

## HOUSING ALLOCATIONS POLICY 2015

<b>Author:</b>	Steve Payne	<b>Date:</b>	6 <sup>th</sup> February 2015
<b>Version:</b>	Final	<b>Review due:</b>	November 2016
<b>Related documents (appendices etc)</b>		none	

Approved b Cabinet:	16 <sup>th</sup> February 2015
Date of Equality and Health Impact Assessment:	20 <sup>th</sup> January 2015
Date sent to Programmes and Information Team Manager (Chris Ebberley)	10 <sup>th</sup> March 2015
Date sent to E Communications Officer (Daniel Arnold)	10 <sup>th</sup> March 2015
Date sent to Equalities and Organisational Development Officer (Charlotte Taylor)	10 <sup>th</sup> March 2015
Date sent to Member Support	10 <sup>th</sup> March 2015

<b>Document Review</b>			
<b>Version</b>	<b>Amendment</b>	<b>By</b>	<b>Date</b>



# Housing Allocations Policy

Taking effect from 1<sup>st</sup> April 2015

## **1. Introduction**

---

This is the housing allocations policy for the Borough of East Staffordshire.

This allocations policy is shared by the following partners:

- East Staffordshire Borough Council (“the Council”)
- Trent & Dove Housing (“Trent & Dove”)
- Orbit Heart of England
- Sanctuary Housing
- Midland Heart
- Waterloo Housing Group
- Bromford
- Derwent Living
- Spirita Group
- Other Housing Associations as and when they join

Subject to any specific policies operated by the partners, the policy is used to make the following allocations:

- Selection of a person through the East Staffordshire Choice Based Lettings scheme to be a tenant of a Housing Association within East Staffordshire.
- Selection of a person to be a tenant of Trent & Dove Housing within the Borough of East Staffordshire outside of Choice Based Lettings.
- Nomination by the Council of a person to be a tenant of any other Housing Association property within East Staffordshire.

## **2. Policy Statement**

---

The partners to this policy aim to help people in housing need by:

- Providing access to good quality housing;
- Ensuring that properties are used effectively to meet the needs of applicants and tenants;
- Creating sustainable tenancies and communities.

All partner organisations will work with other statutory and voluntary agencies to:

- Assess local housing needs and meet the Council’s statutory duties;
- Prevent unlawful discrimination against any applicants on the grounds of ethnicity, gender, sexual orientation, religion or belief, age or disability;
- Monitor the ethnic origin of all applicants and those who are re-housed to ensure racial equality;
- Consider and seek to address the needs and housing difficulties experienced by particular groups, such as elderly people, people with disabilities, single people, families with young children, single parent families, ethnic minorities, young people without family support, people who are victims of domestic violence and people with specific needs.

The policy will be reviewed at least biennially by the partners, and recognised resident groups, relevant agencies and other Housing Associations will be consulted about possible changes.

---

This policy is designed to satisfy the requirement set out in Section 167 of the Housing Act 1996 that housing authorities must have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation.

### **3. Applications for housing**

---

#### **3.1 The East Staffordshire Housing Register**

The partners to this policy share a housing register (waiting list) for East Staffordshire which is maintained on behalf of partners by Trent & Dove<sup>1</sup>.

Any person aged 16 years or over may apply to the partners for housing by applying to join the East Staffordshire Housing Register.

#### **3.2 Making an application**

An application is to be made by completing the application form made available by partners. Help with completing the application form is available from the Council's Housing Options service and from Trent & Dove.

Applicants are asked to provide the following information when submitting their completed application form:

- 2 copies of identification for each adult applicant; one of personal identity - ideally photographic ID such as their passport or driving licence but failing that other ID such as their birth certificate, and one showing their current address (such as a utility bill or bank statement);
- For any child in the household, evidence of receipt of child benefit or child tax credit;
- For any child included in the application to whom an applicant has significant access, evidence of this access such as a copy of legal documentation or a signed letter from the child's guardian;
- If any member of the household is reported to be pregnant, proof of pregnancy and estimated due date;
- If applicable, a fully completed and signed Landlord Reference from the applicant's current or most recent landlord and any other landlords within the last 2 years;
- If applicable, evidence of the household's need to move eg a letter from a relevant professional.

If an applicant is unable to provide any applicable information with their application they need to explain this in a covering letter, since applications will only be received as valid without applicable information if there is an adequate explanation.

li

<sup>1</sup> Except where indicated, decisions under this policy taken by Trent & Dove Housing on behalf of partners will be taken by officers who are authorised to do so by the Trent & Dove Director of Housing Services. These posts are: Housing Needs Manager; Voids and Allocations Officers; Housing Needs Officer; Independent Living Manager; Customer Services Manager; Customer Services Officers; and others that may be designated from time to time.

Trent & Dove will assess whether an application is valid on behalf of partners. If applicable information is missing and there is no covering letter explaining this, the application will be automatically invalid and the applicant will be told this by return. If there is a covering letter but Trent & Dove decide that the explanation for missing information is inadequate they will inform the applicant in writing explaining why this is, that the application has not been received as valid, and what the applicant needs to do to make the application valid. Applicants may request up to two reviews of such a decision (Section 7 below).

Without applicable information it may not be possible to award any level of priority, and Housing Associations may decline to offer a property. Hence if information is not provided, Trent & Dove may ask landlords or agencies for this information to enable assessment of the applicant's eligibility, qualification, entitlement and housing need. Trent & Dove may also carry out a home visit.

### 3.3 Eligibility and Qualification

There are two groups of people as follows who will be excluded from the East Staffordshire housing register.

The first group is people who are not eligible to join the housing register because they are not legally eligible to be allocated accommodation by East Staffordshire Borough Council. This applies to certain people who are subject to immigration control as defined in the relevant legislation. Where an application form indicates that this may be an issue, checks will be made to confirm the eligibility status of an applicant. Such applicants will need to provide Trent & Dove with their passports and/or other relevant information to confirm their immigration status. If a person is not sure if this section applies to them they should contact Trent & Dove who will advise them.

The second group is people who are not qualifying persons under this policy. All eligible persons aged 16+ are qualifying persons except those who are disqualified because of serious unacceptable behaviour. This will be the case when these two conditions apply:

- The applicant or a member of their household has behaved in such a way that, if they had been a secure local authority tenant at the time, a court would have considered it reasonable to grant the local authority a possession order against them. Behaviour which typically gives rise to a possession order includes noise problems, domestic violence, racial and other types of harassment, intimidation, drug dealing, and serious rent arrears which are the fault of the applicant. Mortgage arrears are treated in the same way as rent arrears since in both cases the behaviour was failure to pay for housing.
- It is appropriate to continue to exclude the applicant because of this behaviour, ie where the applicant cannot demonstrate that the behaviour has improved or been addressed, or where the applicant or member of their household would still present an unmanageable risk to themselves or other residents if living in mainstream social housing despite all available support being provided. It is for applicants to demonstrate that the behaviour has improved or been addressed eg by successfully conducting a tenancy and avoiding engagement in criminal or anti-social behaviour since the serious unacceptable behaviour, or (in the case of serious rent arrears) by complying with an agreement to repay or reduce the arrears.

Trent & Dove will assess the individual circumstances of each applicant on behalf of partners, and applicants will be accepted on to the housing register unless they fall into either of these groups. Where there is reason to believe that an applicant's unacceptable behaviour is due to a physical, mental or learning disability, that person will not be disqualified without first considering whether they would be able to maintain a tenancy with appropriate care and support. In considering the applicant's case on behalf of partners, Trent & Dove will consult with all relevant agencies.

Applicants will not be disqualified if the Council has accepted a statutory duty to secure that accommodation is or does not cease to be available to them, or if there are considered to be exceptional circumstances.

However the following groups only qualify to be placed into Band 4. They do not qualify for an allocation of housing by the Council, which means they are not entitled to 'reasonable preference' (paragraph 4.4 below) and an allocation of housing to them is an allocation by the landlord Housing Association not an allocation by the Council:

- People who have worsened their circumstances by deliberately doing something or failing to do something that has increased their need (paragraph 4.4a below) and who did not meet the criteria for any category other than Band 4 before taking the action in question.
- People who have sufficient capital to purchase a property or adapt their current property to meet their needs. (Disregarding any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service).

Trent & Dove will inform applicants in writing whether their application to join the housing register has been accepted or rejected. If their application has been rejected (and hence they are excluded), the notification will give clear grounds for the decision based on the relevant facts of the case. Excluded applicants may request up to two reviews of this decision (Section 7 below).

If a person who has in the past been excluded from the East Staffordshire Housing Register considers that their unacceptable behaviour should no longer be held against them as a result of changed circumstances, they can make a fresh application. Unless there has been a considerable lapse of time it will be for the applicant to show that their circumstances or behaviour have changed.

Acceptance on to the housing register does not guarantee that an applicant will be offered a property by any particular housing provider. Some providers operate additional criteria which may prevent some applicants from being offered properties by them. Applicants aged under 18 are advised that Housing Associations will not grant them a tenancy before they become 18 unless there is an adult or organisation willing to act as their trustee, and that Housing Associations may also require a suitable guarantor.

### 3.4 Changes in Circumstances

Customers who move to a new address or whose circumstances change after they have been accepted on to the housing register (e.g. someone joining or leaving their household) should immediately contact Trent & Dove to notify them of the change. They may be asked to complete a revised application.

### 3.5 Annual Reviews

Each year, applicants who have been on the register for over 12 months will be sent a letter asking if they wish to stay on the housing register and if there has been any change in their circumstances. Applicants in Band 1 and 2 may be reviewed more frequently. **If no reply is received within 28 days the application will be cancelled.** If an applicant is known to be vulnerable every effort will be made to contact them, either by telephone, visiting them at home or contacting a relevant support agency to confirm whether they wish to remain on the register.

### 3.6 Removal from the Housing Register

Applications will be cancelled in the following circumstances

- A request has been received from the customer (or their advocate) in writing.
- There is no reply to the annual review and reminder letters.
- The customer has been housed under this policy or is known to have been re-housed through mutual exchange.
- Notification has been received from an executor or personal representative that the customer has died and s/he was the sole applicant.
- It is discovered that the customer has given false or misleading information in their application.
- Evidence is obtained that the customer is no longer eligible.
- If information requested remains outstanding after reminders.

Customers will be informed of the reason/s why their application has been cancelled and informed of their right to request a review of the decision.

## **4. Entitlement and Priority**

---

### 4.1 Assessment of Entitlement and Priority

Trent & Dove will assess the entitlement and priority of all applicants on behalf of partners in accordance with this allocations policy and will inform them in writing of the outcome. Applicants may request up to two reviews of these decisions (Section 7 below).

## 4.2 Household Members

Individuals who usually reside with the applicant as members of the applicant's family, or who may reasonably be expected to do so and who intend to do so, are included as household members. In respect of children this normally means dependent children for whom the applicant or joint applicant has principal caring responsibility and who reside with the applicant for the majority of the week (at least 4 days/nights).

## 4.3 Bedroom Entitlement and Eligibility

Bedroom entitlement and eligibility under this policy are more generous than entitlement under benefit rules. Applicants of working-age need to be aware that their Housing Benefit/Universal Credit will be reduced if they rent social housing which has more bedrooms than their entitlement under benefit rules, so that their benefit will no longer cover the whole of their rent.

Subject to the specific circumstances set out below, bedroom entitlement is assessed on the basis that a separate bedroom is allowed for:

- i) Household members:
  - Each couple (including people in a same sex relationship);
  - Each individual, of any age, not part of a couple;
  - An expected child is included from 6 months prior to the expected date of birth.
- ii) Children to whom an applicant has significant access:
  - If there are no resident children, a separate bedroom will be allowed for each of up to 2 children but only in respect of flats.
  - If there are also one or more resident children then entitlement will be to 3 bedroom houses and flats.
- iii) A carer who is not part of the household but who needs to stay overnight (as verified by a relevant professional).
- iv) A prospective foster or adoptive child following approval to foster or adopt (as verified by a registered fostering or adoption agency).

Applicants are eligible under this policy for properties with *up to* their bedroom entitlement number of bedrooms and are therefore eligible for properties with fewer bedrooms providing this would not result in overcrowding.

- For example although a household with 3 children is entitled to 4 bedrooms they are also eligible for homes with 3 bedrooms. They are more likely to be offered a 3-bedroom home because very few properties with 4 or more bedrooms become available so those that do are allocated to the largest households.

In the following circumstances applicants are also eligible under this policy for properties with more bedrooms than their bedroom entitlement:

- Applicants entitled to 1 bedroom are also eligible for 2-bedroom flats which are above ground floor and which do not have a garden. However this provision may be suspended if demand for such flats becomes excessive eg if Benefit Rules change.
- Couples entitled to 1 bedroom are also eligible for 2 bedroom flats or bungalows if either of them is aged 60+.
- Applicants placed in Band 1 because they are Housing Association tenants who are prepared to move (categories i and ii) *and* who are entitled to 1 bedroom will be treated as eligible and in Band 2 when they express interest in two-bedroom flats or bungalows for which they are not otherwise eligible.
- If an applicant is in Band 2 because they need to move to a particular locality within the Borough to give or receive appropriate support or care, to be near particular local facilities, or to take up or retain employment (categories 2 and 3), and there is no realistic prospect of them being offered a property for which they are otherwise eligible, they may be treated as eligible under this policy for allocation of a larger property.

However housing associations other than Trent & Dove may apply property criteria which do not provide this level of eligibility (5.1 below). These criteria may in particular prevent under-occupation.

Note also that a housing association may offer a property to an applicant who is not eligible for it under this policy if it has not been allocated to an eligible applicant (5.2.c below).

#### 4.4 The Priority Bands

Housing authorities are required to produce allocations policies which give 'reasonable preference' to certain categories of applicant, as defined in Section 167(2) of the Housing Act 1996. They may also award preference to other categories of applicant not listed in the Act, provided they do not dominate the scheme at the expense of those groups that are. The Act also allows allocations policies to give lower levels of priority depending on an applicant's financial resources and behaviour which affects his or her suitability to be a tenant.

In accordance with these provisions, applicants registered on the East Staffordshire housing register are placed into one of the following four bands depending on their level of housing need and their circumstances, taking into account any assessment by East Staffordshire Housing Options.

#### *4.4a Worsening of Circumstances*

If it is established that an applicant has deliberately done or failed to do something that has increased their need, that increase in need will be ignored for the purposes of calculating their priority band. Their needs will therefore be assessed from whatever their circumstances would have been had they not taken the action in question. (Does not apply to Band 1 Category 2, Band 2 Category 3 and Band 3 Category 6 banding due to homelessness).

For example (but not limited to):

- moving to accommodation with a greater shortage of bedrooms
- moving to accommodation which was unsuitable for medical, welfare or disability reasons
- bringing an additional person into the accommodation who did not have an urgent housing need

#### *4.4b Restricted Person*

A restricted person is a person subject to immigration control who is not eligible for homelessness assistance because they do not have leave to enter or remain in the UK or they have no recourse to public funds.

#### *4.4c Shortage of Bedrooms*

Shortage of bedrooms is calculated in the same way as bedroom entitlement (see 4.3 above) except that restricted persons are not counted.

For these purposes:

- A single person occupying a bed-sit (ie where there is no separate bedroom and living room) will not be considered to be lacking a bedroom.
- Couples in bedsits will be considered to be lacking 1 bedroom.
- A single person or couple living in a bedsit together with a child will be considered to be lacking 2 bedrooms.
- For a household seeking independent accommodation which currently lives in shared accommodation with others (including lodging and living with parents, family or friends), bedroom shortage is the difference between their bedroom entitlement and the number of bedrooms exclusively available to them.

#### *4.4d Bands and categories*

In the following definitions “you” means the applicant or any member of their household who is not a restricted person.

Band 1	
1.	<p>The Council currently has a statutory duty to secure that accommodation is or does not cease to be available to you eg a main homelessness duty<sup>2</sup>. If you have not yet had to leave your last settled accommodation or if court possession proceedings have not yet commenced, you are normally able and expected to exercise choice by expressing your interest in available properties (see 5.2b below). The Council's Housing Options Team will help you do this if needed.</p> <p>If you have already had to leave your last settled accommodation or if court possession proceedings have commenced, you can express interest in available properties but the Council will also express interest in suitable properties on your behalf. In this case any offer of suitable accommodation, which may be of a social (housing association) tenancy or a 12 month private sector tenancy, will be a Final Offer.</p> <p>If you would have been disqualified if not eligible for this category, you will not be able to express interest in properties; the Council will do this on your behalf. In this case any offer of suitable accommodation will be a Final Offer and this may be a social tenancy or a 12-month private sector tenancy.</p>
2.	<p>The Council has agreed to assist another Council that has accepted a homelessness duty under Section 193(2) of the Housing Act 1996 to secure that accommodation is available to you because of violence or threats of violence likely to be carried out, and you urgently need re-housing outside of that council's district. The referring Council will be contacted after 4 weeks. You will then be removed from the register if you no longer need housing or will normally be offered the next suitable property if you do still need housing. This may be a social tenancy or a 12-month private sector tenancy.</p>
3.	<p>Your current home is within East Staffordshire and is subject to a Prohibition Order covering a main part of the dwelling and you do not have suitable alternative accommodation available to you on reasonable terms. You will move into Band 1 Category 1 on the date 28 days before the date the Prohibition Order takes effect.</p>
4.	<p>Your present home is short of at least 3 bedrooms. Only resident children are counted.</p>
5.	<p>You have an urgent need to move because your current accommodation is severely detrimental to your quality of life for medical, welfare or disability reasons or to give or receive care or support in order to alleviate severe hardship. The severity of your need and lack of another solution will need to be verified by a relevant professional.</p>
6.	<p>You fall into more than one category of need in Band 2 and it is considered that Band 1 status would be a fairer reflection of your cumulative need.</p>

7.	You are presently living in recognised supported housing, you were normally resident in East Staffordshire of your own choice prior to living in that accommodation, the accommodation provider has assessed both that you no longer need the support provided and that you have achieved relevant support outcome goals, and you have no other accommodation available to you. You may express your interest in properties, but expressions of interest may also be registered on your behalf. You will lose this status if you decline the offer of a property deemed suitable.
8.	You are a looked after child who will be leaving local authority care aged 18+ years old and you have a statutory local connection <sup>3</sup> to East Staffordshire. You are entitled to this Band from one month before the date you are due to leave care, although a Housing Association may decline to offer you a property that will be available before that date. Your Effective Date will be backdated up to five months to the date you applied for housing.
i.	You are presently the tenant of a Housing Association <i>house</i> within East Staffordshire in an area where there is demand for houses, and you are prepared to move to a flat or bungalow, or from your current 4+bedroom house to a 3-bedroom house, thereby making your current home available to a household that needs it.
ii.	You are presently the tenant of a Housing Association property in East Staffordshire which has a significant adaptation which your household does not need and which another household on the Housing Register does need. You are prepared to move thereby making your current home available to a household which needs that adaptation.

<b>Band 2</b>	
1.	You need to move to be able to take up or retain employment. The employment must be for at least 16 hours per week and be due to last at least 6 months and this must be evidenced in writing by the employer.
2.	The Council has decided that you are homeless or threatened with homelessness within the meaning of Part VII of the Housing Act 1996 but you do not qualify for Band 1 status. This status lasts 4 weeks from the date of the decision (or where applicable the date you are ready to leave emergency accommodation). It can be extended beyond 4 weeks if you satisfy the Council that you have done everything you can to resolve your homelessness within this time but without success. Failing this, if the Council is made aware that you are still homeless you will move to Band 3. If you do not contact the Council it will be inferred that you are no longer homeless and your application will be cancelled.
3.	You need to move because your current accommodation is having a significant detrimental impact on your quality of life for medical, welfare or disability reasons or to give or receive care or support in order to alleviate significant hardship. The significance of your need and lack of another solution will need to be verified by a relevant professional.
4.	Your present home is short of 2 bedrooms. Only resident children are counted.

li

<sup>3</sup> As defined in S199 of the Housing Act 1996 but counting residence in care as residence of your own choice.

5.	You are entitled to 3+ bedrooms and your present home is short of 1 bedroom, and either a person aged 10+ has to share a bedroom with a person who is not their partner, or two children aged under 10 have to share a bedroom smaller than 7 square metres floor area (which will need to be evidenced or verified). Only resident children are counted.
6.	You are presently the tenant(s) of a Housing Association property in East Staffordshire and your home has been specifically designated for an age group to which you do not belong or you no longer meet the criteria of a Local Lettings Policy covering your current property. You are prepared to move thereby making your current home available to a person or household that needs or would benefit from its designation or thereby contributing to the sustainability of the local community.
7.	You have a resident child under 11 and are living in a flat above first floor.

<b>Band 3</b>	
1.	You have a resident child under 11 and do not have an enclosable private garden.
2.	Your present home is short of at least 1 bedroom. Children to whom the applicant or joint applicant has significant access are counted as well as resident children.
3.	You do not own your own home or hold a tenancy, you do not qualify for any other category in Bands 1-3, and you are either: (i) aged 21+, or (ii) aged 18-20 and you can demonstrate that you have been working or volunteering for at least 16 hours per week for at least 3 months or you receive benefits which indicate that you are unable to work.
4.	You presently have to share a kitchen, bathroom or WC with another household and you are over 25 years old, or a couple, or your household includes children.
5.	You would benefit from a move for medical, welfare, caring/support or disability reasons as identified by a relevant professional but you do not qualify for Bands 1 or 2.
6.	A local housing authority has decided that you are homeless or owed a homelessness duty, this is still the case, but you do not qualify for Bands 1 or 2.
7.	You are presently the tenant of a Housing Association property in East Staffordshire, you are subject to benefit reduction because you are under-occupying, you wish to move to a smaller home, you are prepared to move to a flat, and you do not qualify for Band 1.

<b>Band 4</b>	
1.	You qualify only for Band 4 because you have worsened your circumstances and you did not meet the criteria for any other category before taking the action in question.
2.	You qualify only for Band 4 because you have sufficient capital to purchase a property or adapt your current property to meet your needs. (Disregarding any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service).
3.	You do not meet the criteria for any other category.

#### *4.4e Needs*

Banding because of specific need will only apply in respect of properties which will meet that specific need. For example if an applicant is in Band 1 because of an urgent need to move on the medical grounds that they need ground floor accommodation, they will only be treated as being in Band 1 for properties providing ground floor accommodation. Likewise an applicant in a given band because their present home is short of bedrooms will only be treated as being in that band for properties which provide at least one more bedroom than their present home or which improve their circumstances. In respect of properties which do not meet the specific need on which their banding is based, applicants will be treated as being in the Band they would otherwise be entitled to.

#### *4.4f Exceptional Circumstances*

Exceptional cases may arise which fall outside of all the circumstances described within these criteria. In such cases the Trent & Dove Housing Needs Manager<sup>4</sup> may place the applicant in the band deemed most appropriate. These cases will be reported to the partners.

#### *4.4g Review of Banding*

Applicants in Band 1 and 2 need categories are expected to actively express interest in suitable properties (see 5.2b below) and to accept suitable offers (see 5.7 below). Applicants in Band 1 need categories will be reviewed at 3 monthly intervals and applicants in Band 2 need categories will be reviewed at 6 monthly intervals. If an applicant has not been actively expressing interest in suitable properties or has declined suitable offers then Trent & Dove will contact them to seek to understand why this is. Special effort will be made if an applicant is known to be vulnerable in which case an adverse conclusion will not be reached without gaining that understanding. If it is concluded that this banding is no longer justified then the applicant will be moved to the appropriate other band and will be informed accordingly.

#### 4.5 Changes in Circumstances

Changes in circumstances may change an applicant's band or entitlement, in which case Trent & Dove will inform them accordingly. Trent & Dove may also verify an applicant's circumstances prior to any offer of accommodation being made, to ensure that the details recorded on the housing register remain current.

#### 4.6 Transition

Applicants already on the East Staffordshire housing register when this policy comes into force on 1<sup>st</sup> April 2015 will have their banding and bedroom entitlement revised as necessary when their status is reviewed in due course. Any such applicant who thinks they are entitled to a higher banding under this revised policy and who wants this to take effect sooner is invited to contact Trent & Dove.

### **5. Allocations**

---

#### 5.1 Property Criteria

The Housing Association that owns an available property will identify at the outset which categories of household (ie size and age group) are eligible or not eligible for that property or to be given preference for that property, on the basis of its lettings policies and whether a local lettings policy applies

In cases where certain categories of applicant are to be given preference, those categories of household who are in Bands 1-3 will be treated as eligible in the first instance. If allocation does not result then other categories of household will be treated as eligible.

#### 5.2 Choice Based Lettings

##### *5.2a Policy on offering choice*

The partners to this policy are committed to offering a choice of accommodation wherever possible. Hence allocation to most properties will be made through Choice Based Lettings.

One exception is high and medium dependency homes in Extra Care schemes. (Low dependency homes within Extra Care schemes will be allocated through Choice Based Lettings.)

##### *5.2b Expressing your interest*

Under Choice Based Lettings an available property is advertised through a variety of methods and those on the housing register (applicants) who are eligible for it are invited to express their interest in it (bid for it).

Applicants need to express their interest in properties they are interested in or to ask Trent & Dove or someone else to do this on their behalf. Applicants for whom no expressions of interest are placed are very unlikely to be housed because very few properties are allocated directly.

Applicants can express their interest in as many properties as they wish.

A summary of expressions of interest and lettings is published on a regular basis to help applicants decide what to express interest for.

Help with expressing interest is available from the Council's Housing Options service.

### *5.2c Ranking*

Applicants expressing their interest who are eligible for the available property will then be ranked for allocation:

- by Priority Band, and
- within Priority Bands in Effective Date order (oldest first).

The Effective Date is:

- The date they applied, unless they have been moved to a higher Priority Band since applying.
- The date they were awarded their current Priority Band if they have been moved from a lower Priority Band since applying.

Applicants expressing their interest who are not eligible for the available property under this policy will be ranked for allocation in the same way after all those who are eligible, to give the landlord Housing Association the opportunity to consider their eligibility against its own criteria.

## 5.3 Nominations

The Council is also entitled to nominate applicants to a proportion of vacant properties belonging to Housing Associations that are not participating in Choice Based Lettings.

In these cases applicants from the housing register who are eligible for the available property will be ranked for nomination:

- by Priority Band, and
- within Priority Bands in Effective Date order.

Trent & Dove will then contact the highest ranking applicant to ask whether they are interested in the property. If they are, Trent & Dove will nominate them to the Housing Association which owns the property on behalf of the Council.

## 5.4 Alternative ranking criteria

### *5.4a Large Properties*

For properties with 4 or more bedrooms (including rooms that can be utilised as bedrooms, eg parlour rooms) eligible applicants expressing their interest from Bands 1-3 will be ranked:

- by size of household (counting resident children)
- then by Band
- then by Effective date.

#### *5.4b Specially Adapted Properties*

For properties which have been adapted for the use of a disabled person eligible applicants expressing their interest from Bands 1-3 will be ranked:

- by need for the adaptations provided in the property
- then by Band
- then by Effective Date.

#### *5.4c Extra Care Schemes*

Allocation to high and medium dependency homes in Extra Care schemes is determined by a panel made up of representatives from the landlord and Staffordshire County Council which looks at the match between the needs of applicants referred to the scheme and the services provided at the scheme.

#### *5.4d Rural Properties (except Large Properties and Specially Adapted Properties)*

There is less availability of social housing in rural parishes<sup>5</sup> and hence a need to prioritise applicants who specifically need to live in a particular parish.

Applicants in Band 1 because they are housing association tenants who are prepared to move to free up family or adapted accommodation (categories i and ii) will be treated as being in Band 2 unless they live in the parish.

Applicants in Band 1 because they are ready to leave supported housing (categories 7 and 8) will be treated as being in Band 3.

*For properties built on Exception Sites:*

Planning permission for properties on exception sites requires arrangements to secure that they are occupied by local people on low incomes. Therefore, eligible applicants expressing their interest from Bands 1-3 will be ranked:

- By whether they qualify as local to the parish and on a low income
- Then by Band
- Then by Effective Date

*Local to the parish* is defined as one of:

- Continuously resident in the parish for at least the last 5 years;
- Cumulative residency in the parish of at least 30 years;
- Resident of the parish for at least 5 of the last 7 years and with family (parent, child, brother or sister) currently living in the parish;

*On a low income* is defined as:

- A level of net household income which qualifies the applicant as eligible for housing by a Housing Association which is registered as a charitable organisation.

*For other properties in rural parishes:*

Eligible applicants expressing their interest from Bands 1-3 who have an identified need to live in the parish will be ranked in Effective Date order at the top of their Band.

*Need to live in the parish is defined as one of:*

- A need to move to or remain living in the parish to be close to relatives or local facilities in order to give or receive appropriate support or care;
- A need to move to or remain living in the parish because of a specific need to live close to your place of employment;
- Continuously resident in the parish for the last year and a need to remain living in the parish so that resident children can remain at the primary school they attend.

Eligible applicants expressing their interest from Band 4 will be ranked:

- By whether they qualify as local to the parish (as above);
- Then by Effective date.

### 5.5 The rank list

The highest ranking applicant will be taken forward at the top of the rank list except:

- When priority ranking is justified – see 5.6 below.
- When they are non-resident and allocation of the property to them would mean more than 10% of offers during the financial year to date being made to non-residents (does not apply if there are no resident applicants on the rank list). An applicant is treated as a resident if their last settled place of residence out of choice was in East Staffordshire.
- When they are top of the rank list for more than one property in the same week, in which case Trent & Dove will contact them to discuss which of those properties they prefer and they will only be taken forward for that property.
- When they have already been offered a property but have not yet decided whether to accept it.
- When they have already accepted an offer. However they may give up the offer that they have previously accepted in order to be taken forward for another property.

Except in the case of priority ranking, if the highest ranking applicant is not taken forward then the applicant ranked second will be taken forward, subject to the same exceptions, and so on.

## 5.6 Priority ranking

In certain circumstances as follows a particular applicant may be given priority by being placed at the top of the rank list.

The Council<sup>6</sup> will decide whether an applicant in Band 1 Category 1 will be given priority ranking for a particular property.

Trent & Dove's Housing Needs Manager<sup>7</sup> may decide that priority ranking of another applicant is exceptionally justified. This is most likely to occur where:

- there is an urgent need to re-house a particular applicant
- a property would meet the specific requirements of an applicant with an urgent need to move for medical, welfare or disability reasons;
- a property has significant adaptations that are required by a particular disabled applicant

Priority ranking will normally take place following advertisement of the vacancy or initial ranking of eligible applicants for nomination. This is so that the needs of all applicants expressing an interest in such properties can be considered in order that a balanced decision can be reached. Priority ranking will be reported to partners and included in monthly feedback reports.

## 5.7 Making offers

The Housing Association which owns the property will then offer it to the applicant at the top of the rank list. It may visit or ask to see the applicant to verify their circumstances before doing so. The following exceptions apply:

- Where the Housing Association finds that the applicant's circumstances do not correspond to their banding or entitlement.
- Where the Housing Association finds that offering the property to that applicant would be contrary to the terms of its own published allocations/lettings policies.
  - Trent & Dove will not offer a home to an applicant who has rent arrears and who has not met conditions set to remedy this (except potentially applicants in Band 1 Category 1), or where it considers that allocation of the property to the applicant would result in a risk to community safety or similar.
  - Policies normally require that an applicant must be able to afford the rent (taking account of Housing Benefit where applicable).
- Where the Housing Association judges that allocation of the property to the applicant would be inappropriate because it would not meet their identified needs or would be a risk to them or a member of their household. For example it may be inappropriate to house a drug user on an estate which is known to have a large proportion of other drug users or where there is a known drug dealer.
- Potentially where the applicant is a care leaver and the property will be available before the date they become 18 and are due to leave care.

<sup>6</sup> The Housing Options Manager, Housing Strategy Manager or a more senior Council officer.

<sup>7</sup> Or a more senior Trent & Dove officer

The reasons for all such cases of bypassing an applicant will be collated by Trent & Dove and be reported to partners.

If applicant at the top of the rank list is bypassed or declines the offer, the Housing Association will offer the property to the next applicant on the list, subject to the same exceptions, and so on.

### 5.8 Consideration of offers

An applicant who is offered a property will be given a reasonable amount of time to view the property and accept the offer. Note that applicants lower down the rank list may be invited to view the property at the same time in case the applicant who has been offered the property declines it.

Applicants can decline offers without penalty except:

- Applicants owed a statutory duty who are made a Final Offer as specified under Band 1 Category 1
- Applicants who are homeless as specified under Band 1 Category 2 and Band 2 Category 3 who may lose that status if they decline suitable offers
- Applicants in Band 1 Category 7 (leaving supported accommodation) who will lose their status if they decline suitable offers
- That for applicants in Bands 1 and 2, repeatedly declining offers may lead Trent & Dove to conclude following a review of their housing needs that their Banding is no longer justified as described in paragraph 4.4g above

## **6. Monitoring**

---

Partners will monitor exclusions from the housing register, banding on grounds of exceptional circumstances and worsening circumstances, priority ranking, and bypassing, to ensure that all applicants are being treated fairly and consistently in accordance with the policy and to identify whether changes to the policy or procedures are needed.

Details of nominations and priority ranking will be published alongside the outcomes of Choice Based Lettings.

## **7. Reviews**

---

Applicants may request a review of any decision taken about them by Trent & Dove on behalf of partners under this allocations policy. Reviews will be dealt with as follows:

### 7.1 First Review

An applicant wishing a decision to be reviewed should write to the Housing Needs Manager at Trent & Dove Housing within 21 days of the day on which they were notified of the decision. If an applicant needs help to write their request they may visit or call the Trent & Dove offices where staff will be pleased to provide this help. The Housing Needs Manager will:

- a. Investigate the circumstances and review the decision.

- b. Explain in writing their decision on review and the reasons for that decision being reached. They will do this within 10 working days of receipt of the request for review.
- c. Indicate that if the customer is still not satisfied they may request a second review within 10 working days (see below).

## 7.2 Second Review

If an applicant is unhappy with the decision on review they may request a second review by writing to the Director of Housing Services at Trent & Dove Housing within 10 working days. If an applicant needs help to write their request they may visit or call the Trent & Dove offices where staff will be pleased to provide this help.

Trent & Dove's Director of Housing Services and a senior officer of the Council will jointly review the previous decision and advise the customer of the outcome within a further 10 working days.

## **8. Exceptions**

---

This policy does not apply to certain types of allocation by housing associations, particularly:

- 8.1 Where succession takes place upon death of tenant or where a tenancy is assigned to a person qualified to succeed the tenant
- 8.2 Where a tenancy is assigned by way of mutual exchange
- 8.3 Where a starter tenancy becomes an assured tenancy
- 8.4 Where a tenancy previously held in a sole name is replaced with a joint tenancy.
- 8.5 Renewal of a flexible (fixed term) tenancy.