

The
East Staffordshire
Housing Register

Housing Allocations
Policy

Effective from 1st June 2009



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 Association
- § Derwent Living
- § 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 annually 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. Applying 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.

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

Help with making an application is available from the East Staffordshire Housing Options service.

3.2 Housing in other districts

At the same time as applying to join the East Staffordshire Housing Register, an applicant may ask to be included on a wider housing register that will give them access to housing elsewhere in southern Staffordshire and northern Warwickshire, known as the *Uchoose* Housing Register. The UChoose Housing Register covers the districts of Cannock Chase, East Staffordshire, Lichfield, Nuneaton & Bedworth, North Warwickshire, Rugby, South Staffordshire and Tamworth. An applicant wanting access to housing in any of the other districts should also refer to the Uchoose Common Lettings Policy.

3.3 Assessment of Eligibility

All applications will be assessed to determine the applicant's eligibility. To enable them to do this Trent & Dove may ask applicants for:

- a) references which are relevant to an assessment of their housing need or their support needs;
- b) proof of relevant circumstances, including their address(es) for the last 5 years;
- c) identification for each housing applicant.
- d) Trent & Dove may also seek references from previous landlords and other relevant persons. They may also carry out a home visit.

The rules governing eligibility for a housing authority's housing register identify two groups of people who may be excluded from the housing register.

The first is certain people who are subject to immigration control who cannot legally be allocated accommodation and who will therefore not be allowed to join the housing register. 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 whose past behaviour, or the behaviour of a member of their household, makes them unsuitable to be tenants. This will be the case when all these 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 to evict 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.
- § This behaviour was serious enough to make the person unsuitable to be the tenant of the local authority at the time. Hence a possession order would not have been suspended. Rent arrears resulting from factors outside the applicant's control would typically give rise to a suspended possession order and would therefore not count.
- § The applicant is still unsuitable to be a tenant by reason of this behaviour, ie where the behaviour has not improved

Trent & Dove will assess the individual circumstances of each applicant, 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, Trent & Dove will not treat that person as ineligible without first considering whether they would be able to maintain a tenancy with appropriate care and support. In considering the applicant's case, Trent & Dove will consult with all relevant agencies.

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 a review of this decision (Section 7 below).

If a person who has in the past been excluded from the East Staffordshire, Trent & Dove or Uchoose housing registers 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 should be aware that many Housing Associations do not offer properties to anyone under 18 and that their chances of being offered a property before they are 18 are therefore limited.

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. **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 through Uchoose.
- 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 who want access to housing in East Staffordshire in accordance with this allocations policy and will inform them in writing of the outcome.

Applicants aged 16 and 17 years will be asked whether they can provide details of a guarantor. This is because Housing Associations which will offer properties to those under 18 will normally only do so if they have a guarantor.

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 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). If someone in the household needs an over-night carer then the carer can also be counted as a household member.

4.3 Bedroom Entitlement

Bedroom entitlement is calculated according to the size of an applicant's household, normally based on the assumption that a separate bedroom is required for:

- Each couple (including people in a same sex relationship) or individual over the age of 11;
- Up to two children of opposite sexes below the age of 7;
- Up to two children of the same sex below the age of 11, unless there is an age gap of more than 7 years.

Applicants seeking additional bedrooms to accommodate children to whom they or a joint applicant have significant access will be entitled to those bedrooms in *flats* but not in houses, based on the same assumption.

Note that the property criteria specified by housing associations other than Trent & Dove may not provide this level of entitlement.

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.

In the following definitions "you" means the applicant or any member of their household.

Band 1	
1.	<p>The Council has accepted a statutory duty to secure that accommodation is available to you:</p> <p>i. Provided you are accepted as suitable to be a tenant you are entitled and expected to express your interest in suitable available properties (see 5.2b below). East Staffordshire Housing Options will help you do this if needed. If you have been in this category for more than 6 weeks and then fail to express your interest in a suitable property, you will be made a direct offer of a suitable property when one becomes available. An offer of suitable accommodation after 6 weeks in this category will be a Final Offer and declining it will end the Council's duty to you so that you cease to fall into this category.</p> <p>ii. If you would have been excluded from the housing register were it not for the fact that you fall into this category, you will not be able to express interest in properties; East Staffordshire Housing Options will do this on your behalf. In this case any offer of suitable accommodation will be a Final Offer and declining it will end the Council's duty to you and you will then be excluded from the housing register.</p>
2.	<p>The Council has agreed to assist another Council that has accepted a 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 Council's agreement to assist and your status in this category will be reviewed after 6 weeks if suitable properties have been advertised that you have not expressed interest in or you have declined suitable offers.</p>
3.	<p>Your current home is within East Staffordshire and is due to be demolished, or is subject to a Demolition Order or to a Prohibition Order covering a main part of the dwelling, or has been included within a Clearance Area (unless and until the Council has a statutory duty to secure that accommodation is available to you in which case you fall into category 1 above).</p>
4.	<p>Your present home is short of at least 3 bedrooms, or an adult has to share a bedroom with 3 or more children. Only resident children are counted.</p>
5.	<p>You have an urgent need to move on medical or welfare grounds as verified by a relevant professional. This may include circumstances where you have been subject to severe harassment or have suffered a traumatic event, and to remain in the property would cause severe stress. It also includes grounds relating to disability.</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.	<p>You are presently the tenant of a Housing Association <i>house</i> within East Staffordshire, and you are prepared to move to a flat or bungalow, thereby making your current home available to a household that needs a house.</p>
8.	<p>You are presently living in temporary supported housing within East Staffordshire or arranged by or on behalf of the Council, and the accommodation provider has assessed that you no longer need the support provided and are therefore ready to move on, thereby making your current home available to a person who needs it.</p>

Band 2	
1.	Your family presently has to live in separate properties but you would like to live together. A family constitutes people who normally reside together or would be expected to reside together as a family unit.
2.	You need to move closer to relatives or local facilities so that you can give or receive appropriate support or care. The extent of the need and support will need to be proven, for example by receipt of attendance allowance.
3.	A housing authority has decided that you are homeless or threatened with homelessness within the meaning of Part VII of the Housing Act 1996 but you are not entitled to Band 1 status. If you have been in this category for 6 weeks and it is felt that suitable properties have been advertised that you have not expressed interest in or you have declined suitable offers, then Trent & Dove will contact you to discuss your needs. If they conclude that you have failed to express interest in suitable properties or that you have declined suitable offers then you will cease to fall into this category.
4.	You need to move on medical or welfare grounds as verified by a relevant professional, but not urgently. This includes grounds relating to disability.
5.	Your present home is short of 2 bedrooms. 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 has been specially adapted for a person(s) who no longer lives there, 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 adaptation or designation or thereby contributing to the sustainability of the local community.

Band 3	
1.	You have a child under 11 and do not have an enclosable private garden or are living in a flat above first floor.
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. If you have been awarded this category on the basis of access arrangements, you will be eligible to bid for flats only.
3.	You do not own your own home or hold a tenancy.
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.

Band 4	
1.	You have been placed into Band 4 instead of being excluded.
2.	You have been placed in Band 4 because you have sufficient capital to purchase a property to meet your needs.
3.	None of the above categories apply to you.

4.4a Property Owners

Owners of property with capital sufficient to purchase a property to meet their needs will only be placed in Band 4. The relevant level of capital will be considered in each case, depending on the needs of the applicant and the availability of properties for sale in the local area.

4.4b Worsening of Circumstances

If it can be demonstrated that an applicant has deliberately done something in order to gain an advantage on the housing register, any 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.

4.4c 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. 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.

4.4d Unacceptable Behaviour

An applicant who could be excluded from the housing register because of unacceptable behaviour may instead be accepted onto the register but placed into Band 4.

4.4e Shortage of Bedrooms

Shortage of bedrooms is calculated in the same way as bedroom entitlement (see 4.3 above).

For these purposes:

- § An expected child is included from 6 months prior to the expected date of birth.
- § 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.

4.4f Exceptional Circumstances

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

4.4g Review of Band 1

Applicants in Band 1 are expected to actively express interest in suitable properties (see 5.2b below) and to accept suitable offers (see 5.7 below). This band will be regularly reviewed. If it is felt that this banding may no longer be justified Trent & Dove will contact the applicant to discuss their needs. If Trent & Dove then conclude 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 / Trent & Dove housing register when this policy comes into force will remain in the band already awarded to them until their status is reviewed. Any such applicant who thinks they are entitled to a higher band under this new policy or who wants access to housing in other districts is invited to contact Trent & Dove.

5. Allocations

5.1 Property Criteria

The Housing Association that owns an available property will identify which categories of household (ie size and age group) are eligible for that property on the basis of its lettings policies and whether a local lettings policy applies.

In other cases a Housing Association may wish to give priority to certain categories of household. In these cases 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 East Staffordshire Housing Options.

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 order of the date they qualified for that Priority Band.

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 order of the date they qualified for that Priority Band.

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 eligible applicants expressing their interest from Bands 1-3 will be ranked:

- § by size of household
- § then by Band
- § then by the date they qualified for that Priority Band.

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 the date they qualified for that Priority Band.

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 Social Care and Health which looks at the match between the needs of applicants referred to the scheme and the services provided at the scheme.

5.5 Allocations

The Housing Association which owns the available property will offer it to the highest ranking applicant. The following exceptions apply:

- Where the applicant does not satisfy the Housing Association's own published applicant or local lettings criteria.
- Where it is judged that allocation of the property to the applicant would be inappropriate because it would not meet their identified needs. 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.
- Where it is necessary to offer the property to the highest ranking applicant in another Band in order to achieve targets which may be set to ensure that properties are being allocated to applicants in all Bands (does not apply where the highest ranking applicant is in Band 1 Category 1).
- Where the highest ranking applicant is non-resident and offering 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 was in East Staffordshire.
- Where an applicant is ranked highest for more than one property in the same week, in which case Trent & Dove will contact them to discuss which property they prefer and only this property will be offered.
- Where the applicant has already been offered a property and has not yet decided about that offer.

If the highest ranking applicant declines the offer or the property is not offered to them, the applicant ranked second will be offered the property, subject to the same exceptions, and so on.

5.6 Direct Allocations

In certain circumstances a property may be subject to direct allocation. This means that a particular applicant will be offered a property belonging to Trent & Dove or nominated to another Housing Association on behalf of the Council. This is most likely to occur where:

- there is an urgent need to re-house a particular applicant;
- a property has significant adaptations that are required by a particular disabled applicant; or
- where an applicant in Band 1 Category 1 is directly allocated a property to bring the Council's duty to them to an end.

If allocation does not result from these mechanisms then allocation to the property will take place in the normal way as described above.

5.7 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 ranked lower 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
- That for applicants in Band 1, repeatedly declining offers may lead Trent & Dove to conclude that Band 1 status is no longer justified as described in paragraph 4.4g above

6. Monitoring

Partners will monitor exclusions from the housing register, decisions to place applicants into Band 4 instead of exclusion, and Housing Association decisions not to offer to applicants in rank order, 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 direct allocations 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 Area Housing Manager at Trent & Dove Housing within 21 days of the day on which they were notified of the decision. The Area Housing 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. The Director of Housing Services and a senior officer of the Council will review the previous decision and advise the customer of the outcome within a further 10 working days.

8. Exceptions

This policy need not apply to certain types of allocations as set out in Section 160 of the Housing Act 1996, in which case the Housing Association which owns the property will allocate in accordance with its own lettings policies.