

DRAFT

**HOUSING ALLOCATION
POLICY FOR
HEREFORDSHIRE**

March 2018

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1. INTRODUCTION

1.1 The Housing Act 1996 requires every local authority to develop and publish an allocations policy for determining the priorities and detailing the procedures to be followed in allocating housing. Recent legislation has allowed local authorities more freedom to determine policies that best meet local circumstances and priorities, within the constraints set out in the Housing Act 1996, as amended (“the 1996 Act”). This is Herefordshire Council’s Housing Allocation Policy.

1.2 Herefordshire Council does not own any housing stock. It works in partnership with housing associations operating in the county to address housing need through the allocation of social housing.

1.3 This policy clarifies the roles and responsibilities of the local authority and the housing associations, and the legal responsibilities of each for delivering the local authority’s statutory responsibilities in relation to the allocation of housing. It details the arrangements for applying to register for social and affordable rented housing (hereafter referred to as ‘social housing’), and the process by which the majority of it is let in Herefordshire.

1.4 Although the Council’s Housing Register team administers the housing register, final allocation decisions are made by the housing association which owns or manages the individual property.

1.5 The housing associations let a proportion of their stock to direct applicants. The individual housing association’s lettings and exclusion policies can be viewed using the web address in this Appendix or by clicking [here](#) which will take you to the Housing Register web pages which have links to the housing associations sites.

1.6 Herefordshire Council has nomination agreements with the housing associations in the county. These agreements specify the percentage of vacant properties that will be offered to applicants on the council’s register. The percentages vary from 60% to 75%, depending on the association, the property location and type.

1.7 The 1996 Housing Act (as amended) requires local authorities to make all nominations in accordance with their allocation policy. This policy will be used to make nominations to housing association with stock in the county.

1.8 In developing this policy Herefordshire Council has had due regard for legislation, government guidance and responses from consultation.

1.9 This policy sets out:

- The aims of the policy;
- Who can register;
- How an applicant's housing needs are assessed;
- How the housing register operates;
- How social rented homes across the county are let.

Acceptance on to the register is not an immediate housing solution and does not guarantee that an offer of accommodation will be made.

2. AIMS

2.1 The key aims of this policy are to:

- ensure consistency in the way in which applicants access affordable and social rented housing through the council's housing register
- ensure and promote equality of opportunity in accessing the council's housing register
- ensure that the housing register and nomination process is understandable and transparent to applicants
- meet the legal requirements for the allocation of social housing
- provide some choice of affordable rental homes to meet applicants needs
- support better use of existing housing stock within the county
- help to prevent homelessness and minimise the use of temporary accommodation
- contribute to the development of sustainable communities

2.2 We will deliver these aims by:

- Operating a housing allocation policy where applicants are placed in bands according to their level of need;
- Providing support and advice for customers when they need it;
- Providing applicants with straightforward and realistic information on supply and demand and the prospect of re-housing both within the social sector and private rented accommodation;
- Ensuring that every application for the housing register is dealt with fairly and consistently, so promoting equality of opportunity;
- Supporting and encouraging applications from all applicants who may qualify for the register;
- Facilitating mobility to meet household needs.

3. SCOPE

This policy applies to new applicants that the council nominates an applicant to be an assured, assured shorthold, or starter tenant of housing owned or managed by a private registered provider (referred to as housing associations in the remainder of this document).

This includes properties let at an affordable rent and on fixed term tenancies, as well as social rented properties and periodic tenancies.

The policy generally does not apply to an existing tenant of a housing association unless the person has applied to Herefordshire Council and the council is satisfied that the person qualifies under the reasonable preference categories of s.166A (3) of the Housing Act 1996, as amended.

To meet the strategic aim of supporting better use of the existing stock the council does allow existing tenants to qualify for the register through the under-occupation criterion in Band C or where a household no longer requires major adaptations criterion (Band A).

Exempt Allocations

The following are not subject to the banding scheme or the nomination agreements:

- Succession to a tenancy under s.17 of the Housing Act 1988;
- A mutual exchange with another tenant;
- Assignment of a tenancy;
- Transfer of a tenancy in accordance with a court order under Family Law provisions or under the Civil Partnership Act 2004;
- A starter tenant becoming an assured tenant;
- Any provision of temporary accommodation.

4. LEGAL FRAMEWORK

The primary legislation governing the allocation of social housing is the Housing Act 1996, (as amended), and the associated statutory codes of guidance and statutory instruments.

This legislative framework applies to Herefordshire Council directly and requires housing associations to 'cooperate to such an extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's scheme'.

Any housing association with stock in Herefordshire is subject to nomination agreements with the council. These detail the percentages of their stock for which the council has the right to nominate applicants from the housing register for the allocation of accommodation. Nominations from the council to the housing association are assessed in accordance with this policy. Associations have their own lettings and exclusion policies and will review the nominations against these before making an offer of accommodation. Applicants therefore should read the

policies which can be viewed by using the links on the housing register page of the council's website or by clicking here. The council and the housing associations are working to establish as close alignment between policies as possible.

When an allocation by a housing association follows the council's allocation policy it will meet the requirements of the nomination agreement.

The legislative framework restricts eligibility for social housing and enables local authorities to define those who qualify to be allocated housing in their areas. It allows financial resources, behaviour and local connection to be taken into account when defining qualification rules. Herefordshire Council has chosen to make use of these flexibilities in this Allocation policy.

The Allocation policy has been developed to be compatible with other relevant legislation and guidance including, but not restricted to:

- The Human Rights Act 1998
- The Data Protection Act 2018The Freedom of Information Act 2000
- Children's (Leaving Care) Act 2000
- The Equality Act 2010
- Armed Forces Covenant

A summary of this policy is available here and is available free of charge to any person who asks for a copy. This document is the full version of the policy and is available on Herefordshire Council's website. If requested a hard copy can be provided on payment of a reasonable fee (to be confirmed at time of request).

4.1 Equality statement

Herefordshire Council is committed to equality and dignity for all members of the community, and supports the principles of the council's equality policy 2017-19, including promoting acceptable behaviour, making fair and equitable decisions and providing accessible services.

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

The policy ensures that each applicant is assessed on the basis of individual need. In addition, the assessment will seek to identify, and meet any special requirements, and to provide support to vulnerable applicants.

Herefordshire Council expects all housing associations to ensure that they comply with the Equality Act 2010 and have their own Equality policies available.

4.2 Statement on choice and constraint

Herefordshire Council is committed to enabling applicants to play an active role in choosing where, and the type of property and tenure they want to live in, whilst continuing to house those people in the greatest need. Applicants can indicate their areas of choice through the online application form or by 'bidding' on properties advertised by the housing associations.

It is important to know, however, that the demand for accommodation is higher for some types of property and in some areas than others. In making a decision about the choices available, applicants need to consider the urgency of their housing need and the availability of properties in any given area.

Whilst the policy offers applicants choice, there will be a number of instances where this may not be possible, for example:

- the applicant does not meet the criteria for the scheme or the empty property
- there is a legal agreement restricting who can be offered the property
- there is a local lettings plan in place
- the applicant has been accepted under the full homeless duty
- there are few properties of the size or type in the chosen area

Applicants should note that the decision to make an offer of a property is made by the housing association, **not** the Housing Register team.

4.3 Confidentiality, data protection & information sharing

All information processed by the council in respect of housing applications is done so in accordance with the provisions of the Data Protection Act 2018. Information you provide in support of the application will be shared with third parties who provide social and affordable housing.

For details about how your information will be used can be found on our website:

The existence of an application from an individual will not be disclosed to any other member of the public without the consent of the applicant.

An applicant has the right to request details of the information held about them.

5. ADVICE AND ASSISTANCE

The council acknowledges that this Allocation policy requires the active participation of housing applicants and to reflect this, the council aims to provide advice and assistance as required by s.166(1) and s.168(1) of the Housing Act 1996.

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

- information about the procedures for applying to the scheme
- information about how applicants are prioritised under this policy
- information about the nomination process
- information about the outcomes of nomination
- if they do not qualify for the council's housing register, how they may still be able to access housing associations properties

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

- what information they need to supply to complete registration and the **timescales** for providing the information
- if they do not qualify what they need to do to rectify this
- what band they have been awarded under this policy
- what size properties they are entitled to be nominated for

5.3 Applicants who have difficulty reading or understanding this policy may benefit from the following services:

- an interpretation service if their first language is not English
- signing if speech or hearing is impaired
- provision of documents in large print if an applicant is visually impaired
- an interview to explain the policy
- information about where independent advice is available

5.4 The Housing Register team can also provide information about other housing options.

This will include:

- advice on housing associations operating in the county
- advice on and signpost to available low cost home ownership options
- assistance in making an application to the housing register

The council's Housing Solutions team can provide:

- advice and help on renting in the private sector.

Advice is also available through the the Housing Advice Questionnaire, a self-help tool available [here](#).

6. ROLES OF OFFICERS: DECISION MAKING AND BENEFICIAL INTERESTS

6.1 Officer responsibilities

The Housing Register team administers the housing register, and does not make offers of housing. These are made by the housing associations.

Certain functions within the scheme can only be undertaken by a senior officer or manager and, where this is the case, it has been identified in the allocation policy.

Whilst the council aims to achieve clarity and transparency for the public, there is discretion to vary qualification, priority and property size and type rules to provide a degree of flexibility in the implementation of the policy when considering individual cases. Any use of this flexibility will be subject to determination and confirmation by Housing Solutions and Register Team Lead (HSRTL) and the reason for the decision dated and recorded on the application record. It is not intended that this delegated authority be used other than in exceptional cases. The HSRTL will take into account all relevant circumstances when making the decision.

Any officer who is related to or knows an applicant personally will not be involved in the assessment of the application or in the nomination of the applicant to a housing association. The officer will be required to notify her/his team lead or manager of the potential conflict of interest and complete a declaration of interest form.

6.2 Councillors, board members, employees and their close relatives

This scheme is designed to ensure that Herefordshire Council is transparent and equitable when nominating staff, Councillors or board members and their close relatives for available properties. Applicants who work for the council, a registered provider, a board member of a registered provider or is a member of the council must disclose any such relationship when applying for housing. Failure to disclose so may result in the application being cancelled.

The Allocation scheme is open to any qualifying applicant and there are stringent checks in place that all applicants must follow. Staff, Council or board members and their relatives are treated as any other applicant and must not gain or be seen to be gaining any advantage or any preferential treatment in the course of their application, nor shall they be disadvantaged.

7. WHO CAN APPLY?

Applicants must be eligible and must qualify to make a successful application to be accepted on to the register. The housing register team undertake the process of eligibility and qualification assessment for acceptance on to the housing register. The team also assesses and confirms the banding award for applicants to the council's housing register.

7.1 ELIGIBILITY

The Housing Act 1996, as amended, defines the categories of people who are **not** eligible.

7.2 Ineligible households

Certain people are not eligible for admission to the housing register by law.

Herefordshire Council will ensure compliance with the statutory provisions for eligibility, as amended from time to time.

It is not practical to define precisely all the circumstances in which restrictions may apply. The guidance below is an overview of eligibility at the time of approval of the policy. Anyone unsure of their status should seek detailed advice from the Housing Register team.

7.3 Applicants who are currently not eligible to go on the housing register include the following:

- a) People who are subject to immigration control; unless they have refugee status or exceptional leave to remain, or have been in the UK more than five years and their former sponsor is no longer living;
- b) The following are not eligible for inclusion on the housing register even though they are not subject to immigration control:
 - Those who are not habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland;
 - Those whose only right to reside in the UK is derived from their status as a jobseeker or the family member of a jobseeker;
 - Those whose only right to reside is the initial right to reside for a period not exceeding three months under Regulation 13 of the European Economic Area regulations;
 - Those whose only right to reside is as the parent of a UK citizen child who has no other rights to reside in the UK.
- c) Any other person as prescribed by the Secretary of State.

If there is any uncertainty about an applicant's immigration status the council will contact the UK Border Agency to check the position.

Applicants who are ineligible to be accepted on to the register will be notified in writing of the decision. These applicants are also not eligible for social housing provided by the housing associations.

7.4 QUALIFICATION

All applicants eligible to join the council's housing register will be considered, provided that the application is made in accordance with this policy. Applicants must have a housing need recognised by this housing allocation policy in order to qualify for inclusion on the register.

Housing association tenants qualify for inclusion on the register if they apply to the council and are assessed as being in the reasonable preference categories. Existing tenants may also qualify for the register if they are under-occupying a family home or the property in which they live has major adaptations that the household no longer needs.

7.5 Local connection

To qualify to join the housing register applicants should have a local connection to the county, as defined by s.199 of the Housing Act 1996.

Applicants without a local connection to the county who have a housing need in one of the reasonable preference categories will be placed in the reduced preference band.

Local connection in this context means that the applicant meets at least **one** of the following criteria:

- a) Currently living in the county (in settled accommodation or accommodation of choice) for at least 2 years continuously or for 3 years out of last 5 years at the point of application;
- b) Have close relatives living in the county (parents, adult children, brothers or sisters) who have done so for at least the last 5 years at the point of application;
- c) Be employed and have worked in the county for at least 12 months and the work has been, and is, for more than 16 hours a week, or has an offer of permanent employment for more than 16 hours a week and the applicant continues to work in that job or the offer of employment remains open while the applicant is on the register;
- d) Is a Herefordshire looked after child or care leaver, or is a care leaver under the age of 21 who has lived in the county for at least two years, including some time before turning 16.

- e) Exceptional circumstances, at the discretion of the Housing Solutions and Register Team Lead (HSRTL).

For the purposes of determining qualification on residency grounds, living in the county shall not include the following:

- Occupation of a mobile home, caravan, motor caravan or houseboat where it is not their only or principal home;
- Occupation of a holiday letting for the purposes of a holiday;
- Occupation in student accommodation where it is not their principal home;
- Occupation of temporary accommodation when placed there by other local housing authorities;
- In-patient of a hospital or similar settings where the applicant has a connection elsewhere.

Under some exceptional circumstances, such as where there may be an overriding housing need to be met or a duty to a statutorily homeless person, the qualification rules may be waived.

7.6 Local Connection for Armed Forces Personnel

Local connection requirements will not apply to the following applicants:

- members of the Armed Forces and former Service personnel, where the application is made within five years of discharge;
- bereaved spouses, unmarried and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;
- serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service;
- divorced or separated spouses, separated unmarried and civil partners of members of the Armed Forces who have lived in Services Family Accommodation for a minimum of two years immediately prior to the breakdown of the relationship and are required to vacate the Services Family Accommodation as a result of the relationship breakdown.

Armed Forces personnel should also refer to section 8.3 below.

7.7 Right to Move

The government introduced the Right to Move for social housing tenants in 2015. This required that a local connection may not be applied to existing social tenants seeking to transfer from another local authority district in England who:

- have reasonable preference because of a need to move to the local authority's district to avoid hardship, **and**

- need to move because the tenant works in the district, **or**
- need to move to take up an offer of work

7.8 Those who do not qualify

An applicant will **not** be accepted on to the council's housing register for social housing if: -

- a)
 - i) They have sufficient financial resources to resolve their own housing need. Applicants without dependents with an annual household income of £35,000 or above or applicants with dependents with a combined annual household income of £45,000 or above will not normally qualify to join the housing register.
 - ii) Those with capital or assets of £50,000 (under 50 years of age) or £100,000 (over 50) will not normally qualify to join the housing register.
 - iii) When making the financial assessment, where capital/savings are available for specific reasons these may be disregarded. For example, it is normal practice to disregard any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service.
 - iv) Applicants over 60 years of age with capital or assets worth up to £150,000 may be accepted on to the register for sheltered housing only where they have a need for sheltered housing. Housing associations generally assess the need for sheltered housing prior to an offer being made.
- b) Anyone who has a legal or financial interest in a property that can be sold to provide sufficient funds to resolve their housing need. If an applicant has an interest in a property which cannot be sold the HSRTL will review the application and determine whether the applicant should be accepted on to the register.
- c) Anyone who has unreasonably disposed of financial resources that could have enabled them to purchase/obtain their own accommodation. See Appendix B (Band D) for further information.
- d) Applicants (or a member of their household) who have committed acts of unacceptable behaviour such that a court order has been obtained, the order has been breached at the time of their application for housing they are still considered unsuitable to be a tenant by reason of their behaviour. Unacceptable behaviour includes anti-social behaviour and housing debt. For more details see Appendix D.
- e) Anyone living in adequate accommodation who does not have a housing need identified in the housing allocation policy. Households without any other qualifying factors and who

have an adequate number of bedrooms will be treated as adequately housed and so will not qualify to join the register.

7.9 Young people aged 16- 18 years old

The register is open to applicants from the age of 16 unless they are specifically ineligible or do not meet the qualification requirements.

7.9.1 It should be noted, however, that a tenancy would not usually be granted to applicants under the age of 18. Consideration may be given to applicants where an adult or organisation acts as a trustee to hold the tenancy in trust for the applicant until they reach the age of 18. There may also be a requirement to obtain a rent guarantee.

7.9.2 Therefore applicants under the age of 18 must supply contact details of the adult or organisation willing to act as trustee at the time an application is made.

7.9.3 Applicants aged over 16 may be accepted on to the register where one or more of the following apply:

- where a referral for assistance has been made by Social Services authorities under Section 27 of the Children Act 1989;
- a young person who is deemed a relevant or eligible child or a former relevant or qualifying care leaver under the Children (Leaving Care) Act 2000 as amended.

In each case, an assessment of the applicant's housing, care and support needs will be undertaken to ensure that adequate support is available to make sure that the applicant is capable of maintaining a tenancy.

8. ASSESSMENT OF HOUSING NEED

In order to assess housing needs applicants must complete an online form which will be assessed by the housing register team and may lead to further enquiries where information is required from a third party to clarify the applicant's circumstances.

The council will require applicants to provide supporting documentation including photographic identification documents and may check the accuracy of some or all of the information submitted in support of the application. This is to deter and detect fraud and ensure that housing is allocated to those who are entitled to it.

It is expected that permission will be given by applicants to share or obtain information, relevant to their housing assessment. If permission is refused it is not possible to complete the assessment and will impact on qualification for the register.

All applicants and members of their households will be required to disclose any unspent criminal convictions or pending court cases in their application.

8.1 Banding scheme

The Housing Register team operates the needs based banding scheme described below. The table is arranged to reflect identified housing need in descending order of priority. For the purpose of nomination for social housing under this policy, applicants in band A have the highest priority and applicants in band D have the lowest priority.

All eligible and qualifying applicants are placed in bands according to their housing application assessment. Further information about each band and the assessment of each criterion is available in Appendix B.

Applications are assessed by bedroom need and prioritised by band, and, within that band, by effective date. For details of bedroom need assessment see Appendix C.

Where an application has more than one housing need which appear in different bands it will always be placed in the higher band, unless subject to reduced preference criteria.

8.2 Time limited banding

All Band A awards are subject to time-limited banding.

Applicants awarded time limited bands are given a period of time before their application is reviewed. The timescales given reflect the urgency of the situation, both for the applicant and for the council. All cases will be monitored during this period.

Towards the end of the stated period each application will be reviewed on its own merits, and a decision will be made as to whether:

- The applicant should remain in the band until a further review.
- A direct offer of accommodation should be made before reassessing the application
- The applicant needs more support to obtain the appropriate housing
- The applicant should lose their banding as the circumstances under which they were placed in band no longer apply.

During the initial period applicants will be expected to bid for any suitable properties advertised by the housing associations and/or respond quickly following nomination to specific housing associations. The Housing Register team will monitor this and if applicants do not make bids on suitable properties, the council may arrange auto bidding with the associations using Home Hunt and/or a direct offer.

In conducting the review the following will be taken into consideration, where appropriate:

- Have there been any properties advertised that would have met the applicant's need?
- If so, have they bid for them?
- Why have they been unsuccessful?
- Have they received appropriate support and help in accessing the bidding system?
- Have the applicant's circumstances remained the same?

If the applicants require help with bidding the housing register team or the housing association may be able to help.

Applicants must consider different property types from those they currently occupy. This means that applicants will sometimes need to compromise on their ideal choice of housing in order to achieve the urgent move they need. It will not always be possible to meet all aspirations.

Applicants will be advised of the outcome of the review in writing.

8.2 Reasonable Preference

Herefordshire Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in this county, the demand for social rented housing is often greater than the availability of homes.

The law, as it applies to local housing authorities, requires that reasonable preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). Therefore, the allocation policy gives reasonable preference to the following categories of people (s.166A (3)):

- (a) People who are homeless within the meaning of Part 7 of the 1996 Act, as amended;
- (b) People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3), as amended;
- (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) People who need to move on medical or welfare grounds, including grounds relating to a disability;
- (e) People who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others).

This does not mean that households who fall into the reasonable preference categories are necessarily entitled to priority over all other applicants in all circumstances.

8.3 Additional Preference

8.3.1. Applicants who meet the Armed Forces definition (see Section 7.6) AND fall into any of the reasonable preference categories (see banding scheme Appendix B) will be awarded additional preference by means of backdating the effective date by six calendar months. For example, a qualifying applicant awarded priority within one of the reasonable preference categories on 1st December 2015 will have their effective date backdated to 1st June 2015.

8.3.2 Applicants who require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping anti-social behaviour or domestic abuse such that the facts and circumstances demonstrate to the council that the threat is immediate and it is not safe for the applicant / household to remain in their present accommodation may be awarded additional preference by means of backdating the effective date by six calendar months. The assessment will be based upon verification by officers within the police or other agencies as necessary in conjunction with a thorough risk assessment by the council.

8.3.3 The scheme consists of 4 bands A- D. Detailed information is available in Appendix B.

9. HOW TO APPLY TO THE HOUSING REGISTER

Applicants must be eligible and must qualify to make a successful application to the register.

9. Registration process

The Housing Register (referred to as ‘the register’ hereafter) is a key part of the allocation scheme. The register contains details of applicants who have applied for and been accepted on to it.

9.1 Applicants are strongly advised to consider whether they have a need for social housing before applying to go on the register. Acceptance on to the register does not guarantee an offer of housing. Other housing options may provide quicker or more appropriate accommodation. The Housing Advice Questionnaire offers personal advice on a range of housing options that might be more appropriate and can be viewed here.

9.2 All applicants must complete the application process to be considered for social housing by nomination from the council to a housing association. This includes providing the supporting evidence required to assess the application. Failure to provide the supporting documents will prevent the application from becoming ‘live’ and may lead to closure of the application. Applicants can apply to join the register by completing an on-line form. This can be done by clicking here.

9.3 Information on how to complete the form is available here as is the list of the evidence that needs to be supplied in support of the application. There is guidance to help complete the form as you follow it through online.

9.4 Paper application forms can be sent to older applicants, who have no access to the internet and live in a rural area, those are unable to read/write and in need of assistance.

9.5 Joint applications

Joint applications can be made as long as at least one applicant is eligible. However, if only one party is eligible, should an offer be made by a housing association, only the eligible applicant will be offered a tenancy.

If a joint application is received where both are eligible but only one party qualifies under this policy, a sole tenancy should be offered to the qualifying tenant only.

Joint applicants can only make one application. In the case where two sole applicants wish to become joint applicants one of the applications must be withdrawn and the other amended to reflect the joint circumstances.

If both applicants are eligible and qualify then any offer made will usually be for a joint tenancy.

9.6 Multiple applications

Multiple applications are not permitted. .

If an applicant is already registered the applicant must decide which application they want to retain. The other application will be closed. This will also apply to people who are registered as a joint applicant on more than one application.

9.7 Applicants currently serving a custodial sentence

Applicants who are offenders, are currently detained and serving a custodial sentence, will have to have satisfied a local connection criterion prior to their sentencing to be accepted on to the register.

Applicants can request and complete a paper application form and can do so up to 2 months before their scheduled release.

Probation services will provide the completed form to the Housing Register team and the application is then registered. Supporting documents must be supplied within two weeks of release to retain the original registration date as the effective date for the application.

Applicants will be subject to a risk assessment and may be required to provide additional evidence to support the assessment process.

9.8 Who can be included in the application?

The application can include the following household members:

- a) spouses or civil partners where the applicant lives with and/or intends to live with their spouse or civil partner
- b) partners where the applicant is cohabiting with a member of the same or opposite sex
- c) children who reside with, and are dependent on, the applicant. Children are defined as a young person under the age of 18 or in full time education. In respect of Childrens Wellbeing referrals only, children will be included where it has been agreed by the council that they will live with the applicant
- e) adult family members who have lived with the applicant for 2 years prior to the application being made. Adults are defined as being over the age of 18
- f) any other household member at the discretion of the Housing Register Team Lead and reasons for the decision noted on the application

9.9 Providing information and documentation

- 9.9.1 During the application process, applicants will be asked to provide supporting evidence to verify their identity and personal circumstances e.g. their National Insurance number and proof of residency for themselves and anyone applying to be housed with them. A list of documents which can be used to support an application is available here.

Without supporting evidence the application will not be assessed. This means that the applicant will not be nominated to any housing association to be considered for housing.

Failure to respond to a request for information within 28 calendar days, as part of the registration or verification process, will normally lead to closure of the application.

- 9.9.2 Additional information and documentation must be provided if requested. It is the responsibility of the applicant to provide the information / documentation within the specified timescale. Failure to do so means that you are unlikely to be considered for an offer of housing through the nomination arrangements with the housing associations and your application may be closed.

- 9.9.3 Once an application is received, all applicants are assessed for any factors that establish a housing need. A financial assessment will be carried out as part of the assessment.

9.10 Verification and assessment

The council's Housing Register team will take the necessary steps to verify information provided for the application to ensure an accurate assessment and to prevent fraud.

- 9.10.1 Verification may be carried out at the point of application, at notification of a change of circumstances or as part of the annual review process.
- 9.10.2 Applications are held on a computer system which holds all data relating to the application. Data is held in compliance with the Data Protection Act 2018 and the General Data Protection Regulation.
- 9.10.3 Applicants are assessed by a member of the Housing Register team under the direction of the Housing Register Team Lead and the Housing Solutions and Register Team Lead (or their successor posts).
- 9.10.4 The team carries out this assessment to ensure the applicant and members of the prospective household are eligible and qualify to be admitted on to the register, ascertain the level of priority they should receive and to take into consideration any other factors that might affect their application.
- 9.10.5 All applicants and members of their prospective households will be required to disclose any unspent criminal convictions or pending court cases.

9.11 Medical assessment

- 9.11.1 Medical priority will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their housing conditions and the expected benefits of providing suitable alternative settled housing.
- 9.11.2 There are many conditions and illnesses for which medical priority is not granted. Medical awards may occur when there are mobility problems arising from a long term condition or illness and the applicant lives above the ground floor. Where conditions in a property or the behaviour of neighbours are causing a problem the most likely action would be to refer the matter to the landlord for resolution.
- 9.11.3 Medical assessments are considered by in-house staff and referrals made to independent professional services for more in depth review of cases, where appropriate. Any medical or health/welfare condition must be current, ongoing and evidence provided by health professionals if requested.
- 9.11.4 The council will not consider information that is more than 12 months old. In cases where information is more than 12 months old, applicants will be required to obtain a review of their health/welfare situation by a health professional. For housing register applicants the council will not pay for any reports or other evidence and it is the responsibility of the applicant to provide such evidence in all cases where required.

9.12 Effective date

Priority within bands is determined by the length of time the applicant has been placed in the band. This may be either the date of registration or the date of entry to a higher band than the original assessment band. Applicants remaining in the same band after a change of circumstances will retain the date of registration as their effective date for determining time in a band.

9.13 Giving false information or deliberately withholding information

The council takes its responsibility to make proper use of public resources very seriously. Applications for the register are investigated to ensure assessments and decisions are accurate. The council will require proof of information you have provided in your applications.

We are required to participate with other councils as part of the National Fraud Initiative. We also verify information provided.

This policy falls with the provisions of Part 6 of the Housing Act 1996. Section 171 of the Act states:

- (1) A person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part –
 - (a) He knowingly or recklessly makes a statement which is false in material particular, or
 - (b) He knowingly withholds information which the authority has reasonably required him to give in connection with the exercise of those functions

Where section 171 applies, Herefordshire Council may consider bringing a prosecution in accordance with its prosecution policy. Where the action or omission is less significant the applicant may be excluded from the register or may be placed in Band D.

Ground 17 in Schedule 2 to the Housing Act 1988 enables a housing association to seek possession of a tenancy granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

9.14 Confirming registration

Applicants will receive written confirmation from the Housing Register team that their application has been registered together with:

- their registration/effective date;
- the band they have been awarded;
- confirmation of their bedroom eligibility;
- if the applicant is only eligible for certain types of properties;

- their unique reference number for use in accessing their application online.

Applicants must check the accuracy of this information as it will impact on their potential to be made an offer of housing.

Confirmation should be received within 28 days of the provision of all the required information in support of the application. Applicants will be advised by the Housing Register team if an extension of this timescale is required and the reason for the extension.

9.15 Change of Circumstances

Applicants should ensure that their contact details (e.g. mobile number, email address) are kept up to date.

a) Applicants **must** inform the Housing Register team if their personal circumstances change and it may be expected to have an effect on their housing register application. This includes any change in their address or household composition. Other examples include:

- Marriage/ civil partnership
- Pregnancy
- Changes in household composition
- Change in health

This is not an exhaustive list.

b) Changes in circumstances that lead to re-banding will be dealt with in accordance with this policy. The Housing Register team will re-assess an application where there has been a change of circumstances and will notify the applicant in writing that this has been done.

c) Where this has led to a change in banding applicants will be informed in writing stating the reasons, any time limits in the new banding, any change to the effective date and the right to request a review of the decision.

9.16 Annual Review

9.16.1 The Housing Register team undertake an annual review of applicants on the register. This helps to ensure that those on the register still retain a housing need. It is expected that all active applicants will bid for appropriate properties when advertised.

9.16.2 Each applicant will be contacted, in writing, close to the anniversary of their application to ascertain if they still retain a housing need. Should there be no response to this **within 28 calendar days**, the application will be suspended. Further written contact will be sent to the applicant notifying them their application is suspended and if they do not respond **within a further 14 days** their application will be closed.

9.16.3 Applicants who subsequently decide they wish to re-join the register will need to apply in the normal way and will have their current circumstances assessed. The application date will not be backdated under these circumstances.

9.17. Closure of Applications

Applications will be closed where:

- an applicant is housed;
- an applicant has failed to provide supporting evidence in the given time period of 28 days (see above) or other time limits specified in correspondence;
- an applicant fails to respond to the annual review within the set timescale above;
- an applicant has moved and failed to notify the team;
- an applicant persistently fails to respond to communication or requests for information over a reasonable timescale;
- an applicant has made a request for the application to be closed.

Should an applicant subsequently wish to re-join the scheme then they will be required to complete a new application which will be processed accordingly based on their current circumstances and with a new registration date.

9.18. Right to review

Applicants have the right to request a review of the decision made in the registration and allocation process. These include applicants who;

- are not eligible to join the register;
- are not a qualifying applicant;
- have had their application closed;
- have had a priority banding withdrawn;

The person carrying out the review will have had no prior involvement in the original decision. For further details see Appendix E.

10. PROPERTY SIZE NEEDED

The table in Appendix C sets out the bedroom size of properties for which applicants will normally be nominated.

Below are circumstances in which the bedroom size may vary from that shown in the table in Appendix C.

10.1 Pregnancy

For applicants who are pregnant, from receipt of the MAT B1 form by the housing register team the unborn child will be classed as an infant for the purposes of property size eligibility only. Where a household already has another child (other children) the unborn child will be classed as the same sex as the youngest child.

10.2 Extra room allowed for non-resident carers

Applicants with a disability or a long term health condition who have a non-resident carer may be entitled to an extra bedroom if they can provide evidence that:

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

A 'person who may need overnight care is defined as someone who is:

- receiving Disability Living Allowance middle or higher rate care or who receives the Personal Independence payment (PIP) daily living component enhanced rate and/or the mobility enhanced rate or Attendance Allowance.

If not in receipt of Disability Living Allowance, PIP or Attendance Allowance evidence must be provided to show that the care is required e.g. letter of confirmation from a medical practitioner.

10.3 Children / access to children

For the purposes of this section of the policy a child is defined as someone who is either under the age of 18 or who is still dependent on the applicant e.g. due to continuing education.

Where parents who do not live together but have shared care of children apply, the children will be treated as living with the parent who provides their principal home and receives child benefit.

10.4 Fostering and adoption

Where a household has formal evidence that, subject to a suitable home becoming available, approval would be given to foster or adopt a child or children, they may be included in the bedroom entitlement calculation. Verification of fostering and/or adoption arrangements may be carried out by the housing register team.

10.5 Sharers

The policy enables two adults to register normally for upper floor (1st floor and above) flats only, although for applicants with a proven need for ground floor this restriction will be waived. Both parties must be eligible and qualify to go on the register and must be able to demonstrate to the

relevant housing association that they can sustain a tenancy. Applicants should note that HHL does not allow two unrelated people to hold a joint tenancy.

10.6 It is normal practice for ALL applicants to be subject to a financial assessment by the landlord housing association prior to being made any offer and, where they are being considered for a larger property than that to which they would normally be entitled, will need to provide evidence that rent payments can be maintained over time.

Housing associations' individual lettings policies may be viewed through their own websites (See Appendix A for contact details) and can be accessed here.

11. HOW PROPERTIES ARE LET

Each housing association working in Herefordshire has a lettings policy which sets out the rules by which their empty properties are let. It is possible to apply directly to each of the housing associations for the properties that are let outside the terms of the nomination agreements negotiated with the council. For prospective applicants who cannot meet the housing need criteria detailed in this policy, you should consider applying directly to the association(s) that might be able to meet your requirements. See Appendix A for website addresses or use the links from the housing register webpage, available here.

11.1 Nominations by the council

For each of the listed housing associations (see Appendix A) the council has negotiated rights to nominate people from the council's register for a percentage of the properties that become available for letting.

These percentages vary depending on the size, type and location of the stock of the individual housing association

The nomination process varies depending on the housing association which owns or manages the vacant property.

11. 2 Nomination process

A) Herefordshire Housing Limited (HHL), Stonewater and West Mercia Homes Ltd are using the Home Hunt online system to advertise their properties. Home Hunt can be accessed through the associations' websites.

i) The council is able to transfer data on a regular basis to the Home Hunt system. This data provides information about the applicant, the bedroom need, banding assessment and effective date. This information enables the Home Hunt system to shortlist applicants in order of priority

on the council's register so that offers can be made to those with the highest need as assessed through this allocation policy.

ii) The three providers will advertise their vacant properties through Home Hunt, giving information on location, size, rent, facilities and any restrictions on who is able to bid for them. Adverts may be placed on the site on **any day** of the week and will be advertised for a minimum of 7 days. Applicants should therefore visit the site regularly to check if new properties have become available. The advert will show the closing date for bids.

iii) Applicants should 'bid' for properties through the associations websites. The applications will be shortlisted by bedroom/ bed space need, banding and effective date of application. *The shortlists may include people who have not applied to the council but have applied directly to the individual housing association.* However, for those properties to which the council has nomination rights these applicants will not be considered for an offer unless there are no bidders from the council's register or no one from the council's register is suitable for the property.

iv) The association will undertake their internal processes for letting a property which will include assessment under their lettings policy and may include a request for further information or a home visit. This may include an assessment of the applicant's ability to pay the rent. Applicants need to provide any and all information requested from the association within the given timescale.

v) Any offer will normally be made to the applicant with the highest priority for the property size and type available in a given location. Applicants who are housed in accordance with the council's allocation policy will be counted as a nomination under the agreement with the housing association.

Final allocation decisions are made by the housing association which owns or manages the individual property not the council's Housing Register team.

B) Fortis Living

i) The council is able to transfer data on a regular basis to the Fortis Living lettings system. This data provides information about the applicant, the bedroom need, banding assessment and effective date. This information enables the system to shortlist applicants in order of priority on the council's register.

ii) Fortis Living will advertise their vacant properties through their website, giving information on location, size, rent, facilities and any restrictions on who is able to bid for them. Adverts may be placed on the site on any day of the week and will be advertised for a minimum of 7 days. Applicants should therefore visit the site regularly to check if new properties have become available. The advert will show the closing date for bids.

iii) Applicants should 'bid' for properties via the Fortis Living website. The applications will be shortlisted by bedroom/ bed space need, banding and effective date of application. *The shortlists may include people who have not applied to the council but have applied directly to the individual housing association.* However, for those properties to which the council has nomination rights these applicants will not be considered for an offer unless there are no bidders from the council's register or there is no one from the council's register is suitable for the property.

iv) The association will undertake their internal processes for letting a property which will include assessment under their lettings policy and may include a request for further information or a home visit. This may include an affordability assessment. Applicants need to provide any and all information requested within the given timescale.

v) Any offer will normally be made to the applicant with the highest priority for the property size and type available in a chosen location. Applicants who are housed in compliance with the council's allocation policy will be counted as a nomination under the agreement with the housing association.

Final allocation decisions are made by the housing association which owns or manages the individual property not the council's Housing Register team.

C) Bromford, Guinness, Sanctuary, Shropshire, Two Rivers and all other housing associations with whom the council has nomination rights.

i) When a vacancy arises in the rented stock of one of the above housing associations, and the property has been made available for nomination, the Housing Register team will shortlist by bedroom need, banding and effective date. This information will be sent to the relevant housing association by secure email.

ii) The association will undertake their internal processes for letting a property which may include a request for further information or a home visit. This may include an affordability assessment. Applicants need to provide any and all information requested within the given timescale.

iii) Any offer will normally be made to the applicant with the highest priority for the property size and type available in a chosen location.

Final allocation decisions are made by the housing association which owns or manages the individual property not the council's Housing Register team.

11.3 Landlords are entitled to carry out an affordability assessment to ensure that the tenancy would be financially viable i.e. that the applicant can pay the rent. Where the assessment shows that the tenancy would not be sustainable the landlord may choose

not proceed with an offer, advising the applicant of the outcome of the assessment but may advise on actions to address affordability to enable future potential offers to proceed.

11.4 Skipping or overlooking nominees.

There are circumstances where the Housing Register team may need to, and have the discretion to, skip nominating an applicant.

Potential grounds for overlooking for a nomination include:

- Does not meet the requirements such as the age restriction, or local connection criteria for property;
- Outstanding housing related debt/ non-compliance with arrangement to pay housing related debt;
- Essential need for another applicant to live close to another person or facility within the county;
- The applicant has not given consent to share information;
- There is no relevant support package in place.

This list is not exhaustive.

11.5 Direct lets

Where possible all allocations are made through the process described above. However, a small number of applicants may meet a reasonable preference but their circumstances mean that they have an urgent need requiring a direct allocation to a property.

The council reserves the right to negotiate a direct offer of accommodation to ensure the best use of the housing stock to meet the needs of an applicant. Examples may include, but are not limited to:

- An urgent move is required because of violence or threat of violence;
- An applicant has been accepted as a homeless household by the council and has failed to bid or been unsuccessful in securing accommodation;
- Move on from supported or specialised accommodation;
- Needs an appropriately adapted property;
- In association with referrals from statutory agencies;
- Essential need for a priority applicant to live close to another person.

12. OFFERS

12.1 Applicants should note that all offers of housing are made by the housing association **not** the council. Queries about available properties or offers of properties should be made to the housing association not the Housing Register team.

12.2 If you are made an offer or invited to view a property further verification of circumstances may be undertaken to ensure you still qualify for the property prior to an offer being made. Applicants will be required to provide information within a specified timescale.

12.3 Before offering a property to an applicant the following checks will be made:

- The band award is correct;
- Circumstances have not changed;
- Household composition matches the property size;
- Any other restrictions placed upon the property or applicant that would prevent them from receiving an offer.

This is not a definitive list. Landlords may undertake further checks.

12.4 Offers may be made in writing, by phone or in person. Offers to households owed a full duty under the homelessness legislation will be in writing but may be sent via text or email as well as by post. Applicants should be made aware of the timescale in which they must respond. This should not be less than 2 working days.

Applicants will be given at least 1 working day to respond to an offer after viewing the property.

12.5 Refusals of offers

If an applicant refuses an offer, they will be expected to provide the reasons for the refusal. This information is necessary to identify why the property was not acceptable and to ensure that future offers are more likely to be accepted.

Applicants who refuse more than 2 reasonable offers in a 12 month period will have their application suspended. Landlords should advise applicants at the time of their refusal if they consider it to be unreasonable. In these circumstances the Housing Register team will review the reasons for refusal and may re-assess the fitness of the applicant to remain on the housing register.

Applicants will be advised in writing of the outcome of the re-assessment. If the refusals are found to be unreasonable the application will normally be closed and the applicant will not be eligible to re-apply for 12 months from the date the application is closed. Applicants have the right to request a review of this decision. For further details see Appendix E.

12.6 Withdrawal of Offers

In exceptional circumstances a senior officer of a housing association may authorise the withdrawal of an offer. Circumstances may include, but are not limited to:

- where it is clear that an applicant is not capable of understanding the responsibilities associated with being a tenant or they do not clearly understand what they are signing when asked to sign a tenancy agreement or associated paperwork;
- the current tenant of the property being advertised has withdrawn their notice terminating their tenancy of that property, so the property is no longer available ;
- when an applicant has failed to respond to contact from a housing association after 3 days.

12.7 Housing Association exclusion or restricted access policies

The council operates qualification rules which restrict access to the register for applicants whose prior behaviour has not met the standard required for prospective tenants. Applicants can find further information about disqualification on these grounds in Appendix D.

Applicants should also be aware that individual housing associations have their own exclusion policies which may adversely affect the likelihood that an applicant will receive an offer of accommodation. Exclusion policies are usually contained within the lettings policy but in some instances there may be a standalone policy. These documents are available on the individual housing association's website.

While the Council acknowledges the right of their housing association partners to formulate their own lettings and exclusion policies, it is expected that these will be fair and reasonable, minimising the risk of exclusion from social housing by ensuring that they are applied to reflect the spirit of published allocation policies, including this overarching allocation policy.

The Council expects exclusion policies to be flexible, with cases being considered on an individual basis. The following criteria should be applied:

- there must be reliable evidence of unacceptable behaviour;
- there should not be inflexible specific time periods as far as possible;
- registered providers should communicate effectively with the applicant and the Housing Register team about exclusions;
- there should be provision for discretion;
- there should be a recognition where special circumstance arise e.g. people with learning disabilities, mental health issues, statutory homelessness duties arise.

Each case should be considered upon its own merits and subject to the spirit of the Rehabilitation of Offenders Act 1974, as amended, according to individual circumstances.

Housing associations' individual lettings policies may be viewed through their own websites and can also be accessed here.

12.8 Publishing feedback for properties let through the nomination arrangements

The Housing Register team will publish lettings results provided by the housing associations on the website and will include the following information:

- The street address;
- The closing date of the bidding cycle;
- The total number of bids made for the property;
- The successful applicant's priority band and effective date.

This feedback helps applicants understand the likelihood of success in obtaining housing through the nomination arrangements with the housing associations.

Lettings are monitored by the Housing Register team to ensure that the council's statutory duties are being achieved and to provide information to support the council's strategic housing role.

13. HOMELESS HOUSEHOLDS WHO ARE OWED THE FULL HOMELESSNESS DUTY

13.1 Homelessness assessments are determined by a Housing Solutions Officer on behalf of Herefordshire Council where the council accepts a statutory duty to provide secure accommodation, under the Housing Act 1996 s. 193(2), s 195(2) or other statutory duties.

13.1.1. Applicants accepted as homeless who are owed the full homelessness duty may bid through the Herefordshire Housing Ltd, Stonewater, West Mercia Homes and the Fortis Living websites. Households may also be nominated for a vacancy in the stock of associations not using this process.

13.1.2 The bidding/ response to nomination history of applicants accepted for full homelessness duty will be reviewed towards the end of the 12 week period (see Appendix B: Banding criteria). This will ensure that homeless applicants capitalise on their banding and receive support to be successful in obtaining an offer if required.

13.1.3 Applicants should not decline an offer made as a final discharge of the homelessness duty. If they do so Herefordshire Council may decide that its duty has been discharged and the household's banding will be re-assessed. The applicant retains the right to

request a review of the suitability whether or not they accept the offer. For information on the review process please see Appendix E.

13.2 Direct offers

13.2.1 There are circumstances where a property may be let by a direct offer. This may be done where households, accepted as homeless, have failed to bid for properties that were available and suitable for their needs, have been unsuccessful in bidding for suitable properties or have been unsuccessful in obtaining a suitable property through the nomination process.

13.2.2 Applicants should not decline an offer made as a final discharge of the homelessness duty. If they do Herefordshire Council may discharge its full housing duty, removing any provision of temporary accommodation and impacting on the applicants banding. The applicant retains any right to request a review of the suitability.

13.4 Discharge of the Full Homelessness Duty to the Private Rented Sector

Where the homelessness duty is discharged to the Private Rented Sector, applicants who are subsequently given a section 21 notice to leave within two years of the offer being accepted, where the applicant is eligible for assistance and not intentionally homeless, any homelessness duty to secure further suitable accommodation is revived. The duty revives even if the applicant no longer has a priority need, but it only applies to the first incidence of homelessness within the two year period.

14. MANAGING CHANGES

Managing Changes

The Council wishes to retain flexibility in operational processes and procedures in order to respond to changes arising from case law and regulatory changes, whilst still operating within the principles set out in this policy.

This policy is subject to regular review, and where the policy requires changes which are minor in nature, or where the changes are required urgently for legal reasons or changes in government policy and / or legislation, these changes will be approved by the Director for Adults and Wellbeing under the Council's scheme of delegation

All changes to this policy will be noted within the Version Control of this document and an updated document will be uploaded to the council's Housing Register web page.

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15. APPENDICES

APPENDIX A: List of housing associations and contact details

Bromford.



Bromford.
1 Exchange Court
Brabourne Avenue
Wolverhampton
WV10 6AU

Tel: 0330 1234 034

Email: customerservices@bromford.co.uk
Website: www.bromford.co.uk

Telephone - Customer Contact team on: 01202 319 119

Address: -
Suite C, Lancaster House
Grange Business Park
Enderby Road
Leicester
LE8 6EP

Email: Customers@stonewater.org
Website: www.stonewater.org



Progress House,
Midland Road,
Worcester,
WR5 1DU

Tel; 0330 123 0700
Email: info@fortisliving.com
Website: www.fortisliving.com

Sanctuary Housing Association
Marybone House,
2 Marybone, Liverpool L3 2BY

Telephone - 0300 123 3511

Email: contactus@sanctuary-housing.co.uk
Website: www.sanctuary-housing.co.uk



Housing Register team
Blueschool House
Blueschool Road
Hereford
HR1 2LX

Tel: 01432 261 600

Website: www.herefordshire.gov.uk



South Shropshire Housing Association
The Gateway
Auction Yard
Craven Arms
Shropshire, SY7 9BW
Tel: 0300 303 1190

Email: enquiries@shropshirehousing.org.uk

Website: www.shropshirehousing.org.uk



Herefordshire Housing Ltd
Legion Way
Hereford
HR1 1LN
Tel: 0300 777 4321

Website: www.hhl.org.uk



Two Rivers Housing
Rivers Meet
Cleeve Mill Lane, Newent
Gloucestershire
GL18 1DS
Tel: 0800 316 0897

Email: customerservices@2rh.org.uk

Website: www.tworivershousing.org.uk



West Mercia Homes
4040 Lakeside
Solihull Parkway
Birmingham
B37 7YN
Email: infor@wmhousing.co.uk
Tel: 0300 790 6531
Website: <https://www.wmhousing.co.uk/>

Insert logo

The Guinness Partnership
Gloucester Officer
2 St Michael's Court
Brunswick Road
Gloucester, GL1 1JB
08456 044 529

Website: www.guinnesspartnership.com

APPENDIX B: Banding criteria detail

Band A – Time limited	
Major adaptations no longer required	<p>Tenants of housing associations who no longer require a property where major adaptations such as a stair lift or level access shower have been installed.</p> <p style="color: red;">Time limited to 6 months</p>
Statutory or severe overcrowding (reasonable preference)	<p>This is awarded where a household is either, by the room standard of Part X of the Housing Act 1985, severely overcrowded by at least two bed spaces, or fails the bedroom standard of the Housing Health and Safety Ratings System (HHSRS) by at least three bed spaces and has not deliberately worsened their housing situation.</p> <p>Applicants may need to provide bedroom sizes in order for household bedroom space requirements to be assessed.</p> <p>Applicants are expected to use space appropriately and no account is taken of possessions or furniture in the assessment of overcrowding.</p> <p>A room intended for use as a bedroom but used for another purpose will still be classified as a bedroom, subject to it meeting the space standards for bedrooms.</p> <p>Assessment of overcrowding in bedsitting rooms/studio apartments will be based on Herefordshire Council's Amenity and Facility standards in a HMO, available at: https://www.herefordshire.gov.uk/downloads/file/2075/amenity_and_facility_standards</p> <p>Discretion can be exercised by housing register staff to adjust the number of bedrooms required if:</p> <ul style="list-style-type: none"> • the bedrooms in the property are particularly large or small; • a couple need separate bedrooms due to disability; • a child requires their own bedroom due to disability. <p style="color: red;">Time limited to 6 months</p>
Serious state of disrepair (reasonable preference)	<p>Households will be placed in this band in the following circumstances:</p> <ul style="list-style-type: none"> • Where the hazard(s) are so severe or numerous that the most appropriate course of action would be to prohibit the property from residential use. <p>There is a process for the assessment of hazards under the HHSRS and applicants will be expected to work with the Council and landlords in complying with, and following, the actions that are required.</p> <p style="color: red;">Time limited to 6 months.</p>

<p>Homeless households who are owed a full housing duty (reasonable preference)</p>	<p>Households that have been accepted as homeless by Herefordshire Council under part 7 of the Housing Act 1996 and who are owed the ‘full duty’ under s. 193(2) (in priority need and unintentionally homeless), or s. 195(2) (unintentional, in priority need and threatened with homelessness) of the Housing Act 1996, or ss. 65(2) or 68(2) of the Housing Act 1985. ONE SUITABLE OFFER ONLY</p> <p>Applicants have the right to a review that accommodation offered is suitable, if the accommodation is being offered to meet or end the ‘main housing duty’. See Appendix E for more details.</p> <p>Time limited to 12 weeks</p>
<p>Hospital discharge (reasonable preference)</p>	<p>Assessment by the Hospital Discharge Officer where a patient has no appropriate secure housing to return to and/or their housing cannot be made suitable through adaptations due to cost, structural difficulties or within a three month to meet their needs.</p> <p>Applicants have the right to a review that accommodation offered is suitable, if the accommodation is being offered to meet or end the ‘main housing duty’. See Appendix E for more details.</p> <p>Time limited to 12 weeks</p>
<p>Referral from Herefordshire Council’s Adults and Wellbeing or Children’s Wellbeing Directorates.</p>	<p>Households who require urgent alternative accommodation on safeguarding grounds to protect vulnerable children or adults from immediate abuse or neglect occurring in or around the locality in which they currently live.</p> <p>Referrals must be made formally and in writing and be approved by Safeguarding Lead or Operational Service Manager in Adults and Wellbeing or a Head of Service in Childrens Wellbeing.</p> <p>Award of this priority is subject to referral to, and agreement from, Head of Prevention and Support, Adults and Wellbeing Directorate.</p> <p>Time limited to 12 weeks</p>
	<p>BAND B</p>
<p>Accessible home</p>	<p>Current property cannot be made suitable through adaptations due to cost, structural difficulties or tenure issues. Must be assessed as requiring accessible home by Occupational Therapist.</p> <p>This may include, but is not limited to :</p> <ul style="list-style-type: none"> • Applicants requiring wheelchair accessible accommodation. • Applicants able to manage only a limited number of steps.
<p>Care Leaver (reasonable preference)</p>	<p>Referrals from Head of Looked After Children in Children’s Wellbeing Directorate under s.27 Children Act 1989 or where the young person is deemed to be a relevant or eligible child or a former relevant or qualifying care leaver under the Children (Leaving Care) Act 2000, as amended.</p>

	The applicant will need to be ready for independent living and have an appropriate pathway plan and support package in place, as agreed between relevant organisations.
End of Agricultural or service tied tenancy	<p>This may apply to:</p> <ul style="list-style-type: none"> households where an agricultural worker is being displaced to accommodate another agricultural worker and the farmer cannot provide suitable alternative accommodation; <p>The Rent (Agriculture) Act 1976 requires a local housing authority to use their best endeavours to provide accommodation for a qualifying displaced agricultural worker subject to the provisions of s.27. If the authority is satisfied that the applicant's case is substantiated, it is a duty to endeavour to provide suitable alternative accommodation for the displaced worker;</p> <ul style="list-style-type: none"> households in council service or related tenancies, or where occupancy of a council property is related to their employment, which is coming to an end.
Lacking facilities (reasonable preference)	<p>Households who do not have access to a bathroom, kitchen or inside WC or whose accommodation lacks hot or cold water supplies, electricity supply or provision of sources of, or for, heating.</p> <p>Checks will be made with the landlord and through other resources to confirm the housing circumstances of the applicant.</p>
Sharing facilities with non-family members (reasonable preference)	<p>Households sharing a kitchen and bathroom/WC with non-family members who are not included on the application. Family members include parents, step parents, children, step-children, siblings and step siblings and grandparents.</p> <p>Checks will be made with the landlord and through other resources to confirm the housing circumstances of the applicant.</p>
Move on from supported/ specialised accommodation (reasonable preference)	<p>Tenants/licensees of supported or specialised housing who have been there for a period of at least six months normally and have been assessed by their support provider as being ready to move into settled or alternative accommodation. Formal assessment and confirmation of that assessment will be required.</p> <p>For the purposes of this assessment, supported housing does NOT include crash pad type accommodation.</p> <p>The agreement between Herefordshire Council and the supported housing provider will require that, where appropriate, arrangements will be made for ongoing support in the new tenancy.</p>
Overcrowding by 1 or 2 bed spaces (reasonable preference)	<p>Households where the property is by the room standard of Part X of the Housing Act 1985, overcrowded by at least one bed space, or fails the bedroom standard of the Housing Health and Safety Ratings System (HHSRS) by at least two bed spaces and the household has not deliberately worsened their housing situation.</p> <p>Applicants may need to provide bedroom sizes in order for household bedroom space requirements to be assessed.</p>

	<p>Applicants are expected to use space appropriately and no account is taken of possessions or furniture in the assessment of overcrowding.</p> <p>A room intended for use as a bedroom but used for another purpose will still be classified as a bedroom, subject to it meeting the space standards for bedrooms.</p> <p>Assessment of overcrowding in bedsitting rooms/studio apartments will be based on Herefordshire Council's Amenity and Facility standards in a HMO, available at: https://www.herefordshire.gov.uk/downloads/file/2075/amenity_and_facility_standards</p> <p>Discretion can be exercised by the housing register staff to adjust the number of bedrooms required if:</p> <ul style="list-style-type: none"> • the bedrooms in the property are particularly large or small; • a couple need separate bedrooms due to disability; • a child requires their own bedroom due to disability.
<p>Right to move for social housing tenants</p>	<p>In accordance with the Right to Move guidance 2015, this applies to a social housing tenant who works in the county or has the offer of work in the county but does not currently live in the county. The regulations only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded. A contract of employment that was intended to last for less than 12 months is considered to be short-term. Employment of less than 16 hours a week is too few hours to benefit from the Right to Move regulations.</p> <p>Assessment will follow the 'urgent need to move on hardship grounds' process used for those with a local connection to Herefordshire.</p>
<p>Relief of homelessness (reasonable preference)</p>	<p>Households where the council has accepted a duty under s.189B Homelessness Reduction Act 2017.</p>
<p>Sharing facilities : three generations (reasonable preference)</p>	<p>Household sharing a kitchen and bathroom/WC with family members who are not on the application for housing where there are at least three generations living in the same home. Family members would include parents, step parents, children, step-children, siblings and step siblings and grandparents. Three generations mean, for example, child, parents and grandparents. Checks will be made with the landlord and through other resources to confirm the housing circumstances of the applicant.</p>
<p>Verified harassment/ witness intimidation/ domestic abuse</p>	<p>Households where the police, or relevant agency, confirm that there is an urgent need for alternative accommodation to protect witnesses, whose actions in reporting crime led to them becoming unsafe in their own home, or to prevent severe harassment and, normally, where prosecution of the offender is intended. There must be a clear history and alternative solutions must have been explored and exhausted by the landlord.</p> <p>Applicants escaping domestic abuse where the police or relevant agency</p>

	confirm that there is an urgent need for alternative accommodation to protect the household. Applicants identified through MARAC may be awarded this banding.
Verified urgent medical/welfare need (reasonable preference)	<p>Households where there is an urgent need to move to prevent significant deterioration, or where a move could improve significantly, health or welfare of the household through the provision of a different type of accommodation. Rehousing must achieve a significant health gain. Medical evidence will be required and will be used to assess banding. This banding will not be awarded where the need is temporary as a result of injury or surgery.</p> <p>Welfare need includes moving to build a stable life such as that provided through the foster care or adoption process.</p> <p>Applicants identified through the MAPPA (the Multi Agency Public Protection Panel Arrangements) may be dealt with through this banding criterion, as determined by Herefordshire Council in partnership with West Mercia Probation and/ or West Mercia Police.</p> <p>A recommendation to be placed in this category is only likely to be made when all options to improve the current accommodation have been exhausted.</p>
Verified urgent need to move to a particular area to avoid hardship (reasonable preference)	<p>Households who need to move due to employment, education or training, or for another verified reason where the household has no access to a private vehicle OR the use of public transport is not available AND the journey, either by private or public transport, would take over 1.5 hours in each direction.</p> <p>Applicants who need to move urgently to give or receive support, such as in the case of elderly parents wishing to move closer to family, will need to provide confirmation of the support provision available, and a health and well-being assessment may be required to determine the most appropriate type of housing for the person's needs. The assessment may include typical travel time.</p>
Band C	
Affordability	This applies to households where 30% or more of gross income is spent on rent, excluding child benefit, attendance allowance, DLA, PIP or carer's allowance (or successor benefits). Applicants will need to provide financial evidence for an income/expenditure assessment to be completed.
Children aged 8 or under living above first floor (reasonable preference)	This applies to households where there is one child (or more) aged 8 or under. Households must live above the ground and first floor. This priority will cease when the youngest child reaches the age of 9.
Intentional homeless (reasonable preference)	As defined by the Housing Act 1996, as amended. This applies to households who are assessed by Herefordshire Council's Housing Solutions team as being intentionally homeless. Some households may be subject to

preference)	reduced preference banding due to the reason for their assessment as intentionally homeless.
Under-occupation by a social housing tenant	Social housing tenants not in a reasonable preference category but releasing family sized (2 or more bedrooms) accommodation Checks will be made with the relevant landlord to validate the application by reference to the housing association's own lettings criteria and to ensure that the property would be suitable for re-letting.
Verified medical/welfare need (reasonable preference)	Households where there is a need to move to prevent deterioration, or where a move could improve the health or welfare of the household through the provision of a different type of accommodation. Rehousing must achieve a quantifiable health gain. Medical evidence will be required and will be used to assess banding. This banding will not be awarded where the need is temporary as a result of injury or surgery. Welfare need includes moving to build a stable life such as that provided through the foster care or adoption process. A recommendation to be placed in this category is only likely to be made when options to improve the current accommodation have been exhausted.
Verified need to move to avoid hardship (reasonable preference)	Households who need to move due to employment, education or training, where the household has no access to a private vehicle OR the use of public transport is not available AND the journey would take over 1 hour in each direction. Applicants who need to move to give or receive support will need to provide confirmation of the support provision available, and a health and well-being assessment may be required to determine the most appropriate type of property for the person's needs. The assessment will include typical travel time and individual circumstances when assessing travel.
Prevention of homelessness (reasonable preference)	Households where the council has accepted a duty under s.195 Homelessness Reduction Act 2017.
Proven need for sheltered housing with assets up to £150K	Property owners or those with other assets over the age of 60 in need of sheltered/ independent living accommodation but whose ability to access open market provision is limited due to total capital assets and/or savings of under £150K. Applicants will need to provide evidence of assets, including the value of any property or assets owned or disposed of within the previous 5 year period. <i>There will be an assessment of the need for sheltered/ independent living accommodation by housing associations before any offer is made.</i>

Relationship breakdown	<p>This applies to the single partner who is leaving the family home where there are dependent children involved and insufficient financial resources to meet the housing needs of the person who will not be living with the children on a daily basis. Appropriate documentation must be submitted to confirm the arrangements for any children of the relationship and, where appropriate, that divorce or legal separation has been applied for, whether or not the sale or transfer of ownership of the property has been agreed and/ or completed. Any property that is to be sold must be put on sale prior to acceptance on to the register.</p> <p>Both partners will be required to submit financial information for the assessment of their resources and the partner applying to be rehoused will only be eligible for a property meeting their specific needs i.e. bedroom eligibility will normally not include provision for children.</p>
Rural localities /s.106 local connection schemes	<p>In order to promote sustainable communities, households that do not have a housing need under other criteria in this allocation scheme but have a local connection to a specific parish or ward may qualify for section 106 affordable housing developments in the parish or ward to which they have a local connection.</p> <p>Applicants will be required to provide evidence of their local connection to specific settlements and will only qualify for housing in the settlements to which they have the local connection as specified in the relevant s106 agreement. Bids to properties in places to which these applicants have no local connection will be skipped.</p>
Sharers	<p>This applies to adults living in the family home, or sharing with non-family members or not in settled accommodation who apply to share as joint tenants for properties normally on the first floor and above. Applicants will need to demonstrate to the relevant housing association partner that they can sustain a joint tenancy. Applicants should note that HHL does not allow two unrelated people to hold a joint tenancy.</p>
	Band D
Applicants/ households who:	<p>Applicants who are within the reasonable preference categories, as identified in this banding scheme, but who do not have a local connection, as defined in this policy, to the county of Herefordshire.</p>
Deliberately worsened housing circumstances	<p>Have deliberately worsened their housing circumstances within the last 12 months. This may refer to circumstances such as where households have given up secure accommodation, have allowed additional people to move into a home when there is insufficient bedroom space or have damaged property such that fittings or facilities provided are not usable or the cost of repair is significantly above normal fair wear and tear costs expected over the length of the occupancy.</p> <p>Applicants who have transferred ownership of a property within the past 5</p>

	<p>years may be considered to have deliberately worsened their housing circumstances.</p> <p>The applicant will be expected to follow advice on the actions they need to take to enable their application to be re-assessed. This may include, for instance, making payment towards the cost of the damage.</p>
Housing related debts	<p>Have housing related debts to the local authority or a housing association. This may include rent arrears, former tenant arrears, charges related to damage to property, outstanding rechargeable repairs, unpaid loans or deposits provided in relation to accommodation, arrears from temporary accommodation placements and council tax arrears.</p> <p>This applies to applicants with debts of over £100. It does not apply where applicants were not notified of the requirement to pay at the time the charge was implemented or of the level of arrears/outstanding debt within 4 weeks of cessation of the provision, subject to the organisation having the new address details.</p> <p>Applicants whose debt is less than £100 will be placed in the appropriate band to their housing need, but they will be required to make an arrangement to clear the outstanding debt through regular payments.</p> <p>Housing related debts that have been written-off previously may be re-instated.</p> <p>The applicant will be expected to follow advice on the actions they need to take to enable their application to be re-assessed.</p> <p>Applicants with housing related debt should refer to Appendix B of this policy.</p>
Anti-social behaviour	<p>Have committed acts of anti-social behaviour or other breaches of tenancy not severe enough to have been subject to an outright possession order.</p> <p>This may include, but is not limited to, causing nuisance and annoyance to neighbours or visitors, noise nuisance, threats towards members of the community or staff members, being abusive towards a partner or family member, allowing the condition of a property deteriorate, allowing any furniture or fixtures provided by the landlord to deteriorate and/or paying money to illegally obtain a tenancy.</p> <p>There is no requirement for the applicant or member of the applicant's household to have been convicted of such behaviour but applicants should only be placed in band D where there is sufficient evidence to conclude that, on the balance of probability, the behaviour has taken place.</p> <p>The applicant will be expected to follow advice on the actions they need to take to enable their application to be re-assessed.</p> <p>Applicants placed in band D for this reason should refer to Appendix B of this policy.</p>
False	<p>Have provided false information on their application for social housing. Where</p>

<p>statements</p>	<p>there is a suspicion or allegation that a person has provided false information or withheld information the application will not be made active until an investigation has been completed.</p> <p>If false information has been provided or withheld the application will be re-assessed and, depending on the seriousness of the false information provided, this may result the applicant may be liable to exclusion from the register and prosecution.</p> <p>If false information has resulted in an applicant being housed erroneously legal action will be taken to evict the household and exclude them from the register.</p> <p>If the false information is not of a fundamentally serious nature the application will be placed in Band D and the applicant will be required to take action to address the issue.</p> <p>The applicant will be expected to follow advice on the actions they need to take to enable their application to be re-assessed.</p>
<p>Intentionally homeless</p>	<p>Have been found to be intentionally homeless under Part 7 Housing Act 1996 by the council's Housing Solutions team for any reason other than the criteria listed in Band D above.</p> <p>The applicant will be expected to follow advice on the actions they need to take to enable their application to be re-assessed.</p>

APPENDIX C: Property size eligibility

1. Property Size

The table overleaf shows the size of properties that applicants are eligible for based on their household composition.

a) Households claiming benefits should be aware that there is a limit on their eligibility for housing benefit/ the housing element of universal credit based on the government's assessment of their household's bedroom need.

The rules restrict the amount of benefit based on the size of the accommodation and the number of people in the household.

When determining how many bedrooms needed, a set formula is used. One bedroom is allowed for each of the following:

- a single claimant or any adult couple
- any two children aged under 10
- any two children of the same sex aged 15 or under
- any other adult aged 16 or over
- any other child
- a non-resident carer

Additional bedrooms can also be allowed in certain specific circumstances

Where an applicant is offered a property that is deemed larger than necessary by the housing benefit or Universal Credit regulations, the housing association will undertake a financial assessment with the applicant to ensure that the rent is affordable to the household.

b) The government is changing the way that benefits are paid. Universal Credit is the name for the monthly combined payment that will eventually be paid to all working age residents who are on a low income or out of work. Universal Credit is made up of different amounts, called 'elements' depending on individual circumstances. The housing element of the Universal Credit payment helps tenants with their eligible rent and service charge costs. Further information is available on the website www.gov.uk.

c) A number of flats and bungalows are restricted to people over a specified age or on the basis of need /support to help applicants maintain their independence. It is sometimes possible in these schemes to offer a larger property than shown below, subject to an applicant being able to afford the rent.

d) Applicants for sheltered accommodation will be assessed as to whether they need this type of accommodation.

e) Pregnant applicants without other children will be eligible primarily for 2 bedroom 3 person accommodation to enable larger three or four person households requiring to be housed in the larger 2 bedroom 4 person bedroom properties.

f) In rural areas, where one bedroom non-elderly housing is very limited, under-occupation may be permitted in two bedroom properties, if the housing association is satisfied that the household can afford the rent.

g) There are very few larger properties in Herefordshire. By larger we mean those properties that are designed for households needing more than FIVE bed spaces.

h) Larger properties are normally offered to households that are in need of the number of bed spaces provided. Applicants should be aware that although they may be able to register an interest in a property which has more bed spaces than they need, priority is generally given to those who need the full amount of bedrooms and bed spaces available.

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PROPERTY SIZE ELIGIBILITY								
Household size	Suitable property size							
	Bedsit/ studio	1 Bed	2 Bed 3 Person	2 Bed 4 Person	3 Bed	4 Bed 6 Person	4 Bed	5 Bed
Single person								
Single person or couple without children								
Single person or couple without children over 55								
Pregnant applicant (25 weeks onwards)								
2 adult sharers								
Parent(s) and one child								
Parent(s) and 2 children regardless of gender aged 0- 9.								
Parent(s) and 2 children same gender aged 0 -15, less than 10 years age difference.								
Parent(s) with 2 children same gender aged 0-15 with greater than 10 years age difference								
Parent(s) and 2 children different gender one aged over 9 years								
Parent(s) and 3 children any gender mix aged 0-15								
Parent(s) and 3 children, one child over 15, other children of different gender								
Parent(s) and 4 children								
Parent(s) with 5+ children								

APPENDIX D: Exclusions from the Register and Reduced Preference

1. What is meant by exclusion and reduced preference?

1.1 Exclusions

These occur when an applicant has been assessed but, due to their behaviour, they are excluded for a period of 12 months during which time the applicant should address the cause of their exclusion. Generally the applicant will be expected to take specific action, of which they will be advised, such as making payments to reduce arrears.

1.2 Reduced Preference

This occurs in two circumstances:

- i) when an applicant has been assessed for and accepted onto the Housing Register team and is informed that their priority for housing has been reduced because of their behaviour. They have been placed into a lower band. They will remain in the lower band until their conduct or their debt has improved or there has been a change in circumstances. Generally the applicant will be expected to take specific action, of which they will be advised, to address such as making payments to reduce arrears.
- ii) when an applicant is assessed as having a reasonable preference but does not have a local connection to the county.

2. Exclusions: Unacceptable Behaviour

The Code of Guidance (Allocation of Accommodation June 2012) and the Localism Act 2011 allow local authorities to adopt criteria which disqualify individuals who satisfy the reasonable preference grounds due to their poor behaviour. Herefordshire Council has retained the principles of the previous 'unacceptable behaviour' test in this regard.

An applicant will not qualify for the register for 12 months from the date of the last action/incident if the applicant or a member of his/her household has been guilty of 'unacceptable behaviour'.

Unacceptable behaviour is any breach of tenancy conditions including anti-social behaviour and non-payment of rent where a court order has been obtained by the council or any social landlord, or legal action has been taken by the police, and where the tenant has failed to adhere to the terms of the order.

This would include:

- Breach of tenancy conditions
- Criminal Behaviour Orders
- Restraining Order

- Possession Order
- Eviction
- Damage to current or former property where non-wear and tear repair costs are in excess of £1000
- Non-payment of rent.

This list is not exhaustive.

Each case will be judged on its own merits and efforts will be made to resolve any issues which prevent applicants from joining the register as denying access to social housing can result in broader social exclusion for the households involved, and have adverse effects for the community as a whole.

2.1 Exclusion periods and other conditions associated with behaviour

Applicants who fail the 'acceptable behaviour' test may be excluded from registering, or remaining, on the register for 12 months unless the applicant can demonstrate they have undertaken significant remedial actions to address the behaviour.

Where possession has been granted on the grounds of anti-social behaviour, the applicant should be able to show that they are addressing the issues before qualifying for inclusion on the register. This may include undertaking programmes with support agencies to show their understanding and commitment to behaviour improvement.

Where the applicant has significant rent/former tenant arrears the applicant must make arrangement to pay the debt and maintain the arrangement from the date of its commencement for the full remaining time the applicant is excluded. This would need to be for a minimum of 13 weeks. The payment arrangement needs to continue once the applicant is made active on the register. Failure to do so is likely to adversely affect the chances of being housed.

It should be noted that an application may be placed in a reduced preference band after the exclusion 'term' of twelve months has elapsed.

2.2 Applicants --special circumstances

Where Housing Register team has reason to believe that unacceptable behaviour is due to a physical, mental or learning disability, the person will not be excluded from the register without considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support.

Housing Register team will consult as appropriate with any relevant agencies, including Health and Social Services, the Medical Advisor or other medical advisors, and local providers of support services.

2.3 Exceptional circumstances

This exclusion policy may be varied in exceptional cases. For example, the applicant or household's need to move on social, welfare or medical grounds is considered a sufficiently high priority to override their history of unacceptable behaviour. Consideration will also be given where the applicant or tenant has a continuing support package in place.

3. Reduced Preference band

Applicants whose behaviour is not serious enough to be excluded under these provisions may be awarded a **reduced preference** when the application is assessed and also may be overlooked for offers of accommodation by the housing association.

It is not intended that a person's behaviour at one time in their life should permanently exclude them from social housing. Applicants who are placed in a reduced preference band due to anti-social behaviour or damage to property will normally only receive reduced preference if the incidents or convictions occurred within the previous 12 months. If, at the time of application, there has been no repeat of the behaviour in that time the applicant will not be given reduced preference.

Applicants should be able to show that they are addressing the issues which caused the award of a reduced preference before moving into the appropriate priority band. This may include undertaking programmes with support agencies to show their understanding and commitment to behaviour improvement.

With regards to former or current rent arrears and money owed to the local authority, if the applicant has made an arrangement to pay the debts and has maintained this arrangement for a 26 week period or the debt is £100 or less, the reduced preference will be removed as long as the payment arrangements are maintained.

3.1 Applicants --special circumstances

See paragraph 2.2 above

3.2 Exceptional circumstances

See paragraph 2.3 above

Anyone wishing to appeal should refer to Appendix E of this policy.

APPENDIX E: Right to review decisions on applications or offers

All applicants have the right to ask for a review of a decision, if they consider they have been unfairly or unreasonably treated having regard to the provisions of this policy. For example, a decision about:

- exclusion or removal from the register;
- any decision taken in relation to their registration;
- information that has been taken into account when assessing the application;
- type of property the applicant is eligible for;
- the band into which they have been placed;
- instances of an application being overlooked for a nomination;
- suitability of accommodation offered to households subject to the full homeless duty.

Initial requests for reviews will be dealt with by the organisation that has been mainly dealing with that part of the application i.e. the organisation that has notified the applicant on the issue they would like reviewed.

For reviews of decisions about the register including banding, property eligibility and decisions in relation to homeless households, requests should be addressed initially to Housing Register Lead at Herefordshire Council.

An applicant can appoint an advocate and once appointed the Housing Register Lead will deal directly with the advocate. The appeal will initially be dealt with by the Housing Register Lead, who was not involved in the original decision.

There are two stages to the appeal process.

Stage 1

The appeal must be made in writing within 21 calendar days of the date of the decision letter, stating the grounds for the appeal. The appeal will be considered and a decision will normally be given within 21 calendar days. In complex cases it may not be possible to give a decision in 21 days and it may take longer. Where this is the case the applicant/advocate will be notified in writing prior to expiry of the 21 day period.

If an applicant is unhappy with the initial review decision they should notify the relevant organisation, in writing, within 21 days of receipt of that decision, requesting a second review.

Stage 2

If the applicant is unhappy with the decision made, they may request that a further review be carried out by the Housing Solutions and Housing Register Team Leader. This request must be made in writing within 14 calendar days of the date of the stage 1 decision. A decision will normally be given in 21 calendar days, subject to extension where necessary.

If the applicant remains unhappy with the outcome of the appeal, the applicant may make a complaint to the Local Government Ombudsman.

Contact details for the Local Government Ombudsman are listed below:

Tel: 0300 061 0614 for help making a complaint.

Lines are open Monday to Friday from 8.30am to 5.00pm (except public holidays)

Fax: 027 7682 0001

Email: advice@lgo.org.uk

Further information is available on the website <https://www.lgo.org.uk/contact-us>

Contact forms are available on the web page

https://www.lgo.org.uk/forms/showForm.asp?nc=QG1E&fm_fid=81

For decisions regarding **offers of accommodation**, unless from an applicant owed the full homelessness duty, the Housing Manager of the relevant housing association should be contacted. See Appendix A for contact details.

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APPENDIX F: Monitoring and review

In order to ensure that the scheme is achieving its aims of being as open and accessible as possible to all members of the community outcomes, including the following will be monitored:

- a) The number of applicants by band each quarter & by age, ethnicity and disability.
- b) The number of allocations in the financial year in each quarter:
 - By property type (and bedrooms);
 - Whether restricted (i.e. criteria used in advert);
 - Lettings by banding criteria;
 - Local connection.
- c) Property Feedback for each allocation as follows monthly:
 - Address of property,
 - Number of beds;
 - Type of property;
 - Number of bids.
 - Refusals
- d) Non bidders, customer satisfaction & performance against service standards annually.

The Housing Register team will also receive quarterly reports on the following to ensure that the scheme meets Herefordshire Council's commitment to serve all members of the community.

Review

The data collected from the monitoring arrangements will be used in an initial review of the policy 12 months after its implementation.

Any decisions on further review timescales will be taken after the initial review.

APPENDIX G: Service standards

The following outlines our intended approach in working with people who use Herefordshire Council services:

We will treat people with dignity and respect, and expect the same consideration in return.

We will respect people's privacy and confidentiality.

We will listen and respond to concerns, and act to resolve queries where we can and have the powers to do so.

We will prioritise our resources to deal with areas of high risk, specifically danger to the public and where the most vulnerable in the community may be affected.

We can provide an interpreting service for customers who do not speak English or where English is not sufficient.

We can provide information in large print, audio and Braille on request.

We will design services so that they are accessible by disabled people and ensure reasonable adjustments are made where needed.

We will evaluate our practices to make sure we are offering the best service possible next to the resources we have available.

We will always wear ID badges and identify ourselves when responding to phone calls and written correspondence.

APPENDIX H: Complaints

If you are not happy

We welcome positive feedback when you are happy with the service provided as it lets us know what we are doing right.

If you are unhappy, we will work with you to resolve your query or issue at a service level, and if you are not happy with the outcome we will explain why we've taken that particular course of action or find an alternative remedy.

If you are still not happy with the outcome the following routes can be taken.

Formal complaint

A formal complaint is an expression of dissatisfaction about the standard of service, action or lack of action by Herefordshire Council, our staff or contractors.

This could be based on stated standards not being met or not what the customer thinks is reasonable:

- We are doing something the customer did not want;
- We carried out duties in an unsatisfactory way or our staff or contractors behaved in an unacceptable way;
- We failed to do something which was asked for;
- We should have taken some action;
- Generally, a complaint has to be made within 12 months from the day the matter occurred or came to the notice of the complainant.

Formal complaints to the Council will be dealt with only through the Information Access team and we will not reinvestigate the same complaint. For further information visit the Council's [make a complaint](#) page.

Complaints about the service provided by partner housing associations

These should be dealt with through the specific housing association's Complaint Policy which is available on their websites. See Appendix A for contact details.

GLOSSARY

Housing Register team	Based in the council's offices at Blueschool House, this team advises on and administers the housing register.
Accessible housing	This refers to housing which has been constructed or modified to enable independent living for persons with disabilities.
Accommodation of choice	Accommodation of choice is defined through legislation and case law in relation to homelessness decisions. It relates to establishing a local connection. If someone is living in accommodation not of their own choice then residence by virtue of simply living in an area will not count towards having a local connection. See below for definition of settled accommodation
Additional preference	Local housing authorities are able to award additional preference benefits to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs.
Affordable Housing	Housing provided at below market prices and allocated on the basis of need to people who qualify for the Housing Register team in Herefordshire as their only home and/or are unable to purchase or rent properties generally available on the open market without financial assistance.
Affordable rented housing	Rented housing usually owned and managed by housing associations where the total rent charged (including service charges, where applicable) is up to 80% of the open market rent.
Allocation policy	This is the policy document which explains the rules that Herefordshire Council uses to define those who qualify to register for social and affordable rented housing, and to prioritise applications in respect of housing need.
Armed Forces	As detailed in s.374 Armed Forces Act 2006, this means the Royal Navy, the Royal Marines, the regular Army or the Royal Air Force.
Assured shorthold tenancy (AST)	<p>A tenancy can be an AST if all of the following apply:</p> <ul style="list-style-type: none"> • the property you rent is not council owned • your tenancy started on or after 15 January 1989 • the property is your main accommodation • your landlord doesn't live in the property <p>It is a form of assured tenancy with limited security of tenure which can be terminated by a section 21 notice giving a minimum notice period of two months.</p>
Bedroom Standard	<p>The bedroom standard is the commonly used standard to assess whether a household is overcrowded. The standard allocates a separate bedroom to each:</p> <p>Adult couple Person over 21 2 people aged 10-20 of the same sex 1 child under 10 years and 1 young person under 20 of the same sex</p>

	2 children under 10 years (any or both sexes) Any unpaired person aged 10-20 or unpaired child under 10
Effective date	The date on which an applicant applies to the register or, if the application is awarded a higher banding at a later date, the date on which the higher banding was awarded.
Eligibility	Nationally set requirements that applicants have to comply with as the first stage in the registration process.
Equality Act 2010	This act requires that 'due regard' is shown to the needs and rights of members of the community including the 'protected' characteristics, which are: <ul style="list-style-type: none"> • Age • Disability • Gender • Gender reassignment • Marriage and civil partnerships • Pregnancy and maternity • Race • Religion or belief • Sexual orientation
Extra care	Extra Care housing is designed with the needs of frailer older people in mind and with varying levels of care and support available on site.
Full housing duty (homeless)	A term that refers to people or families to whom a local housing authority have accepted as homeless, eligible for assistance, in priority need and not intentionally homeless, and acknowledges a duty to ensure that the household is offered settled accommodation.
Homelessness Act 2002	This Act made amendments to the Housing Act 1996 and places a duty on local authorities to review homelessness in their area.
Homelessness Reduction Act 2017	The Homelessness Reduction Act comes into force in April 2018. The Act will modify and extend existing homelessness protection.
Housing Act 1996	This Act makes provisions about housing, including the social rented sector, the conduct of tenants, the allocation of housing accommodation by local housing authorities and homelessness.
Housing Act 2004	Parts 1 and 2 introduced the Housing Health and Safety Rating System to improve standards in accommodation. The Bedroom standard (see above) was introduced as part of this system.
Housing Association	A not-for-profit landlord organisation providing a range of affordable housing. Also known as Registered Social Landlord (RSL) and, more recently, Private Registered Provider (RP) in the legislation. They are regulated by Homes England and the Regulator of Social Housing.

Housing Health and Safety Rating Standard (HHSRS)	The housing health and safety rating system (HHSRS) is a risk-based evaluation tool used to identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It includes a definition of bedroom requirements for households known as the 'bedroom standard'.
Housing Register	The Housing Register is the directory of applicants who have expressed an interest in, and qualified for, social housing in Herefordshire.
HSRTL	Housing Solutions and Register Team Lead who has authority to vary aspects of the allocation policy in exceptional circumstances, as indicated in this policy document.
Local connection criteria	These criteria relate firstly to the county and the level of preference an applicant has for social and affordable rented housing in the county in the Allocation policy. Local connection criteria may also refer to the terms of a section 106 planning agreement which gives priority to applicants with a defined connection to the specific parish.
Local lettings plan	Local lettings plans are agreed for the allocation and letting of properties in specific area to address particular issues in that area.
Localism Act 2011	The Localism Act 2011 gave flexibilities to local authorities in relation to qualification on the housing register.
Looked after children	A child who is being looked after the local authority is known as a child in care. They might be living: with foster parents, at home with their parents under the supervision of social services, or in residential children's homes.
MARAC	Multi-Agency Risk Assessment Conference
MAPPA	Multi Agency Public Protection Panel Arrangements
Mutual exchange	A swap of homes by two social housing tenants moving permanently into the other tenants property. Tenants must be granted permission by both landlords.
Nomination	The term used for applicants who qualify for the register and whose name and details are provided to the landlord as part of the bidding process through Home Point.
Reasonable Preference	The Housing Act 1996(as amended) requires local authorities to give reasonable preference in their allocation policies to applicants who fall into specified categories of housing need. See section 2.1 of this policy for a full explanation of the categories.
Reduced Preference	The term used for applicants whose application has a lower priority than it would normally have if the applicant had either a local connection to Herefordshire or had not previously acted in a manner that was not

	acceptable for a tenant living in social housing.
Private Registered Provider	Private Registered provider, also known as Registered provider, is the current term for organisations that are registered with the Homes and Communities Agency to provide affordable housing.
Reserved Forces	As detailed in s374 Armed Forces Act 2006, this means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force.
Section 106	This refers to s.106 Town and Country Planning Act 1990 under which developers may provide affordable housing on a specific site, with criteria which grant priority to applicants with a local connection to the parish or ward. .
Settled accommodation	Defined through legislation and case law in relation to homelessness decisions. Any accommodation that is precarious, short term or insecure is not considered settled. Examples of settled accommodation include, but are not limited to: <ul style="list-style-type: none"> · Freehold or Leasehold Ownership · A tenancy enjoying security of tenure (assured or assured shorthold tenancy) · An indefinite Licence or Permission to Occupy (Any occupation implying an indefinite time period) · Returning to long term occupation with parents · An indefinite stay with other relatives · Tied accommodation as a long term employee.
Social Housing	The term used in this policy document to mean social and affordable rented housing
Social Rented housing	Rented housing usually owned or managed by a housing association, let at below market rents, where the changes in rent levels are subject to government policy.
Specialist housing	Housing that has been specifically designed to meet the requirements of people with particular needs. It can refer to housing that has been purpose designed or designated for a particular client group to assist tenants to live independently.
Supported housing	Housing scheme where housing, support and sometimes care services are provided as an integrated package. The schemes can be long-term designed for people who need support to live independently, or short-term, designed to help people acquire the skills needed to move on into more mainstream housing.
Transfer	This is a term used for a permanent move by an existing social housing tenant within social housing stock.

New Arrangements for Housing Allocation: Customer Journey

