect this, the council aims to provide advice and assistance to ensure that no person is disadvantaged by the way the scheme operates.

General information about the scheme will be made available as follows:

- information about the procedures for applying to the allocation scheme and for bidding for advertised vacancies
- information about how applicants are prioritised under this allocation scheme
- how successful applicants will be selected by the council
- rules on how properties will be advertised including bidding cycles and restrictive labelling
- information about review procedures

- information about the registered providers that have vacancies advertised through Choice Based Lettings

Applicants will also be provided with information regarding their own application which will include:

- what band they are awarded under this allocation scheme
- what size properties they are entitled to bid for
- what information they need to supply in regard to verification and references and when this information will need to be provided
- if they are disqualified what they need to do to rectify this

Properties are advertised through the Choice Based Lettings scheme. In partnership with registered Partners the council endeavours for all advertisements to be as comprehensive as possible. The Choice Based Lettings Scheme promotes informed choices and expects to guide applicants to bid only for properties they can realistically expect to secure. Advertisements will include as many of the following as possible:

- location
- property type, size and floor level
- nature of tenancy on offer
- what type of heating it has and whether it has a heating charge payable that is not covered by housing benefit
- whether such things as a garden or parking are available with the property
- the amount of rent and any other charges that are payable
- photos of the property and links to guides about the local area

Applicants who have any difficulty reading or understanding this allocation scheme will be offered the following services:

- an interpretation service if their first language is not English
- signing if speech or hearing is impaired
- provision of documents in large print if an applicant is visually impaired
- an interview to explain the content of this document and information about where independent advice can be obtained about the council's allocation scheme

As there are likely to be many more applicants than properties available, the council will also provide information about other housing options. This will include:

- advice on registered providers
- advice and help on renting in the private sector, if there are few affordable homes available in the areas where any applicant wishes to live
- advice on available low cost home ownership options
- advice on how welfare benefits, employment, education and training may improve their housing options
- Enhanced Housing Options Service – self-help tool via the website at [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

## 2. Choice and constraints

### 2.1 Policy on Expressing Choice of Rehousing Area

The amount of choice that the council is able to offer may be limited by the acute housing pressures it faces and responsibilities it has to some groups in housing need such as those found to be statutorily homeless. The council believes that any applicant considered

to be eligible under this Scheme should be able to express a preference over the type of property and the area in which they would like to live. However, applicants should be aware that the council's ability to satisfy their expressed preference may be severely limited.

The majority of applicants will be able to bid using Choice Based Lettings (CBL) to apply for properties they have been assessed as eligible for across the district. There are some circumstances for which this might not always apply. For example auto bidding will be applied to homeless applicants owed a statutory duty by the council from the date duty is accepted (see section 12.4) and/ or where additional priority awards are time-limited. These exceptions are dealt with in more detail in the sections that deal with homelessness applications (see section 12) and time-limited priorities (see section 13 and Appendix 18)

The council requests that the applicant states those areas where they believe they cannot live due to fear of violence, harassment or domestic abuse. The council must be satisfied such factors exist and that it is necessary to allocate accordingly. This is to assist the council in making more informed decisions and will also help support workers who may be assisting an applicant to know where not to express an interest in properties.

## **2.2 Priority Homeless Applicants**

All statutory homeless households as defined in Part VII of the Act and owed a statutory duty by the council under section 190 (2), 193 (2) or 195 (2) of the Act (or under section 65 (2) or 68 (2) of the Housing Act 1985) will be placed on automatic bidding at the point duty is accepted.

## **3. Eligibility criteria, qualification and applications**

This section provides detail on how the council determines whether any applicant is eligible to join the housing register.

### **3.1 Who can join the Housing Register?**

Anyone can apply to join the housing register.

On receipt of an application to join the housing register the council will consider:

- whether an applicant is eligible to apply for housing
- does the applicant qualify under the allocation scheme rules

### **3.2 Young person under 18 years**

In order to be nominated for supported accommodation, any applicants aged 16 or 17 years old must meet one or more of the following conditions as being:

- accepted as homeless under the Act
- over the age of 16 where a referral for assistance has been made by Social Services authorities under Section 27 of the Children Act 1989
- a young person who is deemed a relevant or eligible child under the Children (Leaving Care) Act 2000 as amended.

In each case, the council will undertake a joint assessment with Social Services of the applicant's housing, care and support needs to ensure that adequate support is available.

In order to secure accommodation any person under 18 years of age must provide details of a suitable guarantor who will sign the applicant's tenancy agreement.

### **3.3 Care Leavers**

Any person who has been looked after by Social Services and has been accommodated anywhere within the county of Oxfordshire, outside the district, will be treated as if they have a local connection to Cherwell District and therefore be eligible to apply for housing accommodation under this allocation scheme.

### **3.4 Councillors, board members, employees and their close relatives**

This Scheme is designed to ensure that the council (and any relevant organisation) is transparent and equitable when letting homes to staff, its Councillors or its board members and any of their relatives.

This allocation scheme is open to any eligible applicant and there are stringent checks in place that are applied to all applicants

Council staff, board members, Councillors and their relatives are treated as any other applicant and will not gain any advantage or any preferential treatment in the course of their application, nor shall they be disadvantaged. For further information see Appendix 2

### **3.5 Who can and cannot be included on a housing application**

The persons who can be included on a housing application must be members of the applicant's immediate family who normally live with the applicant (for further detail on how the council determines who normally lives with the applicant, see Appendix 17). Any other person will only be included on an application if the council is satisfied that it is reasonable for that person to live with the applicant. This will exclude lodgers or anyone subletting from the applicant. Anyone over 16 years included on an application as part of a household will also be included in the full assessment of the application including income, capital and assets.

For the purposes of this policy a child is defined as someone who is either under the age of 16 or who is still dependant on the applicant e.g. due to continuing education.

### **3.6 Who cannot be accepted onto the Housing Register**

The council will refuse an application to join the housing register in the following circumstances:

#### **3.6.1 Those not eligible**

The following persons are not eligible:

- People who are "*subject to immigration control*" within the meaning of the Asylum and Immigration Act 1996 (unless they fall within a class prescribed by regulations made by the Secretary of State (section160ZA(2)))
- People who are excluded from entitlement to housing benefit by section 115 of the Immigration and Asylum Act 1999
- People from outside the common travel area<sup>1</sup> who fail the habitual residence test

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<sup>1</sup> Meaning the UK, the Channel Islands, the Isle of Man or the Republic of Ireland

- People from outside the common travel area who are in breach of, or whose residence does not comply with, the European Union Rights of Residence Directive and statutory instruments
- People who are not subject to immigration control, but are nevertheless prescribed by regulation as being “*persons from abroad*” (this may include British citizens who are not habitually resident in the UK) who are determined to be ineligible to be allocated housing accommodation by local authorities in England as a result of a decision of the Courts of England and Wales or the European Courts
- Any other person as prescribed by the Secretary of State who are ineligible to be allocated housing accommodation by local authorities in England

Whilst the council cannot accept an application from people who are ineligible for affordable housing, whether because of their immigration status or for any other reason, it will provide advice on other housing options and/or it will make a referral to Social Services as appropriate.

### **3.6.2 Those who are disqualified**

Unacceptable behaviour (for more information see Appendix 14)

- The council will disqualify an applicant from the housing register if the applicant, or any member of their household, has behaved in an unacceptable way as described in this policy, at the time of their application to the housing register, they are still considered by the council to be unsuitable to be a tenant by reason of that behaviour

The council considers that unacceptable behaviour includes behaviour which would, if an applicant or member of their household was a secure tenant, enable a landlord to pursue possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985.

We will consider disqualifying applicants in circumstances when they, or a member of their household have:

- rent arrears equivalent to 8 weeks' rent or more
- Failed to comply with a current or past tenancy agreement with a council, registered provider or private landlord to such an extent that a Court would have likely granted an order for possession had they been a secure tenant
- been convicted in relation to using their home for an illegal or immoral purpose
- caused nuisance or annoyance to neighbours, visitors, the landlord, or a person employed in connection with the exercise of the landlord's management functions
- been convicted of a criminal offence in or near the home
- have obtained a tenancy by deception
- have payed money to illegally obtain a tenancy by exchanging properties with another applicant under section 92 of the Housing Act 1985

In determining whether an applicant is disqualified due to unacceptable behaviour, the council will consider whether:

- the applicant or a member of the applicant's household acted in a manner which would amount to unacceptable behaviour under this allocation scheme
- the unacceptable behaviour was serious enough that it would likely have enabled the landlord to obtain an order for possession, had they been a secure tenant.
- at the time of the application, the applicant still unsuitable to be a tenant by reason of that unacceptable behaviour

Unacceptable behaviour will result in disqualification from the housing register for a period of time that shall be determined by the council on a case by case basis, against the reason for which they are disqualified. If an applicant has been disqualified for unacceptable behaviour on the basis of anti-social and/or criminal behaviour and/or criminal convictions, the disqualification will be for the duration of either the injunction or court order that the applicant is subject to, or a fixed period of either six, 12 or 24 months. The timescale will be determined by the severity of the behaviour/convictions.

Applicants disqualified due to rent arrears can apply to join the housing register as soon as they can provide proof those arrears have been reduced to an amount which is less than 8 weeks' worth of rent.

If the applicant has had a change in their circumstances since being disqualified from the housing register, they may submit a new application. Any further application will be assessed in accordance with this policy.

Applicants have a right to request a review to be carried out in respect of any disqualification decision which the council makes. For more information on reviews, see Paragraph 17.

Any resident in the district can access advice and assistance from the council's Assessment & Re-housing Team on other housing options, such as renting in the private sector or shared ownership.

### **3.6.3 Refusal of offers from the Housing Register**

Applications will be disqualified for six months in cases where suitable offers of accommodation which the council considers to be suitable have been refused in the following circumstances:

- all Statutorily Homeless households who have refused one suitable offer of accommodation and to whom duty has been discharged by the council under Part VII of the Act
- time limited priority applicants within bands 1 and 2 who have refused one suitable offer of accommodation
- applicants who are not restricted in their bidding but have refused three consecutive suitable offers of accommodation

### **3.6.4 No local / district connection to Cherwell**

In order to help meet increasing local housing needs the council has chosen to restrict access to the housing register to people with a local/district connection to the district and/or who are accepted as Statutorily Homeless by the Council.

In order to be considered to have a local/district connection to the district, applicants will need to:

1. have lived in the district for a period of at least six out of the last 12 months continuously prior to an application to join the housing register
2. have previously lived in the district for three out of the past five years
3. have a contract of employment to work within the district
4. have immediate family members, who have lived in the district for at least five years, where there has been frequent contact, and there is a clear commitment to, and / or dependency on, those family members immediately prior to the date of application
5. be households with a Right to Move (see Appendix 13 for definition)
6. be leaving social care within the county of Oxfordshire; or

7. have a special reason for needing to live in the area

The only exceptions to this are:

- members of the Armed Forces and Reserve Forces as set out in the *Allocation of Accommodation: guidance for local housing authorities in England* (June 2012)
- Existing social housing tenants, who need to move into the council's district, either from another local authority area in England, or from one location to another within the council's district, for work related reasons (Right to Move Applicants)

Close relatives are defined by the council as parents, children, siblings, grandparents or grandchildren (in each case including step relatives), where there is evidence of frequent contact, commitment to, and/or dependency on, those family members.

A local/district connection is **not** established where the applicant is only in the district because they are:

- in prison
- resident in a bail hostel or other such accommodation
- detained under the Mental Health Act
- receiving specialist hospital treatment
- in occupation of a mobile home, caravan or motor caravan which is not placed on a residential site
- in occupation of a holiday letting, this includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday
- those placed in temporary or private sector accommodation by other housing authorities

Applicants should note that the above list is illustrative only and not exhaustive. The council retains discretion to determine whether any individual applicant is able to establish a local/district connection or not in the light of each applicant's individual circumstances.

### 3.6.5 Homeowners

In recognition of the level of housing need in the district and the shortage of available properties, applicants who already own their own home (either freehold, leasehold, under mortgage or shared ownership) will not, subject to the exceptions below, qualify to be included on the housing register.

- People aged 55 and over who cannot stay in their own home as it does not meet their needs and they do not have sufficient financial resources to meet their needs elsewhere. These applicants will qualify for sheltered or extra care accommodation only
- Other owner occupiers who can demonstrate that their specific circumstances mean that they need to apply for social housing as detailed in a medical and/or social/welfare need assessment which stipulates the nature of the accommodation which is required
- Owner occupiers who are experiencing financial hardship and are unable to sustain their accommodation and have been assessed by the Assessment & Re-housing Team who have confirmed that this is the case.

### 3.6.6 Sufficient financial resources

Applicants with a **household** income, capital or financial assets of £60,000 or over will be disqualified from joining the housing register. Such people will be offered advice on alternative housing options.

Any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded in such an affordability calculation.

#### **4. How do I make an application?**

To apply to join the housing register applicants must complete a housing application form. Applicants can request an application form using any of the following methods:

personal visit to the office  
by post  
by email  
by downloading a form from our website

Assisted completion of an application form is available for the housebound and those who do not have an advocate to help them.

The council aims to notify eligible applicants of their banding within 20 working days from the date received in the office provided that the applicant supplied all relevant information with the completed application form.

If the council receives an incomplete application form, or supporting information is not provided by the applicant, the application will not be made active. The council will contact you to request the information. If the information is not received within 28 days the application will be closed.

The council will send out its information booklet 'Applying for a Home in Cherwell' along with each new application form. This is also available from the council's website.

Any applicant who requires assistance should call the council's Customer Service Team on 01295 227001.

#### **5. The Banding Scheme**

The council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in this District, the demand for affordable is greater than the availability of homes.

The council is required to give Reasonable Preference in its allocation scheme to those in the categories set out in the Act. The statutory Reasonable Preference categories cover:

- All statutory homeless households as defined in Part VII of the Act
- People who are owed a duty by the council under section 190(2), 193(2) or 195(2) of the Act (or under section 65(2) or 68(2) of the Housing Act 1985)
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing
- People who need to move on medical or welfare grounds (including ground relating to a disability) (for further information see Appendix 7)
- People who need to move to a particular locality within the district to avoid hardship to themselves or others

##### **5.1 The Structure of the Banding Scheme**

The council operates a needs based banding scheme as described below. The bands are arranged to reflect housing need with the highest band indicating the greatest need for housing. The banding scheme consists of four bands as summarised below:

- Band 1 – **Urgent** need to move due to Reasonable Preference
- Band 2 – **Significant** need to move due to Reasonable Preference
- Band 3 – **Moderate** need to move due to Reasonable Preference
- Band 4 – **Low** need to move

Please note that more detailed descriptions of the bands can be found in Appendix 4

A table showing the size of property households can apply for can be found in Appendix 17.

#### **5.1.1 Band 1 – Urgent need to move due to Reasonable Preference**

Please note that applicants within this band will be subject to a 3 month review.

- a. Hospital discharge
- b. Health or disability\*
- c. Social, welfare or hardship\*\*
- d. Abuse, violence or harassment
- e. Overcrowded by three or more bedrooms according to the bedroom standard (for more information see Appendix 17)
- f. Under-occupation of social tenancies in the district
- g. Injured ex-Armed Forces
- h. Private Sector properties subject to Prohibition or Demolition Orders making property unsuitable for occupation
- i. Safeguarding children / vulnerable adults
- j. Elderly social housing tenants in the district who are willing to move to sheltered accommodation / extra care
- k. Release of adapted property in Cherwell District
- l. Approved move on from care

#### **5.1.2 Band 2 – Significant need to move due to Reasonable Preference**

Please note that applicants within this band will have their priority time limited for three months following which their priority status will be subject to review.

- a. Statutory homeless households
- b. Health & disability\*
- c. Social, welfare or hardship\*\*
- d. Overcrowded according to bedroom standard (for more information see Appendix 17)
- e. Armed Forces with discharge date
- f. People at risk of homelessness
- g. Unsatisfactory housing
- h. Households with a Right to Move
- i. Approved Move on from Supported Accommodation

#### **5.1.3 Band 3 – Moderate Need to move due to Reasonable Preference**

- a. Tied accommodation
- b. Agricultural workers
- c. intentionally homeless
- d. Health & disability\*

- e. Social, welfare or hardship\*\*

#### **5.1.4 Band 4 – Low need to move**

Qualified without any recognised housing need within this Allocations Scheme

Health & disability\* - see matrix for Health and Disability – for further details see Appendix 5

Social, welfare or hardship\*\* - see matrix for social, welfare or hardship – for further details see Appendix 6

### **6. Types and sizes of properties which applicants will be considered for**

When deciding the size and type of property which applicants will be eligible for, the council will normally allocate accommodation in accordance with Appendix 17. There are, however, circumstances in which the council will deviate from this and these circumstances are detailed in this section.

#### **6.1 Social and Welfare**

Applicants with a need to move on social and welfare grounds will be required to provide supporting information and be assessed in line with the social and welfare matrix. For further information see Appendix 6.

#### **6.2 Medical assessment and adapted homes**

Applicants who have a medical need will be asked to complete a Medical Form, which will be assessed by the council. For further details see Appendix 7.

#### **6.3 Pregnant applicants**

The council will take an expected child into account in determining the minimum/maximum bedroom need of an applicant, subject to proof of pregnancy at 25 weeks. The council will treat the expected child as the same sex as a sibling until born.

#### **6.4 Prohibition, demolition or overcrowding**

Band 1 is awarded if a statutory notice such as a prohibition order, demolition order or overcrowding notice has been served by a suitably qualified officer of the council (typically an Environmental Health Officer (EHO) or Environmental Health Technical Officer (EHTO) which prevents the applicant from occupying the whole dwelling, or in the case of a multi-occupied property, the applicant's sleeping accommodation.

#### **6.5 Unsatisfactory housing**

Band 2 is awarded where a suitably qualified officer of the council (typically an Environmental Health Officer (EHO) or Environmental Health Technical Officer (EHTO)) has either:

- Assessed the property using the Housing Health and Safety Rating System (HHSRS) and identified one or more Category 1 or Category 2 hazards and has confirmed that the occupant(s) cannot be reasonably expected to remain in the property whilst the required works are carried out or the works cannot be carried out within a reasonable timescale.

- Identified breaches of Management Regulations in Housing in Multiple Occupation (HMO) and has confirmed that the occupant(s) cannot be reasonably expected to remain in the property whilst the required works are carried out or the works cannot be carried out within a reasonable timescale.

## 6.6 Overcrowding

Those who are assessed by the council as being in a property which is overcrowded by three or more bedrooms (as determined by the Bedroom Standard at Appendix 17) will be granted Reasonable Preference and will be placed in band 1.

Those who are assessed by the council as being in a property which is overcrowded by one or two bedrooms (as determined by the Bedroom Standard at Appendix 17) will be granted Reasonable Preference and will be placed in band 2.

## 6.7 Extra room allowed for non-resident carers

Applicants with a disability or a long term health condition who have a non-resident carer may be entitled to an extra bedroom

To qualify for an extra bedroom they will need to show:

- they reasonably require overnight care and that this care is provided
- one or more persons regularly stay overnight to provide care
- there is a need for an extra bedroom that is used by a carer or carers for overnight stays as part of caring for the applicant or the applicant's partner

A 'person who needs overnight care' is defined as someone who is:

- receiving Disability Living Allowance middle or higher rate care or Attendance Allowance

If an applicant does not receive Disability Living Allowance or Attendance Allowance they must provide the council with sufficient evidence, as requested from the council on a case by case basis, to show that overnight care is required.

**NB:** Although applicants can choose to apply for a property larger than their needs so they can accommodate carers, carers cannot be taken into account for payment for extra bedrooms when considering size of property applicants are eligible for, unless the carer is actually in residence at the property.

## 6.8 Children / access to children

For the purposes of this Allocations Scheme, a child is defined as someone who is either under the age of 16 or who is still dependant on the applicant e.g. due to continuing education.

Where parents do not live together the children will be treated as living with the parent who provides their main home and is in receipt of Child Benefit. In the instance of parents who have shared care arrangements in place, these will be dealt with on a case by case basis.

## 6.9 Fostering and adoption

Families undertaking long term fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. Long term fostering is fostering for a period in excess of three years (not necessarily involving the same child or children). It is essential that written confirmation of the fostering arrangement is obtained from Social Services. Consideration will be given to this in assessing the application. Short term fostering will normally be discounted but will be considered on a case by case basis.

Families who are in the process of adopting a child may be able to include adopted children as part of their application to ensure that they are eligible for the appropriate sized property. In order to have an adopted child included in the household, applicants will be required to have applied to an appropriate adoption agency and be able to provide proof and supporting documentation that the applicant has been approved as a prospective adopter.

**NB:** Although applicants can choose to apply for property larger than their needs so they can foster, the Welfare Reform Act states that foster children / carers cannot be taken into account for payment for extra bedrooms when considering size of property applicants are eligible for, unless the foster children or carer are actually in residence at the property.

## **6.10 Move on from supported accommodation**

Applicants will need to apply to join council's housing register at the time that they are ready to leave their current accommodation. Their application must be supported by their social worker or support worker who need to will confirm:

- they are ready to move
- they possess the knowledge and skills to maintain a tenancy successfully
- any support arrangements that will remain in place following departure from supported accommodation

All applicants will need to meet the district's local connection requirements. If supporting information is not supplied the application may be disqualified.

## **7. Allocations**

### **7.1 Applying for social housing**

Once applicants are accepted onto the housing register they can start bidding for properties. The council advertises all properties through its nomination agreements with partner registered providers through its Choice Based Letting Scheme. The eligibility of applicant's bids received will be checked against the labelling used in the advertisement. Any ineligible bids will be discarded. Where multiple bids are received for the same property, the allocation of that property will be based on the priority of bids received, with band 1 applicants having the highest priority.

### **7.2 What are 'Allocations' under this scheme?**

An 'allocation' of accommodation under this allocations scheme is the nomination by the council of a person to be an Assured or an Assured Shorthold tenant of a registered provider's housing accommodation. Often the tenancy offered by the registered provider will be a 'Starter Tenant' meaning that the registered provider will grant an Assured Shorthold Tenancy for a set 'probationary' period (usually 12 months). Provided that the tenant successfully completes the 'probationary' period the registered provider will grant an Assured Tenancy.

### **7.3 Exempt Allocations – Accommodation provided for lettings that is not covered by this scheme**

The following are not ‘allocations’ under this scheme:

- a. an introductory / starter tenancy becoming a secure / assured tenancy
- b. provision of non-secure temporary accommodation in discharge of any homelessness duty or power

### **7.4 Joint tenancies**

This allocation scheme supports adult applicants wishing to sign as joint tenants should they choose to do so as long as both parties are eligible and qualify.

## **8. Choice Based Lettings Scheme**

### **8.1 Statement on choice**

The council is fully committed to the principle of enabling applicants to play a more active role in choosing accommodation in the social housing sector and seeks to maximise customer choice whilst ensuring that those in the greatest housing need are prioritised for re-housing.

The allocation scheme:

- allows a broad range of applicants to be considered for accommodation
- gives applicants an unlimited choice of areas to be housed within the district
- allows applicants to consider a broad range of properties
- applies auto bidding (see Appendix 15 for further details) and time limited priority to certain applicants - for further details see section 13 and 14.

### **8.2 Overview**

The council’s Choice Based Lettings Scheme process is as follows:

- a. available properties are advertised weekly (over a six day period)
- b. applicants apply for properties that meet their housing need
- c. applicants can apply for up to three properties in any advertising cycle
- d. when the advertising cycle is complete shortlists are created from those who have applied and sorted into priority order (as defined in the allocation scheme – see section 8.5)
- e. the applicant (normally the one at the top of the list) is selected to be nominated by the council to the landlord for a provisional offer to be made
- f. the landlord accepts or rejects the nomination
- g. the landlord offers the property to the successful applicant
- h. the applicant accepts or rejects the offer
- i. the results of shortlisting are published on the council’s website and in the property newsletter

If the landlord rejects the nomination or the applicant rejects the offer,

- a. the property will either be offered to the next eligible applicant on the shortlist in which case the process outlined above will be followed until either:

- i. the landlord accepts a nomination and an eligible applicant accepts an offer in which case a tenancy will be entered into; or
- ii. there are no further eligible applicants on the shortlist; then

b. the property will be advertised in the next lettings cycle

### **8.3 How can I bid?**

Applicants can bid by using the council's website.

### **8.4 Automatic bids for properties**

Auto bidding will be applied to homeless applicants owed a statutory duty by the council from the date duty is accepted (for more information see section 14 and Appendix 15).

For vulnerable applicants who do not have an advocate to bid on their behalf, they can request that the council will automatically bid for properties that the applicant is eligible for.

### **8.5 Priority order**

Once the advertising period has closed the system will automatically create a shortlist of applicants for each property into priority order (as determined in accordance with this Allocations Scheme – see below in this section 8.5 for more information). The successful applicant for each property will normally be the one who is eligible for the size and type of property being offered and who is in the highest band (for exceptions to this rule, see section 8.8). Where there is more than one applicant in that band, priority will be decided by registration date.

However, the council reserves the right not to nominate the property to the person highest on the shortlist, if the property offers a better housing solution to meet the needs of another high priority applicant and the council will determine whether to apply its discretion on a case by case basis. Shortlists will be created with the following priority order:

- a. Applicant type - but only if an applicant type preference is specified in the advert (See section 8.10 for applicant types)
- b. Parish or village connection – but only if a parish or village connection preference is specified in the advert
- c. Level Access Accommodation – but only if mobility preference is specified in the advert
- d. Adapted Accommodation – will always be used where a property is specifically adapted for the disabled with preference being given to those applicants who require the adaptations within the property.
- e. Keyworker – but only if keyworker preference is specified in the advert.
- f. Right to Move applicant – but only if a social tenant moving for work preference is specified in the advert
- g. Band – will always be used. The band order is: 1, 2, 3 and 4
- h. District Connection – will always be used
- i. Size of household -but only if a preference to larger families is specified in the advert
- j. Date in Band - to compare applicants within the same band
- k. Employment, education and training – but only as specified in the advert or local lettings plan

### **8.6 Key workers**

For the purpose of this Allocation Scheme a key worker is defined as: An employee in a role that provides a vital local service that is essential to the wellbeing of society and for which there is a shortage of local labour. This includes:

- **National Health Service:** all clinical staff.
- **Support workers in health roles:** including care assistants, healthcare support workers, maternity support workers, nursing assistants, occupational therapy assistants, physiotherapy assistants, assistant practitioners, radiography assistants, speech and language therapy assistants, senior care assistants.
- **Adult social care roles:** including day care assistants, day care officers, domiciliary care workers, activities workers, home care workers, nursing assistants in nursing homes or hospices, personal assistants, reablement assistants, residential care workers, senior home care workers, support workers.
- **Local authority and Government agency workers:** including social workers, occupational therapists, educational psychologists, rehabilitation officers, planning officers, environmental health officers, Connexions personal advisors, clinical staff.
- **Fire and rescue staff:** uniformed fire and rescue staff below principal level.
- **Teachers and nursery nurses:** qualified teachers in any Local Education Authority school or sixth form college, or any state-funded Academy or Free School; qualified nursery nurses in any Oxfordshire County Council nursery or pre-school.
- **Universities and colleges:** lecturers at further education colleges; lecturers, academic research staff and laboratory technicians at Oxford Brookes University or any college or faculty within the University of Oxford.
- **Police and probation officers:** police officers and community support officers; probation service officers and other operational staff who work directly with offenders; prison officers including operational support.
- **Ministry of Defence staff:** servicemen and servicewomen in the Navy, Army or Air Force; clinical staff.

A person in a role that is not included on the above list may apply to be given key worker status under this allocation scheme. Such applications must be made in writing and will be considered by the Allocations Team Leader, taking into account the definition stated and evidence provided from the person's employer.

## 8.7 Date order

There are two dates used to determine the order of priority when deciding who to nominate for a property. These are:

**the Registration date** – the date the application is received by the council

**the Effective date** - the date that all necessary supporting information is received by the council to enable the council to determine the application and the application is assessed for band 1, 2, 3 or 4. (This will be the same as your registration date if your application goes straight into bands 1, 2, 3 or 4)

This will ensure that those with the greatest need will have it met in the order in which it arose.

Where two applicants with the same effective date in the same band apply for the same property the applicant with the earliest registration date will be given priority for an offer of accommodation. If both applicants also have the same registration date then the council's Housing Team Leader will determine which applicant is given priority on a case by case basis.

## 8.8 Moving between Bands

If applicants move down from band 1 to band 2 or band 3 they will retain their effective date from band 1.

If applicants move from band 3 to band 2 or from band 2 to band 1 then their effective date will be the date on which that move takes place.

## **8.9 Direct match**

It may be necessary to nominate a particular applicant to a particular property; in such circumstances the property will be placed on the website and in property newsletters with an explanation about direct matches.

## **8.10 Nominations**

Subject to the exceptions set out in section 8.5 of the allocation scheme the council would normally nominate the applicant at the top of the shortlist, providing they meet the criteria specified in the advert and still qualify to be on the council's housing register.

If an applicant is successful for more than one property they will be contacted and asked to express a preference for the property they would like to be offered. Successful applicant's details will be forwarded to the registered provider.

Applicants should note that the registered provider which owns the property that they are nominated to will make the final decision on whether to accept the applicant by applying their own policy and eligibility criteria.

## **8.11 Quota arrangements**

The council groups applications into the following three categories:

- a. General Needs
- b. Transfers
- c. Statutorily Homeless

The council uses these categories to determine how to apply quotas for allocations of affordable housing.

The three categories can be broken down into:

### **8.11.1 General register applicant**

General register applicants are those who have been accepted onto the council's housing register as being eligible and qualified to apply for affordable housing.

### **8.11.2 Transfer applicant**

A transfer applicant is a secure tenant or an assured tenant of the council's partner registered providers who lives in the district and whose application has been accepted onto the council's housing register as being in housing need.

### **8.11.3 Definition of 'Statutorily Homeless' applicant**

Applicants found to be homeless, in a priority need group and where a duty to offer housing has been accepted under sections 193 or 195 of Part 7 of the Act.

This will include those who have been accepted for the Homeless Relief Duty and placed into Temporary Accommodation as well as those accepted under Part VII of the Housing Act 1996 (amended) for the full housing duty.

In order to meet local targets, it will be necessary to give preference to particular types of applicants. Examples of quotas include:

- a. transfer applicants
- b. homeless applicants
- c. applicants in particular bands
- d. applicants in employment, education or training

As a guide the council uses the following quotas to ensure it nominates applicants to properties fairly.

|                      |                                                                                 |
|----------------------|---------------------------------------------------------------------------------|
| General needs        | 40% of which 1% to Keyworkers and 1% to social tenants needing to move for work |
| Transfers            | 30%                                                                             |
| Statutorily Homeless | 30%                                                                             |

The council is keen to encourage applicants to seek employment, education or training and to achieve this, will adopt a quota of 30% of total vacancies received each year to be allocated to applicants in employment, education or training.

Property adverts will clearly identify when priority is being given in this way.

Quota arrangements will be published annually on the website

## **8.12 What is restrictive labelling and how is it applied under this scheme?**

Restrictive labelling means that greater preference will be given to those who fulfil the criteria of the restrictive label

The council reserves the right to apply restrictive labelling to adverts in order to identify particular types of applicants, giving them preference to meet local targets. Examples where restrictive labelling will be applied are:

- a. transfer applicants
- b. homeless applicants
- c. nature of tenure being offered
- d. Local Lettings Plan is in place
- e. disabled adapted properties
- f. employment, education and training
- g. sheltered accommodation
- h. extra care accommodation

## **9. Local Lettings Plans**

The council may from time to time agree a Local Lettings Plan for specific areas or developments to reflect local circumstances. Any Local Letting Plan will have regard to housing management considerations such as the social mix of tenants, density, age range and community stability.

Where a property is advertised in accordance with a Local Lettings Plan, the letting will be made to the applicant with the highest band and who meets the eligibility criteria of the Local Lettings Plan and also meets the entitlement rules around size eligibility.

## **10. Publication of results**

The results of shortlisting are published on the website and in the latest edition of the property newsletter. The information provided can be used to help applicants decide which properties to apply for, by giving them a better idea how popular a particular property or area is and how long they would normally have to wait. The results which are published will not contain any personal details relating to the applicant. The results of the shortlist which are published are not in any order and will not reveal which applicant was successful.

Applicants who have expressed an interest in the particular vacancy but are unsuccessful may request more personalised feedback on why they were unsuccessful.

## **11. Refusal of offers**

In circumstances where an applicant has successfully bid but refused three suitable offers of accommodation their application will be closed and they will be disqualified from reapplying to join the housing register for 6 months.

The exception to this rule is for statutory homeless households and refusal of their offer will result in the discharge of the council's homelessness duty for which they will have a right of review under sections 202 and 204 of the Act.

## **12. Statutorily Homeless Households**

### **12.1 How the council allocates to Statutorily Homeless households under the scheme**

Further details on how the council will assist households who are either homeless or threatened with homelessness are contained in the Homelessness Procedures.

The council will inform applicants in writing when making an offer of accommodation in discharge of a homelessness duty. If the applicant accepts the offer of accommodation then their Application will be completed. The council will only make a direct offer of accommodation if it is satisfied that it is suitable. If the applicant disagrees with this decision they can request a review of that decision in accordance with their statutory rights.

A refusal of an offer of accommodation which the council considers to be suitable will result in the removal of the preference awarded to the applicant as statutorily homeless, and the applicant will be disqualified from being included on the housing register for a period of 6 months. The applicant will be informed of this decision in writing and of the rights to review that decision.

### **12.2 Households owed a homelessness prevention (s.195 (2) or homelessness relief (s.189B) duty).**

Where an applicant has approached the council for assistance and the council is satisfied that they meet the criteria to be owed the Prevention Duty, their housing application may be placed in band 2 'At Risk of Homelessness' providing other qualification criteria is met. The bidding restrictions applied to all time-limited priority bandings will apply.

**12.3 Households who are believed to be homeless, eligible and in priority need and are owed an interim accommodation duty which the authority is discharging (s.188)**

Where an applicant has approached the council for assistance and the council is satisfied that they are homeless, eligible and in priority need and as a result have provided interim accommodation, under the Relief Duties, their application may be placed in band 2 providing other qualification criteria is met in accordance with this scheme. The applicant will be defined as being a 'Statutory Homeless'. The applicant will be placed on auto-bidding and will be eligible for ONE offer of housing considered to be reasonable and suitable by the council.

**12.4 Households who are homeless, in priority need and not homeless intentionally, and have a local connection (s.193 duty)**

Where an applicant has approached the council for assistance and the relief duty has expired; if the council is satisfied that they are homeless, in priority need and not homeless intentionally, and have a local connection their housing application may be placed in band 2 (s193 duty), providing other qualification criteria is met in accordance with this scheme. The applicant will be defined as being a 'Statutory Homeless' household. The applicant will be placed on auto-bidding and will be eligible for ONE offer of housing considered to be reasonable and suitable by the council.

**12.5 Households who are homeless and have been found to be homeless intentionally (s.190)**

Where an applicant has approached the council for assistance and the relief duty has expired; if the council is satisfied that they are homeless, in priority need but homeless intentionally, and have a local connection their housing application may be placed in band 3 s190 duty), providing other qualification criteria is met in accordance with this scheme. The applicant will be eligible for three offers of housing from the council. The applicant will have a choice of areas.

If an applicant is still on the housing register 12 months following this decision, then their application will be reassessed and they will be placed in the band which meets their circumstances.

**12.6 Households who are homeless and found not to be in priority need (s.192)**

Where an applicant has approached the council for assistance under relief duties or once the relief duty has expired, if the council is satisfied that they are homeless, not in priority need and not homeless intentionally, and have a local connection their housing application may be placed in band 3 (s.192 duty), providing other qualification criteria is met in accordance with this scheme. The applicant will be eligible for three offers of housing from the council. The applicant will have a choice of areas.

**13. Applicants with an urgent housing need**

Applicants who are awarded priority for an urgent or significant need will be monitored closely for a three month period from the date of the award. During this time we will expect applicants with a priority to bid for any suitable properties which are advertised. This means that applicants will sometimes need to compromise on their ideal choice of housing in order to achieve the urgent move they need.

After three months, if the applicant has not been rehoused the council will review the priority. In conducting the review the council will take into consideration the following factors:

- a. Have there been any properties advertised that would have met the person's need?  
If so, the council will consider the reasons why they chose not to bid or investigate why they were unsuccessful.
- b. Does the applicant have a specific need for property that has not been available in the time period and no other property will resolve their housing need
- c. Have they received appropriate support and help in accessing the Choice Based Letting scheme?
- d. Do the person's circumstances remain the same or has the need for priority gone?

Having considered the above factors, the council may upon review either cancel or extend the priority for a further three months.

The council will provide a final offer by making a bid on behalf of the applicant and if successful nominating the property to a registered provider to offer the property to them (subject to the approval of the registered provider). If the applicant refuses this offer their priority will be reviewed which may result in the priority being cancelled. Time-limited applicants who have already refused one suitable offer will have their priority reviewed which may result in the priority being cancelled.

Statutorily homeless applicants are dealt with separately. See how we allocate to Homeless households – section 12.

A priority can be reviewed and cancelled at any time if the applicant's circumstances change.

## **14. Auto bidding**

When an application is placed on automatic bidding the council's system will place up to three bids per cycle (6 days) on suitable properties. Properties that the computer system bids on may be outside of the areas of choice that an applicant wishes to live in. There may be areas that are excluded by agreement that are unsuitable for an applicant and a nomination will not be made in these areas. In order to exclude any areas applicants will need to provide details of these areas household's housing application.

Auto bidding will be applied to statutorily homeless households of this Authority from the date the homelessness duty is accepted – for further information see section 8.4.

## **15. Rural lettings schemes**

The council is keen to take account of factors which would contribute to sustaining rural communities whilst ensuring that we continue to give due weight to the Reasonable Preference categories required by legislation.

To enable this, the council will set a target for the proportion of lettings in villages to be let to applicants with a local connection to the village where the property is located.

On the initial letting of properties on new affordable housing developments in rural areas which are not rural exception sites, a target of 50% of all lettings will be given first priority to applicants who have a connection with the village under the terms of the Section 106 agreement and/or a nominations agreement and have been accepted onto the council's housing register. If there are no eligible applicants with a connection to the village the property will be offered to applicants from surrounding villages named in the nominations agreement for the scheme, and if there are no eligible applicants in those surrounding villages, it will be nominated to those in general housing need with a connection to the district.

On the re-letting of existing affordable housing properties in a village at least one in three will be to applicants who have a village connection under the terms of the Section 106 agreement and/or a nominations agreement and accepted onto the council's housing register. If there are no eligible applicants from the village the property will be nominated to applicants from surrounding villages named in the nominations agreement for the scheme, and if there are no eligible applicants in those surrounding villages, it will be nominated to those in general housing need with a connection to the district.

Should there be no local connection parameters detailed within a S106 or Nominations Agreement then the default assessment of local connection will be that as expressed within this Allocations Scheme detailed below in section 16.

## **16. Rural exception sites**

Rural exception sites are developments which are outside the village boundary, which would not normally be given planning permission but the council has determined to grant planning permission as an exception because of a specific need for affordable housing, for local people who cannot afford market priced housing in that area. The housing is granted planning permission on the basis that it must remain affordable in perpetuity.

When affordable housing is built on rural exception sites, or planning obligations are attached to other affordable housing developments, there may be restrictions on the occupancy of these homes. These restrictions are intended to ensure that applicants with a village connection and in housing need as defined in the allocation scheme have first priority for nomination to any social or affordable rented properties.

This means that they must not only meet the eligibility / qualification criteria for joining the housing register but also the requirements negotiated with the original S106 agreement or nominations agreement for each individual site.

Should there be no local connection parameters detailed within the S106 or Nominations Agreement then the default assessment of local connection will be that expressed within the Allocations Scheme as detailed in section 16.2 below.

### **16.1 Village or parish connection/Rural Lettings & Rural Exception Sites**

In order to establish a qualifying village or parish connections the applicant (or joint applicant) must:

- have lived in the village for the last five years
- be employed in the village for a minimum of fifteen hours per week and the employment is not of a short-term nature
- have 10 years previous residence in the village if not currently residing there

- be over 55 or with a disability requiring support on health grounds from close relatives currently living in the village
- have close relatives (as defined at section 3.6.4) living in the village for a period of at least the last five years.

Where applicants have a strong connection with a particular village, we will ask them to detail this on their application. This will enable them to be actively considered for any housing development, which takes place in areas where they hold such a connection. If an applicant is successful, they will have to provide proof of their connection before they can be approved for the nomination.

## 17. Review Procedure

A request for review must be made in writing within 21 days of the applicant being notified of the council's decision. The council will determine the review within 56 days of the request or such longer period as may be agreed with the applicant.

The review must be considered on the basis of policy, law and known fact at the date of review. When conducting the review, the council will consider any representations, written or otherwise, made by the applicant or on the applicant's behalf.

If further information is required, the review period within which the decision should be made may be extended by agreement with the applicant. Reviews will be carried out by a senior member of staff at the council or delegated to an appropriate organisation or officer who was not involved in the original decision.

If the applicant is still dissatisfied, a report is prepared for consideration by the Assistant Director: Housing.

In the event of an applicant still remaining aggrieved, the next step to be considered is a complaint via the council's Corporate Complaints Procedure or to Local Government and Social Care Ombudsman. Where it is decided to confirm the original decision on any issue against the interests of the applicant, the council must also give its reasons.

Applicants may also have a right to challenge the council's decisions via the courts and should seek independent legal advice in the event that they are aggrieved with any decision made by the council.

(Note: The council's allocation scheme does not remove preference for 'unacceptable behaviour' (see Appendix 14) but instead renders such applicants to be disqualified from the housing register. As such the right to information pursuant to section 167(4A)(b) and related right to request a review under section 167(4A)(d) of the Act are not applicable in this allocation scheme and no applicant is prejudiced in relation to those statutory rights not being included herein.)

### 17.1 Homeless Applicants - Review of Suitability / Discharge of duty

Whether or not a Homeless applicant accepts an offer of accommodation made under this allocation scheme, they have the right to request a review of the suitability of the accommodation they have been offered, under section 202 and section 204 of the Act.

## 18. What discretion is built into the scheme?

From time to time a situation may arise that is not predicted by this allocation scheme but the needs or circumstances are exceptional and significant. For details on how the council will exercise discretion in such circumstances see Appendix 8

## **19. Equality and Diversity**

The council operates an equality policy in housing and will abide by the requirements of the Equalities Act 2010.

This aims to ensure that no one is treated unfairly on the grounds of gender, race, colour, ethnic or national origin, religion, disability, marital status, sexual orientation or age.

The council will treat everyone equally when considering them for housing. If an applicant feels they have not been treated fairly or feels they have been discriminated against, they should contact the Assistant Director: Housing, stating the grounds for their complaint.

## **20. Misleading or Fraudulent Information**

Where there is suspicion or an allegation that an applicant, or any person acting on behalf of an applicant, has either provided false information or has withheld information, the application will be suspended whilst an investigation into that application is conducted.

If the outcome of any investigation is that the applicant, or any person acting on behalf of an applicant, did not provide false information or there was no withholding of information or such was not found to be withheld knowingly, then the application suspension will be lifted and reinstated to its previous position within the allocation scheme meaning that the applicant should not suffer any prejudice as a result of the investigation.

If the council discovers an applicant directly, or through a person acting on his or her behalf, has given false information or deliberately withheld required information the council will consider legal action. In the event that the council does take legal action and an applicant is found to be guilty of an offence under this section, the applicant will be liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000). The council will disqualify the applicant from the housing register for a period of up to five years.

In addition to the potential for legal action and disqualification from the housing register ground 5 in Schedule 2 of the Housing Act 1985 (as amended by Section 146 of the 1996 Act) enables a landlord to seek possession of a tenancy which it has granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

## **21. Administrative process**

For details of the administrative process, see Appendix 9 which includes a full explanation and details of:

- Annual review of applications
- Confidentiality
- Information sharing
- Data protection

## **22. How serious offenders are dealt with under this scheme**

At the time of registration, an applicant is asked if they or anyone who will be residing with them has a conviction of a criminal offence or anti-social behaviour order; for details of how the council will treat people with such convictions/orders, see Appendix 10

### **23. How sheltered and extra care housing is dealt with under the scheme**

As a general rule, only applicants with a proven support need are considered by the council for nomination to sheltered accommodation. They will also need to meet any additional eligibility criteria specified by the landlord. For further details see Appendix 11

### **24. Shared ownership / low cost home ownership**

Allocation of shared ownership properties available in the district is dealt with by Help to Buy South.

Telephone: 0800 456 1188

Email: [info@helptobuysouth.co.uk](mailto:info@helptobuysouth.co.uk)

Website: <http://www.helptobuysouth.co.uk>

Address: Collins House, Bishopstoke Road, Eastleigh, Hants, SO50 6AD

NB: It is no longer a requirement to be on the housing register to be considered for shared ownership, you can apply directly to Help to Buy South.

### **25. Mutual exchange**

The council have agreed in principle to encourage our partner registered providers to participate in Homeswapper, a national mutual exchange website. Most do so already and where a register provider does participate there is no cost to their tenants. It has the advantage of having substantial coverage across our region and elsewhere.

Anyone finding a tenant to swap with must gain the approval of their landlord to proceed to do so

## Appendix 1: List of Partner Registered Providers and how to contact them

| <b>HA</b>                         | <b>Add1</b>                   | <b>Add2</b>              | <b>Add3</b>       | <b>Postcode</b> | <b>Phone</b>  |
|-----------------------------------|-------------------------------|--------------------------|-------------------|-----------------|---------------|
| A2Dominion Housing Group Ltd      | The Point                     | 37 North Wharf Road      | London            | W2 1BD          | 020 8840 6262 |
| Ability Housing Association       | The Coach House               | Gresham Road             | Staines           | TW18 2AE        | 01784 490910  |
| Advance Housing                   | 2 Witan Way                   | Witney                   | Oxfordshire       | OX28 6FH        | 01993 772885  |
| Anchor Housing Association        | 2 <sup>nd</sup> Floor         | 25 Bedford Street        | London            | WC2E 9ES        | 020 7759 9100 |
| BPFA                              | Bedford Heights               | Manton Lane              | Bedford           | MK41 7BJ        | 0330 100 0272 |
| Bromford Housing                  | 1 Exchange Court              | Brabourne Avenue         | Wolverhampton     | WV10 6AU        | 0330 1234 034 |
| Catalyst Housing                  | Ealing Gateway                | 26-30 Uxbridge Road      | Ealing, London    | W5 2AU          | 020 8832 3334 |
| English Rural Housing Association | Hall House, 9 Graphite Square | Vauxhall Walk            | London            | SE11 5EE        | 020 7820 7930 |
| Greensquare Group                 | 244 Barns Road                | Oxford                   |                   | OX4 3RW         | 01865 773000  |
| Hanover Housing                   | Hanover House                 | 1 Bridge Road            | Staines           | TW18 4TB        | 01784 446000  |
| Heyford Regeneration Limited      | Heyford Park House            | 52 Camp Road             | Upper Heyford     | OX25 5HD        | 01869 238200  |
| Housing and Care 21               | Tricorn House                 | 51-53 Hagley Road        | Birmingham        | B16 8TP         | 03701 924000  |
| Lambeth Living                    | Hambrook House                | Porden Road              | London            | SW2 1RP         | 020 7926 3497 |
| L&Q Housing                       | Osborn House                  | Osborn Terrace           | London            | SE3 9DR         | 0844 406 9000 |
| Methodist Housing Association     | Epworth House                 | Stuart Street            | Derby             | DE1 2EQ         | 01332 296200  |
| Paradigm Housing                  | 1 Glory Park Avenue           | Wooburn Green            | Bucks             | HP10 0DF        | 01494 830846  |
| Sanctuary Housing                 | Bodicote House                | White Post Road          | Bodicote, Banbury | OX15 4AA        | 0800 131 3348 |
| SOHA                              | Royal Scot 99 Station         | Didcot                   |                   | OX11 7NN        | 01235 515900  |
| Sovereign Housing                 | Woodlands                     | 90 Bartholomew Street    | Newbury           | RG14 5EE        | 01635 572220  |
| Stonewater                        | Jephson House                 | Narrowboat Way           | Brierley Hill     | DY5 1UF         |               |
| Thames Valley Housing             | Premier House                 | 52 London Road           | Twickenham        | TW1 3RP         | 020 8607 0898 |
| Waterloo Housing                  | 1700 Solihull Parkway         | Birmingham Business Park | Solihull          | B37 7YD         | 0345 600 6055 |
|                                   |                               |                          |                   |                 |               |

## **Appendix 2: Councillors, board members, employees and their close relatives**

This allocation scheme is designed to ensure that the council (and any relevant organisation) is transparent and equitable when nominating its staff, councillors or board members and their relatives for affordable housing.

The allocation scheme is open to any eligible applicant and there are stringent checks in place that are applied to all applicants.

Staff, board members, councillors and their relatives are treated as any other applicant and will not gain any advantage or any preferential treatment in the course of their application, nor shall they be disadvantaged.

Therefore, the following procedure will be undertaken to ensure that any nomination can be subject to a high level of scrutiny:

- The staff member who is applying for housing must have no direct input into any decisions regarding their rehousing. This includes not inputting the original application onto the Housing Management system or adding any priority at any time onto the application
- Staff members must also not have any involvement in the inputting of the application or awarding of priority for any of their relatives
- Applications should be clearly marked on the housing management system that the application is that of a staff member, board member, councillor or any of their relatives
- When such an applicant has bid for a property and is showing at the top of a shortlist, the details of the nomination must be scrutinised and signed off by the Council's Joint Housing Manager

If an offer of a property is to be made to an officer at Assistant Director level or above then the offer must be countersigned by the Assistant Director: Housing.

## Appendix 3: Sufficient financial resources

Applicants who have financial income, capital or financial assets which are large enough to provide access to other forms of tenure to meet their housing need will not qualify to join the housing register but will be offered advice on alternative housing options.

The council considers £60,000 total income, capital or assets to be sufficient financial resource to buy a home or pay market rent in the district and any applicants with assets above this level will not be able to join the housing register.

The price of suitable housing will vary according to the household's needs and location within the district.

### **Applicants with assets above this level will not be eligible to join the Housing Register with the exception of:**

- Other owner occupiers who can demonstrate that their specific circumstances mean that they need to apply for social housing as detailed in a medical and/or social/welfare need assessment which stipulates the nature of the accommodation which is required; and
- Owner occupiers who are experiencing financial hardship and are unable to sustain their accommodation and have been assessed by the Assessment & Re-housing Team who have confirmed that this is the case.

The council will also take into account any previous disposals of assets; income, capital or savings when calculating the financial resources available which will include disposals for nil (for example, transfer of ownership) or below market rate value.

Applicants will be asked to provide evidence of their income, savings and assets in order to verify the affordability assessment. If applicants fail to provide sufficient evidence then their application cannot be assessed and will not progress further.

If an assessment has to be made, for example on medical grounds, consideration is given to the following:

- a. whether the applicant can sell their current home
- b. the expected equity after the proposed sale of the property
- c. the applicant's current financial circumstances and commitments
- d. whether the applicant is eligible for a mortgage
- e. the supply of private rented accommodation suitable for the applicant's specific needs
- f. whether the applicant's housing need can be met in the private sector, taking into consideration the cost of housing in the district

If applicants demonstrate a need for alternative accommodation and they have 'insufficient resources' to secure that alternative accommodation, provided that they meet the eligibility criteria, the council will award them a band which is appropriate to their housing need. If information is not supplied about resources applicants will not be assessed and will not progress further.

A need for alternative accommodation might include:

- a. medical conditions
- b. disability
- c. frailty
- d. serious disrepair
- e. possession action

f. acute financial hardship

Anyone subsequently ineligible or disqualified from the allocation scheme will be provided with a full written explanation for the decision and will have a right of review of the decision. Section 17 explains the right to reviews of decisions.

## Appendix 4: Description of bands

| Band 1: Urgent Need to Move due to Reasonable Preference                | Examples of Qualifying Circumstances / Summary of Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hospital discharge                                                      | <p>Those who have somewhere to live on leaving hospital but it is unsuitable for their medical needs and cannot be made suitable through adaptations due to cost, structural difficulties or the property cannot be adapted within a reasonable amount of time. Where the impact is assessed as being urgent the applicant may be awarded band 1.</p> <p>Those who have nowhere at all to live when they leave hospital may qualify for band 1 if the need to move is urgent and all other reasonable housing options have been explored.</p> |
| Health or disability<br>See health and disability matrix                | <p>An applicant's condition is life-limiting, life threatening or restricted day-by-day by Disability – see Health and Disability Matrix band 1 (Appendix 5) and the accommodation directly affects their condition.</p>                                                                                                                                                                                                                                                                                                                      |
| Social, Welfare and Hardship<br>See social, welfare and hardship matrix | <ul style="list-style-type: none"> <li>▪ Threat to life</li> <li>▪ Emergency cases due to fire, flood or other disaster</li> <li>▪ Exceptional need not covered elsewhere in the allocation scheme</li> <li>▪ Exceptional circumstances as directed by Assistant Director: Housing (see Appendix 6)</li> </ul>                                                                                                                                                                                                                                |
| Abuse, Violence or Harassment                                           | <p>High risk victims of domestic abuse, subject to a Multi-Agency Risk Assessment Conference (MARAC) will be eligible for additional preference as part of an agreed safety plan and will be placed in band 1.</p>                                                                                                                                                                                                                                                                                                                            |
| Overcrowded by 3 or more bedrooms                                       | <p>band 1 priority is awarded to those applicants whose household occupies accommodation which is 3 or more bedrooms smaller than that for which the household is eligible according to the Bedroom Standard (see Appendix 18). In the event of any applicant having moved themselves into an overcrowded situation then the council will not award band 1.</p>                                                                                                                                                                               |
| Under-occupation of social tenancies in the district                    | <p>Registered provider tenants who under-occupy properties and who need or are willing to move to a dwelling with fewer bedrooms than they already occupy are placed in band 1.</p>                                                                                                                                                                                                                                                                                                                                                           |

|                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex Armed Forces personnel who have sustained serious injury, medical condition or disability during service<br>Existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributed to their service | Any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the UK Armed Forces. This award only applies where the applicant's current accommodation does not meet the requirements of the occupants in terms of adaptations.                       |
| Private sector properties subject to Prohibition Order, Demolition Order or Overcrowded Notice                                                                                                                                                                                       | Prohibition or Demolition Order served, preventing the applicant from occupying the whole dwelling or let room.<br>Overcrowding Notice served, requiring the applicant(s) to cease occupation of their sleeping accommodation                                                                                                                                                                                   |
| Safeguarding Children / Vulnerable Adults                                                                                                                                                                                                                                            | Serious threat to the well-being of a child / adult and their accommodation is a contributory factor to the risk. These are cases where a move is required to mitigate the risk to the child as confirmed by a Senior Manager in Children's Services / Adult Service or equivalent subject to a Child / Adult Protection Conference and agreed by the Joint Housing Manager.                                    |
| Elderly social housing tenants in Cherwell District who are willing to move to sheltered accommodation                                                                                                                                                                               | Elderly applicants who will be releasing general needs housing.                                                                                                                                                                                                                                                                                                                                                 |
| Release of adapted property                                                                                                                                                                                                                                                          | Where a tenant does not require the adaptations in their current home and will therefore be releasing an adapted property by moving and there is a suitable applicant on the housing register for the adapted property which will be released through a move. This award is valid if the applicant still requires adaptations provided the adaptations required are different from those in their current home. |
| Approved Move on form Care                                                                                                                                                                                                                                                           | Applicants will be awarded this category on accordance with protocols between the Housing service and the County Council's Children's service department. Applicants must be former relevant child as defined by the Children's Leaving care Act 2002 and be a young person at risk                                                                                                                             |

| <b>Band 2 Significant Need to Move – Reasonable Preference</b> | <b>Examples of Qualifying Circumstances / Summary of Criteria</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Statutory Homeless Households                                  | All accepted statutory homeless people as defined in Part VII of the Act and are owed a duty under section, 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by the council under section 192(3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Health and Disability<br>See Appendix 5                        | There is an identified significant effect on the health or well-being of an applicant or a member of their household as a consequence of their housing situation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Social, Welfare and Hardship<br>See Appendix 6                 | <ul style="list-style-type: none"> <li>▪ There is a significant need to move in order to receive / give essential care and support</li> <li>▪ The applicant or a member of their household has a physical or learning disability</li> <li>▪ Need to move to take up employment, education or training within the district. Or, in the case of key workers, need to move to take up or continue with an existing permanent position within Oxfordshire.</li> <li>▪ Foster care</li> </ul> <p>The local connection criteria outlined in section 3.6.4 still applies to this category. For key worker roles outside of Cherwell, another local connection to the district will be needed in order to qualify for the housing register.</p> <p>Sufficient documentary evidence will be required.</p> |
| Overcrowded by 1 or 2 bedrooms                                 | Applicants overcrowded by 1 or 2 bedrooms calculated according to the bedroom standard (see Appendix 17)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Armed Forces with Discharge date | <p>Armed Forces applicants are awarded band 2, 12 months prior to their official discharge date – documentary evidence will be required.</p> <ul style="list-style-type: none"> <li>• Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the 5 years preceding their application for an allocation of social housing OR</li> <li>• bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled to reside in Ministry of Defence accommodation following the death of their spouse or civil partner, and (ii) the death was wholly or partly attributable to their service</li> </ul>                                              |
| People at risk of homelessness   | Those deemed at risk of homelessness as evidenced by the council's Assessment & Re-housing Team. This will be reviewed as part of on-going case work every 28 days as a minimum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Unsatisfactory Housing           | <p>A suitably qualified officer of the council (typically an Environmental Health Officer (EHO) or Environmental Health Technical Officer (EHTO)) has either:</p> <ul style="list-style-type: none"> <li>▪ Assessed property using the HHSRS and identified one or more Category 1 or Category 2 hazards and has confirmed that the occupant(s) cannot be reasonably expected to remain in the property whilst the required works are carried out or the works cannot be carried out within a reasonable timescale.</li> <li>▪ Identified breaches of Management Regulations in an HMO and has confirmed that the occupant(s) cannot be reasonably expected to remain in the property whilst the required works are carried out or the works cannot be carried out within a reasonable timescale.</li> </ul> |
| Households with a Right to Move  | <ul style="list-style-type: none"> <li>▪ Have reasonable preference because of a need to move to the local authority's district to avoid hardship.</li> <li>▪ Need to move because the tenant works or has been offered work in the district of the authority and has a genuine intention to take up the offer</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                                         |                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approved Move On from Supported Housing | An applicant is ready to move to independent settled housing on the recommendation of the support worker and can demonstrate that they have acquired the necessary skills to live independently which meets the council's requirements. Ongoing support needs have been assessed and, where appropriate, a support plan is in place. |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <b>Band 3: Moderate Need to Move due to Reasonable Preference</b>                                                                                                                            | <b>Examples of Qualifying Circumstances / Summary of Criteria</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tied Accommodation                                                                                                                                                                           | <p>Applicants living in tied accommodation relating to their employment, and who have received formal notice of termination of their employment and tenancy through no fault of their own.</p> <p>Band 3 will only be given where there is clear documentary evidence that the employer is terminating the employment and the use of the accommodation within 12 months.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Agricultural workers                                                                                                                                                                         | <p>The council will grant band 3 to displaced agricultural workers for accommodation according to the requirements of the Rent (Agriculture) Act 1976. In reaching a decision on whether an applicant is to be prioritised for housing on these grounds, the council will need to be satisfied that:</p> <ul style="list-style-type: none"> <li data-bbox="965 804 1351 1327">▪ the dwelling from which the agricultural worker is being displaced is needed to accommodate another agricultural worker and the farmer cannot provide suitable alternative accommodation for the displaced worker</li> <li data-bbox="965 1102 1351 1230">▪ the displaced worker needs re-housing in the interests of efficient agriculture</li> <li data-bbox="965 1230 1351 1327">▪ the farm is sold and the property will no longer be available</li> </ul> <p>The council will take advice from the Agricultural Dwelling-House Advisory Committee (ADHAC) in all these respects.</p> |
| Intentionally homeless - people who are not owed a duty by the Council under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68 (2) of the Housing Act 1985) | <p>People as defined in Part VII of the Act who are found to intentionally homeless.</p> <p>Applicants who are found to be intentionally homeless will be reassessed after 12 months following this decision.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Health & disability - moderate                                                                                                                                                               | See matrix – Appendix 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Social, Welfare or Hardship - moderate                                                                                                                                                       | See matrix – Appendix 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| <b>Band 4: Low need to move</b>                                       | <b>Examples of Qualifying Circumstances / Summary of Criteria</b> |
|-----------------------------------------------------------------------|-------------------------------------------------------------------|
| Applicants who are eligible and qualify under the rules of the Scheme | Those who do not qualify for bands 1, 2, 3                        |

**THIS IS NOT AN EXHAUSTIVE LIST**

## **Appendix 5: Health and disability matrix**

All applicants need to complete the council's medical form.

This matrix sets out the guidelines against which the council will determine whether a housing register applicant should be placed into a particular band, where there is reason to believe is being adversely affected by their current housing circumstances. In all cases the assessment will focus on the extent to which existing housing exacerbates the problems being experienced and the extent to which these problems could be alleviated by a move to alternative more suitable accommodation.

The council will consider each applicant's circumstances on a case-by-case basis to determine the severity of medical needs. The assessment will be made based on the evidence gathered from the applicant, occupational therapists and other health and social care professionals. Account will also be taken of whether the resultant housing problem has already been dealt with elsewhere in the allocation scheme, for example where additional priority has already been awarded for overcrowding and this is the source of the medical issues.

The table below is illustrative of the types of matters which the council will determine when assessing the applicant, but is not an exhaustive example of the issues which the council will consider.

|                      | <b>No Award</b>                                                                                                                            | <b>Band 3</b>                                                                                                                              | <b>Band 2</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Band 1</b>                                                                                                                                                                         |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Mental Health</b> | The council does not award a priority band to any applicant on the basis of mental health that does not meet at least the band 2 criteria. | The council does not award a priority band to any applicant on the basis of mental health that does not meet at least the band 2 criteria. | <p>Anti-depressant or anti-psychotic medication with Secondary Care input. The care that is provided is vital to maintain community living and the housing situation is a significant factor in the illness and mental health is likely to deteriorate if housing need is not addressed. Secondary care input to be considered when no medication prescribed due to other factors e.g. pregnancy, conflict with other medication.</p> <p>Alternatively a planned treatment programme where housing is a significant factor in the treatment plan and some support is needed to prevent admission into a psychiatric unit or immediate deterioration in their health where housing issues are directly related to illness and relationships within the household are seriously affected by mental health issues.</p> | Immediate discharge from a psychiatric hospital following treatment where housing is a significant factor in the treatment plan. High support needs required to prevent re-admission. |

|                                       |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                            |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Mobility</b>                       | The council does not award a priority band to any applicant on the basis of mobility, if the property itself is suitable for the needs of the household, or if adaptions to make the property suitable could easily be carried out.                                               | Home slightly unsuitable to meet their needs with low risk of harm e.g. some difficulty accessing essential facilities such as the toilet, bathroom, bedroom. Adaptations would be feasible.                                                                       | Home is increasingly unsuitable to meet their needs with moderate risk of harm e.g. increased difficulties accessing essential facilities e.g. toilet, bathroom, bedroom – or are unable to access essential facilities. Care or severely modified living is required and housing is a significant factor in maintaining community living. Adaptations are not an option or have been refused by the landlord. | Home not suitable following discharge from hospital in relation to a permanent condition or unsuitability of home is preventing discharge. |
| <b>Children – Physical disability</b> | The council does not award a priority band to any applicant on the basis of physical disability to children if there is no difficulty accessing essential facilities e.g. bathroom, toilet bedroom, or if the property could be easily adapted to meet the needs of the children. | Children who have difficulty accessing essential facilities e.g. bathroom, toilet bedroom or a child's disability restricts use of the house by other family members e.g. increased bathroom usage. Health and safety not affected. Adaptations would be feasible. | A child who has difficulty or cannot access essential facilities without assistance and health and safety is affected. The Occupational Therapy Department has made recommendations that adaptations are required and may be possible.                                                                                                                                                                         | Home not suitable following discharge from hospital in relation to a permanent condition or unsuitability of home is preventing discharge. |

|                                                           |                                                                                                                                                                                                                     |                                                                                                                                                                           |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Children / Vulnerable Adult – Behavioural</b>          | The council does not award a priority band to any applicant on the basis of behaviour of children / vulnerable adults if no external agencies or organisations are involved with any aspect of formal care/support. | Health care professional, health visitor and/or family support worker involvement to provide some individual care to child/vulnerable adult and/or parents/carers/family. | Behavioural problems which affect the household and are made worse by the housing situation – and which could potentially affect safety of self and household. Involvement from community paediatrician, consultant, social services, education and health services.                   | Children / vulnerable adult with behavioural problems have caused, or is continuing to cause, safety issues for the child or the household. Involvement from community paediatrician, psychologist, social services, education and health services. |
| <b>Independence (relates to giving or receiving care)</b> | The council does not award a priority band to any applicant on the basis of independence if is not affected by the property, and would not be improved by rehousing.                                                | Independence is affected by inability to access essential facilities. Need occasional care / support from family or home carer.                                           | Independence is affected by inability to access essential facilities without a high level of care / support from family or home carer.<br><br>Qualifies for County Council care provision, but the County Council are unable to provide the care due to the applicant's accommodation. | Level of care / support is high and cannot be sustained in the longer term.                                                                                                                                                                         |
| <b>Carer</b>                                              | The council does not award a priority band to any applicant on the basis that no improvement to quality of life would occur even if rehoused.                                                                       | Quality of life would be improved if carer had separate bedroom.                                                                                                          | Carer's health deteriorating and carer requires a separate bedroom. Supported by medical evidence.                                                                                                                                                                                     | Carer's health is deteriorating and imminent breakdown of care arrangements. Supported by medical evidence.                                                                                                                                         |
| <b>Sensory environmental</b>                              | The council does not award a priority band to any applicant on the basis that there are minimal environmental issues which exasperate a sensory medical issue.                                                      | There are some concerns that the environment is affecting sensory medical issues. Adaptations would be feasible                                                           | There are serious and sustained concerns with sensory medical issues. Adoptions may be possible.                                                                                                                                                                                       | There is an urgent need to prevent a life-threatening injury from occurring, due to sensory medical issues. Adoptions are not possible.                                                                                                             |

The council will take into account information provided by one or more of the following:

- An applicant's GP or consultant
- Social Services
- Occupational Therapist
- Age Concern or any other voluntary sector organisation representing the applicant

## Appendix 6: Social, Welfare and Hardship assessment matrix

This matrix sets out the guidelines for assessing an applicant, or a member of their household's housing need, where there is reason to believe they have exceptional social, welfare and hardship circumstances, not covered elsewhere in the allocation scheme, where it would be considered appropriate to recognise additional priority for an applicant to move.

| Band 1 - urgent                                                                                                                                                                                                                                                           | Band 2 - significant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Band 3 - moderate                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>▪ Threat to life</li> <li>▪ Emergency cases due to fire, flood or other disaster</li> <li>▪ Exceptional need not covered elsewhere in the scheme</li> <li>▪ Exceptional circumstances as directed by Assistant Director</li> </ul> | <ul style="list-style-type: none"> <li>▪ There is an significant need to move in order to receive / give essential care and support</li> <li>▪ The applicant or a member of their household has a physical or learning disability which is significantly impacted by their current housing</li> <li>▪ Behavioural difficulties</li> <li>▪ Need for sheltered housing</li> <li>▪ Need to move to take up employment, education or training within the district. Or, in the case of key workers, need to move to take up or continue with an existing permanent position within Oxfordshire.</li> <li>▪ There is an significant need to move to provide foster care</li> </ul> <p>The local connection criteria outlined in section 3.6.4 still applies to this category. For key worker roles outside of Cherwell, another local connection to the district will be needed in order to qualify for the housing register.</p> <p>Sufficient documentary evidence will be required.</p> | <ul style="list-style-type: none"> <li>▪ The existing home moderately limits the care and support that can be provided to the applicant or someone in their household</li> <li>▪ The environment around the home has moderate detrimental effect on the quality of life of the household</li> <li>▪ Financial hardship: current accommodation is financially unsustainable and cannot be resolved.</li> </ul> |

## **Appendix 7: How medical assessment and adapted homes are dealt with under the scheme**

### **Adaptations**

Properties which are adapted or which are suitable for adaptation or which are otherwise potentially suitable for applicants with a disability, where other accommodation may create barriers for a disabled applicant or for other special reasons may be allocated directly to the most appropriate applicant.

Applicants who require such adaptations may, at the council's discretion, be nominated to such adapted properties even if there are other applicants on the shortlist who have a similar priority for housing and an earlier registrations date and/or effective date. Specially adapted properties may also be labelled so that only applicants who meet specific criteria may bid. This may, depending on the characteristics of the property, include cases where a ground floor flat is available and an applicant with very high priority requires such accommodation. Rather than select an applicant with general needs to the property the council reserves the right to allocate to a high priority applicant in need of such accommodation.

### **Medical Assessment**

Applicants who have a medical need will be asked to complete a Medical Form, which will be assessed by the council. Applicants will only be offered additional preference if their current housing has a negative impact on the applicant's health or condition.

The criteria to be considered relates to the extent that the health of an applicant, or an immediate member of the applicant's household, will significantly improve by a move to alternative accommodation. The assessment is not based on the seriousness of an applicant's condition, but is solely based on the impact of their current housing on that condition and whether this would improve significantly through a move to alternative housing.

In circumstances where more than one member of the household suffers from a medical condition, the council will take the needs of the entire household into account when making a decision.

Following assessment, the council will decide whether or not to award priority on the basis of the information provided in the medical form and where appropriate, any additional information from the GP, hospital, or consultant.

## **Appendix 8: What discretion is built into the scheme?**

### **Management Discretion**

As far as it is possible, the council will use the banding system and registration date (See page 13) within the band to prioritise applications for accommodation. At times this will also incorporate restrictive labelling of properties through Choice Based Lettings and Local Lettings Plans to ensure that the council is meeting its statutory obligations and helping to achieve the outcomes of Cherwell District Council's Housing Strategy.

From time to time a situation may arise that is not predicted by this allocation scheme but the needs or circumstances are exceptional and significant.

Where a case is considered exceptional but the applicant does not meet any of the Reasonable Preference criteria or it is felt that a higher banding than the one which the allocation scheme requires to be awarded is more appropriate then the Joint Housing Manager / Assistant Director: Housing of the council reserves the right to override this allocation scheme and allow an applicant to have a higher priority than they would be entitled to under the allocation scheme.

These cases should be few in number and will be closely monitored and identified in reporting on the annual lettings plan to ensure that the duty to achieve Reasonable Preference overall is not compromised.

Such cases will qualify for Reasonable Preference and will be granted additional preference and placed at the top of band 1, irrespective of waiting time and made a direct offer of accommodation if all other housing options have been explored.

The Assistant Director: Housing can also be used to block an allocation in circumstances not predicted by this allocation scheme but where the council is satisfied someone has unfairly taken advantage of the allocation scheme to the detriment of those in housing need. Again, these cases will be monitored and are expected to be few in number.

## **Appendix 9: Administrative Processes**

### **Review of Applications**

#### **Annual review of applications**

In order to keep the housing register up to date all applications are subject to an annual review. The review is intended to ensure the applicant still wishes to be considered for accommodation and that the most up to date information about their housing circumstances is held.

Applicants who fail to respond to either the review or reminder letter within 28 days will have their application closed.

#### **Confidentiality - information sharing agreement**

Any information provided as part of the application process is treated in the strictest confidence and in accordance with current data protection legislation.

#### **Sharing confidential personal information**

Personal information obtained from or about an applicant registered on the housing register, will only be used in ways that the applicant reasonably expects, or to which the applicant has provided explicit consent, in order to process their application.

Privacy and confidentiality will be respected and information will be shared only with the applicant's implied or express consent to deliver the service they are seeking, to verify information in order to assess eligibility and priority and to answer enquiries from elected representatives and/or authorised agents acting on behalf of the applicant. This will include the sharing of information with members of the district housing register partnership. (see partner registered providers Appendix 1)

#### **Data protection and information sharing**

All information held is subject to the Data Protection Act 1998. The council will seek the express consent of applicants joining the allocation scheme to share personal information about the applicant, and any member of their household.

#### **Information sharing without consent**

Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:

- In accordance with the provisions of the Crime and Disorder Act 1998 (section 115)
- Where there is a serious threat to the other party's staff or contractors
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff

## **False statements or withheld information**

It is a criminal offence for applicants and/or anyone providing information on the housing register application to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (s171 Act). This includes but is not limited to information requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other review of the application. An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

Applicants who withhold or supply false information will be disqualified for up to five years at the discretion of the Joint Housing Manager.

## **Monitoring and evaluation**

To ensure that the allocation scheme fully meets its aims and objectives it will be monitored and evaluated on a yearly basis. The council reserves the right to make amendments to the Scheme to reflect changing circumstances within the district. Any major amendments will be consulted upon with all relevant stakeholders before implementation in accordance with s. 168 (3) of the Act.

## **Housing Options**

The council gives all applicants information on other housing options that may be available to them, to assist the applicant in making a reasonable choice as to their best prospect of securing suitable accommodation. This includes information on:

- low cost home ownership
- private sector rented property
- mutual exchanges

## **Appendix 10: How serious offenders are dealt with under this scheme**

Cherwell District Council, along with other agencies will make an assessment of the risk to the community of any applicant who has been convicted of an offence and is considered to present a significant risk to potential neighbours and/or communities.

At the time of registration, an applicant is asked if they or anyone who will be residing with them has a conviction of a criminal offence or anti-social behaviour order.

The Criminal Justice Act 2003 (“CJA 2003”) provides for the establishment of Multi-Agency Public Protection Arrangements (“MAPPA”) in each of the 42 criminal justice areas in England and Wales. These are designed to protect the public, including previous victims of crime, from serious harm by sexual and violent offenders. They require the local criminal justice agencies and other bodies dealing with offenders to work together in partnership in dealing with these offenders.

The police, prison and Probation Trust in each area, working together, are known as the Responsible Authority and are primarily responsible for the MAPPA. The Responsible Authority has a duty to ensure that the risks posed by specified sexual and violent offenders are assessed and managed appropriately. Housing departments have a duty to co-operate with the Responsible Authority in this task.

Applicants subject to MAPPA arrangements can apply for properties in the normal way. If successful, the Responsible Authority will decide if the property is a suitable allocation for the individual.

Applicants have the right to request a review of any decision made by the council regardless of whether they are subject to MAPPA – for further detail see section 17.

### **Anti-social behaviour**

Applicants with a history of anti-social behaviour may be disqualified for rehousing due to evidence of past unacceptable behaviour (for further detail on unacceptable behaviour, see Appendix 14). In such cases, these applicants will be disqualified and their application will not progress.

Dependant on the severity and/or nature of the anti-social behaviour and or criminal behaviour applicants may be disqualified for such a period as the council may determine as appropriate in consideration of the circumstances of such behaviour (for further information see section 22). Applicants who are disqualified can still make further applications for housing with the council, however, if their circumstances have not changed then the council reserves the right to uphold the disqualification and to therefore refuse an application.)

## **Appendix 11: How sheltered and extra care housing is dealt with under the scheme**

### **1. Sheltered housing**

As a general rule, only applicants with a proven support need are considered for sheltered accommodation. They will also need to meet the eligibility criteria specified by the landlord. Applicants also need to be eligible for housing as per this allocation scheme.

Therefore restrictive labelling (see section 8.11) will be applied to vacancies advertised through Choice Based Lettings. It is a condition of all tenancies in sheltered housing schemes that tenants agree to take the Care Line and Warden Service. Separate charges are made for these services on top of the rent.

### **2. Extra Care Housing**

The council has nomination rights to some schemes in the district. Extra care housing is to provide older people with their own home and tenancy within a support and care environment ensuring that appropriate personal and housing support are available as required. A tenant may move into a scheme with no or low needs but can access further care as and when the needs arises as they get older or more frail. Extra Care Housing can remove the need for Residential Care for older people in many cases.

People who have assessed care needs will have them provided for by either a Personal Care Support Team, who are based on site 24 hours a day, and will be able to give care to tenants when this is required, or a support team of their choice. The team will be able to adapt a person's care plan to suit their changing needs.

An Extra Care Scheme should contain a balance of needs – it is not a residential care home. Any Extra Care Scheme needs to have a vibrant and active feel to it – and therefore the balance of care and support needs is key to a successful Extra Care environment. There is no exact formula to create this environment and the allocations panel will have to take a number of things into consideration when offering a property. These factors include, but are not limited to, individual circumstances, available care hours, existing needs and numbers of tenants with dementia in the Extra Care Scheme.

All applicants will be registered and assessed for rehousing in line with the council's allocation scheme and be eligible to access affordable housing.

To be eligible for Extra Care Schemes applicants must:

- Be over 55 years of age or meet the eligibility criteria specified by the landlord
- Be eligible for housing as per this allocation scheme
- Be assessed by the Extra Care Scheme Manager for support that is provided. Applicants must be deemed suitable for the Extra Care Scheme and that they do not have support needs that are unable to be met or would be detrimental to the scheme itself or other tenants
- Be prepared to agree to the Extra Care Scheme tenancy agreement

- Be made aware of the costs of moving into the Extra Care Scheme before a letting is carried out. This is especially in regard to care costs where these will are not covered by Housing Benefit.

Residents in the Extra Care Scheme will be offered the opportunity to have their care provided by the contracted care provider.

It should be noted that for couples where one partner is below 55 years of age the couple may be granted a tenancy but it will be a sole tenancy only in the name of the person who is over 55 and therefore meets the criteria above. The younger partner would not be granted succession to the tenancy unless the partner meets the criteria detailed above, at the point at which an application for succession is made.

### **3. Extra Care Housing Allocations Panel**

The Extra Care Housing Allocations Panel (the Panel) will require an up to date social care assessment in an agreed format outlining the prospective tenant's housing and social care needs and a medical/social history to enable the Panel to arrive at an informed decision as regards whether their needs can be met within the scheme.

The Allocations Panel comprises of:

- a. A Scheme Manager
- b. The Rehousing Manager
- c. A representative of Adult Social Care

When considering a referral for an applicant with care needs the panel will take into account as a minimum:

- a. the housing and support need of the applicant
- b. care hours required and the balance of needs within the Extra Care Scheme
- c. which property size is most appropriate for the applicant, taking into account the size of property in which the applicant has expressed as a preference
- d. whether the applicant has a local connection to the area

An allocation will only be made via this Panel. This panel will convene, either in person or using any form of information communication technology whenever a vacancy arises.

A potential tenant must also undertake a pre-offer interview with the Extra Care Scheme Manager and be shown the facilities at the Extra Care Scheme to ensure that all parties are comfortable with the responsibilities and expectations of a tenancy within an Extra Care Scheme. This also gives the prospective tenants an opportunity to find out more about the Extra Care Scheme and to make an informed decision about moving. On completion of a successful Extra Care Scheme visit a tenancy is offered and paperwork completed by the Extra Care Scheme Manager.

If this visit raises issues as to the suitability of a tenancy, every step will be taken to resolve the situation in discussion with all parties. A further assessment or Panel discussion may be requested or further housing related support may be necessary.

If identified issues cannot be resolved (or resolved within an agreed timescale with the provider), the tenancy will be offered to the next suitable person identified by the

Panel or Rehousing Officer – again subject to a successful home or Extra Care Scheme visit.

The Extra Care Scheme Manager will inform all applicants refused an offer of a tenancy and will give reasons for the decision. An appeals process can be invoked where any party wishes to dispute the decision reached by the Panel.

#### **4. Property type and size**

All applicants are eligible for a one or two bedroom property and are invited to express their preference. However, the final decision on the size of property allocated to the applicant will be made by the Panel, taking into account the applicant's preference and the government's guidance on bedroom allowance.

#### **5. Supported Accommodation**

##### **5.1 Size and type of property for which applicants are eligible**

Supported housing will be available only for applicants who are eligible for that particular type of accommodation and the related support. For example, some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care. Where accommodation is available only for applicants who satisfy such special criteria, this will be clearly labelled on advertisements placed on the Choice Based Lettings website.

Please refer to Appendix 17 to see the size of property for which applicants are eligible.

Where applicants require larger accommodation on health grounds, this will be considered on a case by case basis, taking into account the advice of a qualified medical advisor and the government's guidance on bedroom allowance.

#### **6. Including a Carer in the application**

A carer is someone who, with or without payment, provides help and support to a partner, relative, friend or neighbour, who would not manage without their help. This could be due to age, physical or mental health, addiction, or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care and has the need to live with them or near them.

Even if an applicant is in receipt of Carer's Allowance it may not be necessary for the carer to reside with them. An application to include a carer in a housing application will be considered if the carer has been assessed by Social Care and Health as needing to provide overnight support and cannot reasonably be expected to share a bedroom. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Adult Social Care or a health professional.

In some limited circumstances the council may consider cases where the carer is not in receipt of Carer's Allowance at the Joint Housing Manager's and/or the Assistant Director: Housing's absolute discretion taking into account the individual circumstances of the applicant and carer. Under these circumstances it will still be necessary for the applicant to demonstrate that the person looked after is in receipt of one of the following benefits:

- Disability Living Allowance – paid at either the middle or higher rate for personal care.
- Attendance Allowance
- Constant Attendance Allowance
- Disablement Benefit

## **Appendix 12: Complaints**

An applicant who is not satisfied with the service that they receive may register a complaint with the council's complaint procedure by telephone, e-mail or in person. All complaints will be acknowledged and investigated.

### **How to complain**

If you have a complaint, please use one of the following methods to contact the council:

- Complete the compliment/comment/complaint form available from the website
- Visit one of our offices in Bicester, Kidlington, Bodicote, Banbury
- Write to Complaints, Customer Service Centre, Cherwell District Council, Bodicote House, Bodicote, Banbury OX15 4AA
- e-mail [complaints@cherwell-dc.gov.uk](mailto:complaints@cherwell-dc.gov.uk)

Your complaint should include your details, information about what went wrong and what you want the council to do about it.

## Appendix 13: Definition of Terms

|                                    |                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Affordable housing</b>          | Housing that you rent or part rent / buy from a council or registered provider                                                                                                                                                                                                                                                                         |
| <b>Allocation</b>                  | <ul style="list-style-type: none"> <li>• The selection process by which a person becomes a secure or introductory tenant of housing accommodation held by a housing authority or</li> <li>• The nomination process by which a person becomes an assured or assured shorthold tenant of housing accommodation held by a registered provider.</li> </ul> |
| <b>Children</b>                    | Are defined as dependents, in a household, under the age of 16 or who are still dependant on the applicant e.g. due to continuing education                                                                                                                                                                                                            |
| <b>Choice Based Lettings</b>       | The advert based system that the council use so that applicants on the housing register can apply for properties. Applicants are assessed, properties are advertised and applicants apply for them                                                                                                                                                     |
| <b>Disabled adapted properties</b> | Disabled adapted properties are properties that have been specially built or adapted for people with disabilities                                                                                                                                                                                                                                      |
| <b>Effective date</b>              | Date used to prioritise applications in a band based on the date that the council assess which band an applicant should be placed in                                                                                                                                                                                                                   |
| <b>General needs properties</b>    | General needs properties are suitable for applicants who do not have a need for sheltered accommodation or specially built or adapted properties. They include bedsitters and house, flats and maisonettes of any size                                                                                                                                 |
| <b>General register applicant</b>  | Applicants who have been accepted onto our housing register as being eligible to apply for social housing                                                                                                                                                                                                                                              |
| <b>Homeless applicant</b>          | Applicants found to be homeless, in a priority need group and where a duty to offer housing has been accepted under sections 193 or 195 of Part 7 of the Act                                                                                                                                                                                           |

|                                 |                                                                                                                                                                                                                                                                                         |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Housing Register</b>         | The housing register is the waiting list administered by the council to identify applicants who it will nominate for housing from its partner registered providers.                                                                                                                     |
| <b>Joint Applicants</b>         | Joint applicants may be: <ul style="list-style-type: none"> <li>• married couples</li> <li>• partners living together</li> <li>• others who wish to set up home together</li> </ul>                                                                                                     |
| <b>Approved Move-on</b>         | Applicants who have been assessed by a support worker as ready to move-on from supported accommodation where the council have an agreed move-on protocol                                                                                                                                |
| <b>Nomination agreement</b>     | A legal agreement between the council and the registered provider which states how applicants will be nominated for vacancies by the council, the number of vacancies that must be offered to the council for nomination and any special priorities such as village or local connection |
| <b>Registration date</b>        | The date the applicant's Housing application was received                                                                                                                                                                                                                               |
| <b>Registered Provider (RP)</b> | The official name for housing associations, housing co-operatives and housing companies that are registered with Homes England                                                                                                                                                          |
| <b>Right to Move Applicant</b>  | Social housing tenants who have a reasonable preference because of a need to move to the district to avoid hardship, and need to move because the tenant works in the district or they need to move to take up an offer of work                                                         |
| <b>Section 106 Agreement</b>    | An agreement between the council and a property developer governing the development of residential housing within the district                                                                                                                                                          |
| <b>Secure tenancy</b>           | Tenancies granted by local authorities whenever granted and tenancies granted by registered providers before 15 January 1989                                                                                                                                                            |
| <b>Sheltered housing</b>        | Sheltered housing is housing with visiting or residential staff                                                                                                                                                                                                                         |

|                           |                                                                                                                                                                                    |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Social housing</b>     | Affordable housing that you rent or part rent / buy from a council or registered provider                                                                                          |
| <b>Tied accommodation</b> | Accommodation provided for and subject to employment                                                                                                                               |
| <b>Transfer applicant</b> | A transfer applicant is a secure tenant or an assured tenant of one of our partner RPs who lives in our district and whose application has been accepted onto our housing register |

## **Appendix 14: Disqualification for Unacceptable Behaviour Procedure**

### **1. Grounds for Disqualification**

There are several categories of applicant who do not qualify for the allocation scheme. This Appendix focuses on those who are considered to have behaved unacceptably.

Applicants should note that the council will not restrict any applicant who has been disqualified from submitting further applications for housing. However, if a disqualified applicant cannot demonstrate that their behaviour or circumstances have changed since the date of disqualification such that they can now be considered to be a suitable tenant (as per section 3.6.3) despite past unacceptable behaviour, the council is likely to uphold the disqualification.

The Allocations Scheme, at section 3.6.2, states that applicants will be disqualified where an applicant, or a member of their household, has behaved in an unacceptable way if, at the time of their application they are still considered by the council to be unsuitable to be a tenant by reason of that behaviour. This includes behaviour which would, if an applicant or a member of their household was a secure tenant, enable a landlord to pursue possession under any of the Grounds 1 to 7 of, Schedule 2 of the Housing Act 1985.

A summary of these Grounds is as follows:

- 1 Rent arrears – where the rent is lawfully due from the tenant and has not been paid or an obligation of the tenancy has been broken or not performed.
- 2 Nuisance – where the tenant or a person residing in or visiting the dwelling house has been either:
  - a. Cause nuisance or annoyance to someone residing visiting or otherwise engaging in lawful activity in the locality or:
  - b. Convicted of:
    - i. Using the dwelling house or allowing its use for immoral or illegal purposes; or
    - ii. An arrestable offence committed in the locality of the dwelling house.
- 2A Domestic Violence – where the dwelling house was occupied by a married couple or a couple living together and one partner has left and is unlikely to return because of violence or threats of violence by the other, either to that partner or to a member of that partner's family.
- 3 Condition of premises has been damaged by the applicant or anyone living with or visiting the applicant
- 4 Condition of furniture provided by the landlord has been damaged by the applicant or anyone living with or visiting the applicant
- 5 False statement – where the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by the tenant or by a person acting at the tenant's instigation. This ground is only available against the original tenant.
- 6 Exchange i.e. illegal mutual exchange and refusal to move back.

7 Employment – generally applies to service tenants where their conduct results in the loss of their employment and enables possession of the property.

As per section 3.6.2 where an Officer determines there are grounds for disqualification, the length of time should be commensurate to the nature of the behaviour.

### **1.1. Rent Arrears**

The applicant will be disqualified from the housing register if the accrued rent arrears are more than eight weeks' worth of rent.

### **1.2. Nuisance/Criminal Behaviour**

The length of disqualification will reflect the nature of the nuisance and/or criminal conviction and will be for a term which the council considers reasonable in the circumstances of the nuisance or criminal behaviour which has taken place.

Applicants who are disqualified under this ground will be able to request a review of both the decision to disqualify as well as the duration of the disqualification.

The criminal conviction must relate to either a person, property or locality for example, assaulting a neighbour, handling stolen goods at the property, or dealing drugs in the area. However the council will consider each conviction on a case by case basis to determine whether any applicant should be disqualified.

### **1.3. Condition of Property**

The length of disqualification will reflect the extent of damage at the property by considering the difference between how the property was let to the applicant and how it was returned. The disqualification will be for a term which the council considers reasonable in the circumstances of such damage.

This applies in respect of both the condition of the property itself and the condition of any furniture or fixings, provided by the landlord.

### **1.4. False Statement**

Where someone has provided false information to obtain, or failed to disclose information which would have affected the provision of, social housing the applicant will be disqualified from the housing register for a period of time which the council considers reasonable in the circumstances of such fraud.

### **1.5. Other activity which will result in disqualification**

The council will treat illegal mutual exchanges and loss of service tenancy due to an applicant's behaviour and actions in the same manner as nuisance and criminal behaviour to determine the appropriate period of disqualification.

## **2. Review**

In compliance with the review procedure within the allocations scheme applicants can request a review in respect of both the disqualification and the duration of the disqualification.

## **3. Information on disqualification**

Any applicant who is to be disqualified will be sent a standard letter which sets out:

- i. That they are to be disqualified
- ii. What they are being disqualified for
- iii. Which Ground for Possession this would have breached.
- iv. How long the disqualification period is and reasons why this length of time has been determined
- v. The right of review in respect of the disqualification and the disqualification period
- vi. How any further applications for housing will be assessed during the disqualification period.

## **Appendix 15: Auto Bidding procedure**

The majority of applicants will be able to bid using the Choice Based Lettings Scheme to apply for properties they have been assessed as eligible for across the district.

However, those in the highest housing need, namely those in band 1 and band 2 of the banding Scheme will be subject to an initial 3 (three) month time limit. This time limit is applied to review whether the applicant's urgent housing need could, or should, have been addressed already and to determine whether the banding is still appropriate. Following that review, the council can determine to either extend the time during which the applicant is in band 1 or band 2 or it can impose auto bidding to ensure that the housing need of the applicant is addressed and provided for at the earliest opportunity. This approach is taken to enable the council to ensure the best use of the housing stock it has access to within the district and to ensure that those with the most urgent housing need have that need addressed at the earliest opportunity.

During the first three months applicants within band 1 and band 2 can bid for as few or as many, up to the maximum of three per bidding cycle that they wish to be considered for.

After three months, if the applicant has not been rehoused, a review will be undertaken to identify whether any suitable properties were available that they could and/or should have bid for to alleviate their acute housing need.

Where it is identified that this has been the case, the council will review that applicant's banding, and can, if deemed necessary, place those applicants on auto bidding (see section 14 for details on what auto bidding entails).

As required by the Allocations Scheme, applicants within all bands save for Statutorily Homeless applicants (for detail on how Statutorily Homeless Households are dealt with see section 8.10.3) will be entitled to refuse three suitable offers of accommodation before they will be disqualified from the housing register for six months.

Applicants should be aware that a refusal of a suitable offer could be deemed as not addressing their housing need and following a review of their banding, the council could determine to reduce the applicant's banding.

In all circumstances the applicant will be notified in writing of the outcome of any review undertaken and will be advised within any correspondence relating to an offer of suitable accommodation of their rights of refusal and review.

The review procedure is set out within the Allocations Scheme at section 17.

## **Appendix 16: Deliberately Worsening Circumstances procedure**

As with any policy there are times where a situation arises which is not predicted by the policy but the needs or circumstances are such that they are exceptional and significant, as identified at section 18 of this allocation scheme.

Appendix 8 confirms that Management Discretion can be used in these circumstances to ensure this allocation scheme effectively meets the housing need of the district.

Whilst the council intends, through its allocation scheme, to make sure that those with urgent housing needs are housed more quickly, it will not reward applicants who deliberately worsen their circumstances in order to attempt get moved into a higher band.

Each case will be assessed on its individual circumstance to consider what the previous housing situation was and why the applicant's housing circumstances have worsened.

An investigation will be undertaken, and evidence will be obtained, following which, where the council considers that the applicant had no choice other than to change their previous housing situation and put themselves into a worse housing situation then this will not affect their banding.

However, where that investigation shows that it was not necessary for the applicant to have changed their housing situation for the worse which would otherwise result in a greater banding, the change in circumstances will be disregarded by the council and the applicant will remain in their previous banded.

In the event that the council determines that an applicant has deliberately worsened their housing situation, the applicant will be notified in writing of that decision and will be given a final opportunity to provide additional information or evidence to support their claim that they had no alternative but to put themselves in that situation.

If an applicant provides additional information then this will be taken into consideration by the council in reaching its final decision.

The final decision letter will set out:

- The circumstances within the housing application in terms of their previous housing and current housing
- How the housing need has changed
- Reasons as to why it is believed that the applicant has deliberately worsened their circumstances in order to obtain advantage within the allocation scheme.
- The banding to be awarded on an assessment of their previous accommodation
- The applicant's right to request a review against:
  - The decision of worsening circumstances/gaining a banding advantage
  - The banding awarded in terms of its appropriateness in reflecting their previous housing situation.

As each application is reviewed: either after every three months if the applicant is placed in band 1 or band 2; or annually if in all other bands, then consideration will be

given at that time to determine whether this banding is still appropriate and/or whether there has been a change of circumstances.

Applicants can request a review of any decision made by the council and full details of the review process can be found at section 17.

## Appendix 17: Bedroom Standard

For the purpose of allocating suitable sized accommodation, the council will allocate a separate bedroom to each:

|                                                     |
|-----------------------------------------------------|
| Adult couple                                        |
| Any other single adult aged 16 years or more        |
| Pair of children aged 10-15 of the same gender      |
| Pair of children aged under 10 regardless of gender |
| Carer                                               |

Definition of Household types

|                        |                                                                                                                                                                                  |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Single person under 55 | One person household with no resident children<br>A woman who is less than 25 weeks pregnant                                                                                     |
| Couple                 | Married, Cohabiting, Civil Partnership & same sex couples without resident children or with a woman who is less than 25 weeks pregnant                                           |
| Family                 | Single parent or couple (as defined above) with minimum of one dependent child, who lives with parent(s) as the main or principle home. A woman who is 25 weeks or more pregnant |
| Insecure Households    | Separate households sharing accommodation with no formal rights to occupy                                                                                                        |
| Older Persons          | One person household and couples over 55 years                                                                                                                                   |
| Other                  | Any other household group including friends, siblings and families with non-dependent children                                                                                   |

The table below gives an indication of the bedroom entitlement for adults and children:

| Household size          | Number of bedrooms allowed                              |
|-------------------------|---------------------------------------------------------|
| Single person under 35  | Studio or 1 bedroom flat (if meet eligibility criteria) |
| Single person over 35   | Studio or 1 bedroom flat                                |
| Adult Couple            | 1 bedroom                                               |
| 2 applicants not couple | 2 bedrooms                                              |
| Household with 1 child  | 2 bedrooms                                              |

|                           |              |
|---------------------------|--------------|
| Household with 2 children | 2/3 bedrooms |
| Household with 3 children | 3 bedrooms   |
| Household with 4 children | 3 bedrooms   |
| Household with 5 children | 3/4 bedrooms |

Please note: people in receipt of benefits to pay their rent will only receive payment for property up to a maximum of 4 bedrooms.

## Appendix 18: Review Process of Band 1 and Band 2 applicants

1. The review process for applicants in band 1 or band 2 is as detailed below.
2. Upon an applicant being awarded a band 1 or band 2 Allocation, the applicant will be advised in writing that an allocation to band 1 or band 2 is time limited and will be reviewed after three months.
3. If the applicant has not been rehoused at the end of the three month period, a review shall be taken of the banding awarded. The review will be conducted as follows:
  - a. Officers will check whether any bids have been made by the applicant since the date the banding was awarded.
  - b. If no bids were made, Officers will assess whether any properties considered suitable became available within that three month period that the applicant could have bid for. This assessment of suitable properties will take into consideration any areas where the applicant has indicated that they cannot live.
  - c. If no suitable properties were available during the initial three month period then the applicant will be awarded a further three month period within their allocated band. This extension of time will be confirmed to the applicant in writing.
  - d. Where an applicant has been unsuccessful in all of their bids for suitable properties within the three month period, then they will be given a further three month period within their allocated band. This extension of time will be confirmed to the applicant in writing.
  - e. Where an applicant has **not** bid for any suitable properties available, Officers must consider whether to initiate auto bidding or allow the applicant a further three months to bid themselves. The council will determine whether to apply its discretion on a case by case basis. If the applicant is given a three month extension, they will be advised in writing that if they fail to bid for all suitable properties within the three month extension then at the end of this extension period, auto bidding will be put into operation.
  - f. Where an applicant has **not bid at all**, at the end of the three month period, Officers shall implement auto-bidding for the next three month period and contact the applicant in writing to advise them accordingly.
4. As required by the Allocations Scheme, all time limited applicants who refuse an offer of accommodation which is deemed to have been suitable will be reviewed and reassessed at the point of refusal. Officers must determine whether the allocated banding is still required. Where Officers believe the applicant's banding requirements have changed then they will write to the applicant to advise that their banding is being reduced and the reasons why.
5. Where Officers are satisfied that the allocated band is still required, Officers should either keep the applicant in auto bidding or place them in auto bidding for a three month period until the next review.

6. As per the allocations scheme the applicant can refuse up to three offers of suitable accommodation. If the reassessment is for the third offer made, which has been refused, then the applicant will be disqualified from the allocations scheme for six months.