

## HOUSING ALLOCATIONS POLICY 2018

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# Housing Allocations Policy

Taking effect from 1 December 2018

## **1. Introduction**

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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 where there is a specific need to do so e.g. in performance of a homelessness duty.
- Nomination by the Council of a person to be a tenant of any other Housing Association property within East Staffordshire.

## **2. Policy Statement**

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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.
- Acting to prevent homelessness

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**

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#### **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 upon request in support of 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<sup>2</sup>, 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 the required information when the application is submitted, their application will not be processed until it is received. 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. Trent & Dove will inform applicants of what information is outstanding within 28 days.

<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 Assistant Director. These posts are: Lettings Manager; Lettings Officers; Pre Tenancy Officers; Pre Tenancy Assistants; and others that may be designated from time to time.

<sup>2</sup> Trent and Dove will communicate with applicants where this applies.

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, or require attendance at a Pre Tenancy Workshop.

### 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 or assured social housing tenant at the time it is considered likely that the landlord would have served notice and proceeded to take possession proceedings. Behaviour which typically gives rise to a social landlord seeking possession 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. It will be for the applicant to show that their circumstances or behaviour have changed, and that they would now be able to conduct a successful tenancy. Applicants should note that most RPs (or housing providers) start all their tenancies as 'starter tenancies' where there is close attention paid to adherence to tenancy conditions, and breaches may well lead to that tenancy being ended before it is converted to an assured tenancy.

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.

If an applicant fails to notify Trent and Dove of a change of circumstances, any subsequent offer made will be withdrawn and the applicant suspended from bidding whilst a reassessment takes place.

If an applicant accept any offer of a tenancy, and Trent and Dove become aware that there was a change in circumstances at the point of offer that the applicant failed to declare, Trent and Dove may take enforcement action to end their tenancy.

### 3.5 Annual Reviews

Each year, applicants who have been on the register for over 12 months will be contacted to ask 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 28 days after receipt of the application, and the applicant has been reminded and provided sufficient opportunity to remedy the situation. .

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**

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### 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). Such applicants must be in receipt of Child Benefit for the child(ren) in question, except in exceptional circumstances (e.g. where Child Benefit is in the process of being applied for in the applicant's name).

### 4.3 Bedroom Entitlement and Eligibility

The bedroom standard sets out the size of accommodation households will be eligible for. The priority in establishing this standard is to ensure that households are offered accommodation which they can afford and which meets their needs. The standard is aligned to eligibility for welfare benefits and will be reviewed regularly to ensure that changes to the welfare system are appropriately reflected.

Families with dependent children will be prioritised for houses, (exceptional circumstances will be considered). In order to qualify for priority the applicant's child(ren) or applicant's partner's child(ren) must live with the applicant all the time or, for dependent children, the applicant must be their principal carer.

The partners operating within this policy will use the following rules to determine the minimum size of accommodation needed by a household:-

A separate bedroom is normally needed for each of the following:

- Every adult couple or single parent
- Any other person aged 16 years or over
- Any two children aged under 16 years of the same sex
- Any two children aged under 10 years regardless of sex
- A pregnancy, or any other resident child
- A carer who is not part of the household but who needs to stay overnight(As verified by a relevant professional)
- A prospective foster or adoptive child following approval to foster or adopt(as verified by a relevant professional)

These rules ensure that households are able to bid for properties that would normally be affordable without being reliant on discretionary benefits to maintain new accommodation.



Bedrooms for children will normally only be allocated for children where the applicant is the primary carer. Flexibility around the bedroom standard will be applied to households which include an approved foster carer based on supporting information provided by social care services.

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.

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

- A property may be offered to an applicant who is not eligible for it under this policy if it has not been allocated to an eligible applicant; sometimes referred to as a 'hard to let' property (5.2.c below).
- Properties with specific adaptations that meet a medical need.
- Other exceptional circumstances. In particular allocations to properties in Rural Exception sites are often deliberately under occupied, subject to affordability checks, in order to allow households to grow. This supports the long term aim of such sites.
- Couples may be eligible for 2 bedrooms in respect of Flats and bungalows if either is of pensionable age.

However partners to this policy may apply property criteria which do not provide this level of eligibility (5.1 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 Transfer home seekers

*A transfer application must be submitted to Trent and Dove in the same way as any other applicant. Unless exceptional circumstances exist, applications to transfer may be subject to reduced priority based on the conduct or status of their current tenancy for the following reasons:*

- *The applicant is still on an introductory, starter, or probationary tenancy and this has not been converted to a secure, assured or fixed term tenancy*
- *The applicant has rent arrears*
- *The property has not maintained to an acceptable standard by the tenant or members of their household.*
- *Anti-social behaviour for which the tenant is deemed to be responsible*
- *Other breaches of the tenancy agreement.*

*Any applicant whose priority is reduced will be provided with written notification of the decision that will contain the following information:*

- The reasons for the decision to reduce priority*
- The band that their housing circumstances would have warranted and the band that they have been placed in as a result of the decision*
- The applicant's right to request a review against the decision*
- What they have to do before they can be considered again for any higher band warranted by their housing needs.*

*Once the situation is rectified to the satisfaction of the applicant's current landlord the reduced priority will no longer be in force, and the application can be placed in to the appropriate priority band.*

#### *4.4e Bands and categories*

In the following table "applicant" means both 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 the applicant eg a main homelessness duty<sup>3</sup>. If the applicant has not yet had to leave their last settled accommodation or if court possession proceedings have not yet commenced, the applicant is normally able and expected to exercise choice by expressing their interest in available properties (see 5.2b below). The Council's Housing Options Team will help the applicant to do this if needed.</p> <p>If the applicant has already had to leave their last settled accommodation or if court possession proceedings have commenced, the applicant can express interest in available properties but the Council will also express interest in suitable properties on their 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 the applicant would have been disqualified if not eligible for this category, they will not be able to express interest in properties; the Council will do this on their 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 applicant is owed the Prevention or Relief Homeless Duties under Part VII of the Housing Act 1996, and the Council's Housing Options Team has verified the following:</p> <ul style="list-style-type: none"> <li>• That the applicant has co-operated with efforts to resolve their homelessness</li> <li>• There is no way in law to prevent or relieve their homelessness.</li> </ul> <p>The applicant would be owed the main homelessness duty if their homelessness is not resolved at this earlier stage.</p>
3.	<p>The applicant's current home is within East Staffordshire and is subject to a Prohibition Order covering a main part of the dwelling and the applicant does not have suitable alternative accommodation available to them on reasonable terms. The applicant will move into Band 1 Category 1 on the date 28 days before the date the Prohibition Order takes effect.</p>
4.	<p>The applicant's present home is short of at least 3 bedrooms. Only resident children are counted.</p>
5.	<p>The applicant has an urgent need to move because their current accommodation is severely detrimental to their 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 the applicant's need and lack of another solution will need to be verified by a relevant professional.</p>
6.	<p>The applicant falls into more than one category of need in Band 2 and it is considered that Band 1 status would be a fairer reflection of their cumulative need.</p>

<sup>3</sup> The main homeless duty is owed to households that are priority need and unintentionally homeless, as specified in the Housing Act 1996 Part VII S193. Except where indicated otherwise, decisions referred to in this policy which are taken by the Council are taken by officers in the Housing Options team.

7.	The applicant is presently living in recognised supported housing, and was normally resident in East Staffordshire of their own choice prior to living in that accommodation. The accommodation provider has assessed both that the applicant no longer needs the support provided and that they have achieved relevant support outcome goals, and the applicant has no other accommodation available to them. The applicant may express their interest in properties, but expressions of interest may also be registered on their behalf. The applicant will lose this status if you decline the offer of a property deemed suitable.
8.	The applicant is a looked after child who will be leaving local authority care aged 18+ years old and they have a statutory local connection <sup>4</sup> to East Staffordshire. The applicant is entitled to this Band from one month before the date they are due to leave care, although a Housing Association may decline to offer the applicant a property that will be available before that date. The Effective Date will be backdated up to five months to the date the applicant applied for housing.
9.	The applicant is presently the tenant of a Housing Association <i>house, adapted or high demand</i> property in East Staffordshire which they are under-occupying, and they wish to move to a more appropriate home. Please note the conditions attached to transfers are set out at 4.4d.

<b>Band 2</b>	
1.	The applicant needs 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 the applicant is homeless or threatened with homelessness within the meaning of Part VII of the Housing Act 1996 but they do not qualify for Band 1 status. If the applicant does not bid for suitable properties for a 2 month period their application will be reviewed, and they may no longer qualify for this band. In any event, homeless applicants will be periodically reviewed to ensure the circumstances remain unchanged and this banding still applies.
3.	The applicant needs to move because their current accommodation is having a significant detrimental impact on their 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 the applicant's need and lack of another solution will need to be verified by a relevant professional.
4.	The applicant's present home is short of 2 bedrooms. Only resident children are counted.
5.	The applicant is a Trent and Dove tenant who is unable to access a Government funded Right to Buy level discount due to an exemption on the property they currently occupy. This priority band will enable the applicant to port their discount and purchase an alternative property. This particular priority is attached to the vRTB pilot scheme operating from August 2018. If the pilot does not convert to a wider scheme, this will no longer apply. Please note this band cannot be combined with another Band 2 criteria to access Band 1.6.

<sup>4</sup> As defined in S199 of the Housing Act 1996 but counting residence in care as residence of the applicant's own choice.

<b>Band 3</b>	
1.	The applicant's present home is short of at least 1 bedroom. Only resident children are counted.
2.	The applicant does not own their own home or hold a tenancy, or they share facilities with another household.
3.	The applicant would benefit from a move for medical, welfare, caring/support or disability reasons as identified by a relevant professional but they do not qualify for Bands 1 or 2.
4.	The applicant is presently the tenant of a Housing Association property in East Staffordshire, and they are subject to benefit reduction because they are under-occupying. The applicant wishes to move to a smaller home and is prepared to move to a flat, but they do not qualify for Band 1.

<b>Band 4</b>	
1.	The applicant only qualifies for Band 4 because they have worsened their own circumstances and do not meet the criteria for any other category before taking the action in question.
2.	The applicant only qualifies for Band 4 because they 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).
3.	The applicant is a transferring tenant subject to reduced priority based on the conduct or status of their current tenancy.
4.	The applicant does not meet the criteria for any other category.

#### *4.4f 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.

#### *4.4g Exceptional Circumstances*

Exceptional cases may arise which fall outside of all the circumstances described within these criteria. In such cases the Trent & Dove Lettings Manager<sup>5</sup> may place the applicant in the band deemed most appropriate. These cases will be reported to the partners.

<sup>5</sup> Or a more senior Trent & Dove officer

#### *4.4h 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 December 2018 will retain their current banding and bedroom entitlement, provided there is no change to their circumstances. 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**

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#### 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.)

Partners to this policy will advertise properties through Choice Based Lettings, however if the property is advertised on two or more occasions without success, properties may be allocated outside of this policy and advertised through alternative methods.

### *5.2b Expressing 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>6</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:

<sup>6</sup> Rural parishes means parishes in East Staffordshire except the parishes of Anglesey, Branston, Brizlincote, Burton, Horninglow & Eton, Shobnall, Stapenhill

- 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 a 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>7</sup> will decide whether an applicant in Band 1 Category 1 will be given priority ranking for a particular property.

Trent & Dove's Lettings Manager<sup>8</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>7</sup> The Housing Options Manager, Housing Strategy Manager or a more senior Council officer.

<sup>8</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**

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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**

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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 Lettings 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 Lettings 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 Assistant 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 Assistant 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**

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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.