

# Redditch Borough Council Allocations Policy



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## Glossary of Terms

Term	Definition
<b>Affordable housing</b>	Housing let at a social or affordable rent, or a low cost home/shared ownership property sold, to a specified eligible household whose needs are not met in the open market. Also known as social housing and owned by a local authority or housing association.
<b>Allocation</b>	An offer of housing from a Local Authority or Housing Association either directly or via a nomination from a Local Authority
<b>Allocations policy</b>	The policy document that determines how housing is allocated to households
<b>Band start date</b>	The date the household is awarded the current banding applicable to their housing need
<b>Banding/bands</b>	The prioritisation of households on the Housing Register based on their housing need
<b>Bid</b>	Households' expression of interest in an available / vacant property
<b>Close Family Member</b>	Mother, father, sister, brother or adult child (aged 18 and over)
<b>Data Protection Legislation</b>	the UK <b>Data Protection Legislation</b> and any other European Union <b>legislation</b> relating to personal <b>data</b> and all other <b>legislation</b> and regulatory requirements in force from time to time which apply to a party relating to the use of Personal <b>Data</b> (including, without limitation, the privacy of electronic communications); [and the guidance and codes of practice issued by the relevant <b>data protection</b> or supervisory authority and applicable to a party].
<b>UK Data Protection Legislation</b>	all applicable <b>data protection</b> and privacy <b>legislation</b> in force from time to time in the UK including the General <b>Data Protection</b> Regulation ((EU) 2016/679); the <b>Data Protection</b> Act 2018; the Privacy and Electronic Communications Directive 2002/58/EC (as updated by Directive 2009/136/EC) and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) as amended.
<b>Direct matching</b>	An allocation for those in priority band of the Redditch Homes Scheme.
<b>Homelessness</b>	Under section 175, a person is homeless if they have no accommodation in the UK or elsewhere which is available for their occupation and which that person has a legal right to occupy. A person is also homeless if they have accommodation but cannot secure entry to it, or the accommodation is a moveable structure, vehicle or vessel designed or adapted for human habitation and there is nowhere it can lawfully be placed in order to provide accommodation. A person who has accommodation is to be treated as homeless where it would not be reasonable for them to continue to occupy that accommodation. Section 176 provides that

	<p>accommodation shall be treated as available for a person's occupation only if it is available for occupation by them together with:</p> <ol style="list-style-type: none"> <li>1. (a) any other person who normally resides with them as a member of the family; or,</li> <li>2. (b) any other person who might reasonably be expected to reside with them.</li> </ol>
<b>Housing Application</b>	The process of applying for Council and Social Housing through Redditch Homes either on line, by phone or in writing.
<b>Housing Association</b>	For the purposes of this Scheme this also includes Registered Providers and refers to Social Housing Providers regulated by the Homes and Communities Agency
<b>Housing Need</b>	Anyone applying to the Housing Register must have a housing need recognised by this Allocations Policy unless they are interested in accommodation designated for older people or are only interested in shared ownership properties.
<b>Housing Register</b>	A database/list of households who have applied for affordable housing
<b>Key Worker</b>	<p>The definition of a key worker is taken from the HMRC employment manual:</p> <p>Nurses and other NHS staff, teachers in schools and in further education or sixth form colleges, police officer and civilian staff in police forces, prison service and probation service staff, social workers, education psychologist, planners and occupational therapists employed by local authorities, whole time junior fire officers and retained fire fighters.</p>
<b>Local connection</b>	A household's connection to a local area or authority including residency, family connections and employment
<b>Persons from abroad</b>	People subject to immigration control and any other persons from abroad where the secretary of state makes regulations
<b>Qualification Criteria</b>	There are qualification criteria for the Housing Register. The applicant must meet the eligibility qualification criteria including local connection to Redditch Borough and be in Housing Need.
<b>Reasonable preference</b>	Categories of housing need defined by the Housing Act 1996, Part VI that are required to be included in an allocations policy to which reasonable preference will be given by the Council in accordance with section 166A(3).
<b>Redditch Homes Scheme</b>	The scheme including the software and the processes involved for allocating housing to households
<b>Registration / Effective date</b>	The date of registration of the Housing Application.

<b>Senior Officer</b>	A Tier 4 Officer of the Council or above.
<b>Shared Ownership</b>	Affordable housing option where the applicant part buys and part rents a property. The Registered Provider / housing association owns the remaining (rented) share of the property.
<b>Statutory homeless</b>	This term describes those households who have made a homeless application to Redditch Borough Council and where the full homeless duty has been accepted. This means the household has been determined to be eligible, homeless, in priority need, unintentionally homeless and have a local connection (or an exceptional reason not to have a local connection) and has been issued with a written decision confirming this and the 'relief' duty under S189B Housing Act 1996 has come to an end..
<b>The Borough</b>	Refers to the geographical area known as Redditch Borough
<b>Threatened with Homelessness</b>	Under section 175(4) a person is 'threatened with homelessness' if they are likely to become homeless within 56 days. Under section 175(5) a person is also threatened with homelessness if a valid notice under section 21 of the Housing Act 1988 has been issued in respect of the only accommodation available for their occupation, and the notice will expire within 56 days. Section 195 provides that where applicants are threatened with homelessness and eligible for assistance, housing authorities must take reasonable steps to help prevent their homelessness.
<b>Weekly bidding cycle</b>	The period of time available for eligible households to place bids on properties they are interested in

# 1. Introduction

Redditch Homes is a scheme used to advertise and/or allocate social rented, low cost home ownership and privately rented properties in Redditch Borough.

Within Redditch Homes allocation policy outlines how the Council will prioritise households for an allocation of social housing under Part VI of the Housing Act 1996 (as amended).

The Council works in partnership with a number of housing associations/registered providers to allocate social housing in a fair and transparent way.

**Housing associations and registered providers will have their own allocations policies which they will apply when allocating their properties. This means applicants at the top of the Housing Register on banding and date may not be rehoused by the housing association (registered provider) if they do not also meet the requirements of their own Allocations Policy. The Council may also apply its own policies that relate to a specific dwelling or area in order to support its housing management function and develop sustainable communities.**

## 1.1 Priorities and Aims of the Council

The Council Plan focuses on delivering services which meet the needs of residents through six strategic purposes of which three directly relate to its approach to the allocation of affordable housing as follows:

- **Help me find somewhere to live in my locality**
- **Help me to live my life independently**
- **Help me to be financially independent**

Redditch Borough Council has set a number of objectives for its Allocations Policy in order to provide good quality, well managed social housing in Redditch. The policy is transparent and easy to understand. Regular monitoring and reviewing will take place ensuring all targets are met, the best use is made of the available housing stock and applicants are kept updated of all their Housing options.

**Objective 1** Ensure that anyone in housing need has advice on accessing affordable housing, and this advice is easily available to disadvantaged, vulnerable and ethnic groups.

**Objective 2** Make Social Housing available to those who cannot afford to purchase property of their own, or to rent privately.

**Objective 3** Ensure that there is equality of opportunity within the Allocations Policy and the allocations scheme is fair, consistent and accountable which reflects the values of the Council.

**Objective 4** Incorporate the Council's Housing Strategy, Private Sector Renewal

Strategy and Homelessness Strategy.

**Objective 5** To build and sustain diverse and balanced communities and promote social inclusion.

**Objective 6** To work with other agencies and housing providers to make the best use of affordable housing to meet current and future needs.

**Objective 7** To ensure customers are given an opportunity to make informed decisions about what tenure of properties are likely to be available to them in their locality of choice.

**Objective 8** To create a safer & cleaner environment; reduce crime, disorder, substance misuse and anti-social behaviour, and to address the causes and fear of crime.

**In addition the Council;**

- is committed to understanding the housing needs of customers and works towards offering a sustainable housing solution from a range of housing options for those in housing need.
- will work to ensure that households are able to access the service we provide.
- will make effective use of all affordable housing stock.
- will ensure that local people will have an enhanced priority within the banding structure.
- wants to encourage and recognise households who make a positive contribution to their community.
- will enable a better understanding of the housing market.
- will ensure the scheme meets our equalities duties.
- will publish information that enables households to understand how we assist them through the allocations scheme.

Redditch Homes enables people with a housing need to look for a home in an area of preference within Redditch Borough. Households registered with Redditch Homes will be banded according to the suitability of their current accommodation in meeting their needs, their current situation and their local connection, however, not everyone will qualify to register for the scheme.

## **1.2 The Purpose of this Allocations Policy**

This policy sets out in detail, who will or who will not be accepted under the policy and how this assessment is made. It also sets out how applicants can apply for and access social and affordable housing.



It describes how applicants qualify for the Redditch Homes scheme and how the Council identifies their housing need with regard to the legal definition of Reasonable Preference and other categories of housing need that the Council has recognised and how it prioritises housing applicants.

Whilst all applicants are assessed in accordance with the Policy, the allocation of Housing Association properties will also be subject to the allocation policies of those individual Housing Associations, where they have one and they will assess applicants on the Housing Register according to their own stated priorities eg: they may have different rules about the number of people who can live in a home of a particular size. This will be made clear when a property is advertised. For more information regarding the letting of properties please see the Redditch Homes website.

This Allocations Policy has been designed to meet current legal requirements and reflect local priorities.

### **1.3 What are Allocations under this Scheme?**

Allocations under the scheme include where an applicant is nominated or where an existing tenant transfers to be a tenant of the Council or a Housing Association.

The allocation may be an 'Introductory Tenancy' with the Council or a 'Starter Tenancy' with a housing association which will be for a set period, usually 12 months. This may be subject to change/extension depending on how well the tenancy is conducted.

Provided the tenant successfully completes the probationary period the Council/Housing Association will grant a Secure/Assured Tenancy or a Fixed Term tenancy (please see individual housing association / registered provider's tenancy policies).

The Redditch Homes scheme may also be used to advertise intermediate market rent, shared ownership and private rented properties. Please contact the relevant landlord for their eligibility criteria and for more details regarding allocation of these types of properties.

## 1.4 The Legal Framework

This Allocations Policy complies with the requirements of the Housing Act 1996 (as amended), including the Homelessness Reduction Act 2017 and takes into account the Allocation of Accommodation Code of Guidance 2012 which replaced all previous codes of guidance. All of these documents can be obtained through the gov.uk website. This Policy also complies with the Localism Act 2011, takes into account Welfare Reform legislation and the Equalities Act 2010, where applicable.

This section describes this legal framework.

The Housing Act 1996 (as amended by the 2002 Homelessness Act and the Localism Act 2011) requires local authorities to make all allocations and nominations in accordance with an Allocations Scheme. A summary of the Allocations Policy must be published and made available free of charge to any person who asks for a copy. A summary of the Allocations Scheme and general principles is available through the Redditch Homes website [www.redditchhomes.org.uk](http://www.redditchhomes.org.uk) and at the Council's offices.

The Housing Act 1996, (as amended) requires local authorities to give Reasonable Preference in their allocations policies to people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Allocations Policy is also drafted and framed to ensure that it meets the Council's equality duties which requires public bodies to have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equalities Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. An Equality Impact Assessment in respect of these duties is held by the Council.

This Policy has considered:

- The Council's statutory obligations and discretion as to who is eligible for housing allocation
- The Council's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law i.e. those who must be given a greater priority under the Allocations Policy.
- The Council's statutory discretion to grant "additional preference" and/or to determine priority between applicants with Reasonable Preference.
- The general and specific statutory discretions the Council can exercise when allocating housing.

## 2. Statement on Choice

### 2.1 Choice and Constraints

Redditch Borough Council's allocations policy provides a sophisticated approach to those with higher housing needs so that these needs are fully understood. Applicants in higher housing need will be placed into the Band 1 with the approval by a Senior Officer and then directly matched with a home in a locality that provides a sustainable long term solution to meeting those needs.

Pressure on the Council's affordable housing stock means that a qualification criteria is in place covering who is and isn't eligible to join the waiting list.

Whilst keen to encourage and facilitate mobility within housing, Redditch Borough Council recognises that provision of choice has to be balanced along with local need and demand. Those without a connection to Redditch Borough will not be eligible to access the housing register unless they meet one of the exceptions criteria as set out under the heading 'Qualification Criteria'.

In determining priority for housing within the banding structure, a higher degree of preference will be awarded to applicants who have the greatest need and have a local connection to Redditch Borough.

Applicants, with the exception of Band 1, have the opportunity to view details of all properties that are advertised, but can only 'bid' for properties that they are eligible for. Band 1 applicants will be interviewed in order to fully understand their needs and will then be directly matched to properties,

The Council has identified a number of exceptional situations where bidding may not be possible for a particular property, for instance;

- Where the applicant is in Band 1 for re-housing
- Where the applicant does not meet the eligibility criteria for the scheme or the vacant property.
- Where a Local Lettings Plan has been agreed and the applicant does not meet the criteria.
- Where there is a legal agreement restricting who can be offered the property.

Exceptional circumstances will be made clear when the applicant receives their banding award, or when the property is advertised, unless the exceptional circumstance concerns the specific individual (who has bid for the property) in which case it will be discussed with the applicant at the point of allocation.

Applicants who bid on and subsequently refuse properties for no reason will be moved into Band 4 – the Reduced Priority Band – for further details please see section on the Banding Structure.

### **3. Qualification Criteria, Eligibility and Reasonable Preference**

#### **3.1 Who is, and who is not, eligible to apply to register on Redditch Homes**

Any United Kingdom resident aged 18 years or over can apply to join the scheme by completing an application form. In very exceptional circumstances an applicant under 18 years of age may be accepted onto the register subject to senior officer approval. Redditch Homes policy has qualification criteria; therefore, not all applications will be accepted: e.g. where there is no close association to the area and/or where there is no housing need (please see the section on the banding structure). Children leaving local authority care (Care Leavers) may be registered prior to their 18<sup>th</sup> birthday.

Anybody can make joint applications including married couples, civil partners, cohabiting couples, same sex couples, and adult brothers and sisters. In such cases, it is usual for a joint tenancy to be granted in the event of an offer of accommodation being made. The eligibility of applicants to be on the Housing Register will also be checked at the point of allocation.

#### **3.2 Qualification Criteria**

Applicants do not qualify to join Redditch Homes housing register unless they meet the qualifying criteria of a reasonable preference or local connection as outlined below;

In determining whether the household has a local connection the Council will agree a connection exists in the following circumstances;

- Where the local connection arises due to residency - applicant(s) must have lived in Redditch Borough for a minimum period of two years or has resided in the Borough for three out of the last five years at the point of application.
- Where the Council accepts the applicant(s) meets any of the Reasonable Preference criteria as identified by the Housing Act 1996 (as amended).
- Where the local connection arises due to employment and the applicant(s) has been in permanent, paid employment in the Borough immediately prior to the application or the applicant(s) has a certified offer of employment in the Borough. \*
- Where the applicant(s) has a close family member living in the Borough for a minimum period of three years, immediately prior to the application.\*\*
- Has a local connection as a result of special circumstances.
- Has a housing need as described in this policy or are considered an exceptional household such as being interested in accommodation designated for older people or interested only in shared ownership properties.

Those who are owed duties under the homelessness legislation who are not intentionally homeless will qualify to register as having a reasonable preference. Local connection for the purposes of a homeless application is defined in S199 Housing Act 1996 and the Homelessness Code of Guidance for local authorities.

\*In determining permanent employment the Council will give consideration to the Local Government Association guidelines which state that this is employment other than that of a casual nature and will include zero hours contracts.

\*\*In determining close family member this applies to mean mother, father, sister, brother or adult child (aged 18 and over).

If an applicant(s) has no connection that meets the qualification criteria and claims a connection on the basis of special circumstances then the decision to allow them on the list must be made by a senior officer.

Where the applicant is a member of the armed forces, there are special arrangements – please see further details within this policy under the section relating to the banding structure.

All applicants whose housing need is defined as in a reasonable preference category will be eligible to join the list but will be placed into the reduced banding.

This qualification criteria and any other criteria within the policy will be validated before a property will be offered.

### **3.3 Residency of Choice**

For the purposes of determining eligibility on residency grounds, living in the Borough will not include the following:

- Occupation of a mobile home, caravan or motor caravan where it is not the only or principal home.
- Occupation of a holiday letting (which includes a permanent building, hotel or bed and breakfast accommodation) for the purposes of a holiday.
- Resident of a prison, bail hostel or other such accommodation.
- In-Patient of hospitals/specialist centres where they have a connection elsewhere.

### **3.4 Housing Need**

Applicant(s) wishing to join Redditch Homes Housing Register who qualify for the register under the Qualification Criteria must also have a housing need recognised by the Allocations Policy unless they are interested in accommodation designated for older people or are only interested in shared ownership properties. Applicant(s) not satisfying at least one of these criteria will not be registered and will be offered alternative housing options. Applicant(s) will also be offered the right to request a review of this decision.

### **3.5 Persons from abroad**

Applicants must have a right to live in the UK and be entitled to claim public funds. Examples of people who are eligible are British Citizens, EEA nationals (generally those who are working), and those with leave to remain. People applying to join the Housing Register have to provide documents to confirm their identity and their immigration status.

A person from abroad (or two or more persons jointly if any of them is an ineligible person) is ineligible for an allocation of housing accommodation if they are subject to immigration control within the meaning of the Asylum and Immigration Act 1996, or are excluded from entitlement to housing benefit by s.115 of the Immigration and Asylum Act 1999 (c 33) (exclusion from benefits) unless they are of a class prescribed by regulations made by the Secretary of State. Persons who are subject to immigration control and eligible for housing assistance are;

- Refugee status
- Exceptional leave to remain
- Indefinite leave to remain

This does not apply to a person who is already a secure or introductory tenant of the Council or housing association.

If an applicant has any further questions regarding their status they should contact the Council or seek independent legal advice.

Households who are living abroad and therefore not habitually resident will not be eligible to register.

Applicants who have been considered as ineligible due to immigration status can re-apply at any time.

### **3.6 Persons with no local connection to the Borough**

Applicants who have no local connection to the Borough will not be eligible to join Redditch Homes unless they are:

- Households accepted as statutory homeless under the Housing Act 1996 (as amended by Homelessness Act 2002) by the Council and this Duty has not yet been discharged.
- Households with a reasonable preference under the Housing Act 1996.
- Households where the Council is satisfied that the applicant(s) needs to live in the area to provide or receive ongoing, regular and significant care and support to a relative who lives in the area and their application is supported by the local Adult or Children's Services team.
- Households where the Council has agreed to rehouse the applicant under a reciprocal agreement with their current landlord or local authority.
- Households where rehousing or relocation into the local authority area is accepted by the Council as being essential due to public protection issues or for other exceptional reasons.
- Members of the armed forces as outlined in this Allocations Policy.
- Social housing tenants who need to move because they work or have been offered work and they have a genuine intention to take up the offer and will suffer hardship otherwise.
- Where a Local Letting Plan or s106 restriction applies on a specific site.

### **3.7 Unacceptable behaviour**

Where the applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the relevant authority, they will be ineligible for registration.

Unacceptable behaviour is defined as behaviour which would, if an applicant or member of their household was a secure tenant, entitle a landlord to outright possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985.

Unacceptable behaviour can include but is not limited to:

- Owing significant rent arrears and/or failing to comply with a current tenancy condition with a Council, Housing Association or private landlord to such an extent that a Court would grant a possession order.
- Conviction for using the property for an illegal or immoral purpose.
- Causing nuisance or allowing to cause nuisance and annoyance to neighbours or visitors, for example anti-social behaviour.
- Being convicted for offences in or near the home and still posing a threat to neighbours or the community.
- Being violent towards a partner or members of the family.
- Allowing the condition of the property to deteriorate.
- Allowing any furniture or fixtures provided by the landlord to deteriorate due to ill treatment.
- Obtaining a tenancy by deception, for example by giving untrue information.
- Paying money to illegally obtain a tenancy.
- Having lost tied accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.

In determining whether an applicant is ineligible due to unacceptable behaviour, the Council will consider:

- Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- Was the unacceptable behaviour serious enough to have entitled the Landlord to obtain an order for possession?
- At the time of the application, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of their household who wishes to reside with them?

Should the Council exclude the applicant from the housing register, the applicant has the right to have this decision reviewed. An applicant may become ineligible at any time during the process should the Council become satisfied that they are ineligible due to unacceptable behaviour as described above.

Applicants considered as being ineligible for any reason can make an application for accommodation in the future if their circumstances have changed. It is for the Council to consider behaviour, at the point of application to the housing register, and decide whether they are now eligible under the Policy.

Each application will be assessed on its merits and a decision regarding eligibility will be made accordingly. Anyone deemed ineligible for the register will be provided with

a full written explanation for the decision and will have a right of review of the decision.

Please see the section on Reviews below.

### **3.8 Applicants who are not eligible to join the housing register**

At the point of registration all applicants are asked for information about their housing history and legal status to establish eligibility to join the housing register under the relevant legislation and this allocations policy.

Applicants are not assessed or placed into a band until a decision has been made regarding their eligibility. An applicant's eligibility and other circumstances will be re-checked at the point of allocation.

### **3.9 Armed Forces**

Members of the UK armed forces stationed abroad will be considered as living in the United Kingdom for the purposes of applying for social housing.

The Secretary of State has the power to prescribe in Regulations criteria that may not be used by local housing authorities in deciding what classes of persons are not qualifying persons (s. 160ZA(8)(b)). These Regulations require that local housing authorities do not use local connection (within the meaning of s. 199 of the Housing Act 1996) as a criterion in deciding whether the following are not qualifying persons:

(a) persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation.

(b) bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases.

(c) seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.

The Council recognises the contribution that armed forces personnel have made and will waive the local connection requirement to those applicants as described above.

### **3.10 Social housing tenants**

The Secretary of State has the power to prescribe in Regulations criteria that may not be used by local housing authorities in deciding what classes of persons are not qualifying persons (s. 160ZA(8)(b)). These Regulations require that local housing authorities do not use local connection (within the meaning of s. 199 of the Housing Act 1996) as a criterion in deciding whether social housing tenants are a "relevant person".

A relevant person has a need to move because the relevant person—

- (a) works in the district of the local housing authority, or
- (b) has been offered work in the district of the local housing authority; and



the authority is satisfied that the relevant person has a genuine intention of taking up the offer of work.

This regulation does not apply if the need to move is associated with work or the offer of work which is—

- (a) short-term or marginal in nature,
- (b) ancillary to work in another district, or
- (c) voluntary work.

In this regulation “voluntary work” means work where no payment is received by the relevant person or the only payment due to be made to the relevant person by virtue of being so engaged is a payment in respect of any expenses reasonably incurred by the relevant person in the course of being so engaged.

Specifically a local connection criteria may not be applied to existing social housing tenants seeking to transfer from another local authority district in England who have a reasonable preference under s.166 (3)(e) because of a need to move to the local authority’s district to avoid hardship where they need to move because the tenant works in the district, or need to move to take up an offer of work.

In considering registering applications the Council will take into account the Right to Move Statutory Guidance March 2015 (or any relevant successor document).

### **3.11 Care Leavers**

Under the Homeless Reduction Act, Care Leavers will have a local connection with the area of the local authority that owes them leaving care duties – therefore if someone is placed in care by Worcestershire County Council and they apply for accommodation under homelessness legislation they will have a local connection with all six Local Housing Authorities in Worcestershire.

A care leaver aged under 21 who normally lives in a different area to that of the local authority that owes them leaving care duties, and has done so for at least 2 years including some time before they turned 16; will also have a local connection in that area. For example if Worcestershire County Council places a young person in Stratford District Council before they turn 16 and they are in care in Stratford District Council for two year period the young person will have a local connection with Stratford and all of Worcestershire.

### **3.12 The Application of Reasonable Preference**

Redditch Homes is required by law to assess the relative priority that housing applicants are awarded. This is particularly important as in the Borough, the demand for social housing is 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). The statutory Reasonable Preference categories cover:

- All homeless people as defined in Part VII of the Housing Act 1996.

- People who are owed a duty under the Housing Act 1996 because they have a priority need but are intentionally homeless (under s190 (2)), because they are not in priority need and not homeless intentionally 193 (2) or because they are threatened with homelessness, in priority need and not intentionally homeless (195 (2) of the 1996 Act (or under s. 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s. (192 (3)).
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing.
- People who need to move on medical or welfare grounds (including grounds relating to a disability).
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

The Act also gives discretion to a housing authority to award reasonable preference to other categories of applicant in order to meeting locally identified needs. Specific details and examples of how Reasonable Preference and priorities are determined and applied are detailed in the section relating to the Banding Structure.

### **3.13 Determining priority between applicants with Reasonable Preference**

Redditch Homes allocation policy determines priority between applicants with Reasonable Preference by taking into account various factors including:

- The severity of housing need.
- The financial resources available to a person to meet their housing costs.
- Any local connection – as defined in s199 Housing Act 1996 (as amended) – that an applicant has with the Borough.
- The length of time the applicant has been waiting within their current band

Households with a reasonable preference can have their banding reduced because of their behaviour or circumstances at any time.

## **4. Registration and Assessment Process**

### **4.1 How to Apply**

Anyone who wishes to apply for affordable housing through Redditch Homes must register on line or complete a registration form. Anyone in urgent housing need will be interviewed to ascertain the severity of the applicants housing need and understand the type of property that would address this need. The interviewing officer will be able to advise the applicant on whether their needs can be met through Council or other housing association accommodation or whether other options such as the private rented sector should be explored.

Where an applicant needs assistance to complete an application form an advocate (for example, a family member, friend or support agency) can complete the registration form their behalf.

If the applicant is not eligible to register they will be notified giving the reason for the decision and informing them of their right to request a review.

All applications, once received, will be assessed and placed in the appropriate band.

The application must be accompanied by:

- Two proofs of residency one of which must be dated within four weeks of the application date; eg bank statement, bill (phone or utility) with current address.
- one form of identification e.g. birth certificate, passport or drivers licence.

It is recognised that there may be circumstances where this level of evidence is not available, for example where the applicant has lost their document in a fire. In these and similar circumstances applications will be accepted subject to the approval of a senior officer.

The same information is required for any member of the household, over the age of 18, who is to be included on the application.

The Council or Housing Association may ask for updated proof and identification to be provided at the viewing stage and/or point of an allocation.

Where additional information is required to confirm that a higher band is appropriate, the application may be placed in a lower band until the circumstances of the applicant have been confirmed.

Once registered with Redditch Homes the applicant will be given an application number.

Applicants to the scheme are entitled to request details from the Council about information that has been used to make a decision on their registration.

### **4.2 Help with registration**

Help with registration can be given to applicants by council officers as well as other organisations such as County Council social care services, health workers, support workers and voluntary bodies.

In particular, help will be provided to applicants who find it hard to fully participate in the scheme. Support can be offered to assist an applicant to use the system when

actively interested in bidding and ready to move. Access to the system can be provided at the Town Hall and the Locality Offices across the Borough.

### 4.3 Definition of Household Types

An Applicant(s) household type determines the size and type of housing they may be eligible for.

Single person (under 60)	One person household and with no resident children
Couple	Married, cohabiting, civil partnership and same sex couples without resident children.
Family	Single parent or couple (as defined above) with minimum of one dependent child, who lives with parent (s) as their main or principal home.
Pensioner / Disability Living Allowance (DLA)	One person household and couples over 60 or person in receipt of DLA / Personal Independence Payment (PIP)
Other	Any other household group including friends, brother and sister and families with non-dependent children

Redditch Council Property Size based on Household Type				
Household Size	Suitable Property Size			
	Studio / 1 Bed	2 Bed	3 Bed	4 Bed
Single Person	✓			
Childless Couple	✓			
Parent(s) & 1 child or 25+ weeks pregnant (unless Homeless*)		✓		
Parent(s) and 2 children of same sex aged between 0 and 16		✓		
Parent(s) and 2 children of same sex where one of them is over 16			✓	
Parent(s) and 2 children of different sex under the age of 10		✓		
Parent(s) and 2 children of different sex when the oldest reaches 10			✓	
Parent(s) and 3 children – 2 of same sex aged between 0 and 16. Plus 1 other child			✓	
Parent(s) and 3 children - 2 of different sex under the age of 10. Plus 1 other child			✓	<b>Additional bedrooms to be awarded as per age and gender of larger households</b>

\*Where the applicant is homeless and the Council has accepted a Duty under homelessness legislation the Duty may be discharged by an allocation into one bedroom accommodation where the child is under 2 years of age.

In order to reflect a housing requirement for a particular property type or size the Council may need to put the applicant into a different category in order to achieve a correct allocation.

Example – if the applicant is a single person with a medical need that means they require a larger property for a resident carer, their household type will be amended to “family” or “other” to enable them to bid.

Where an allocation is made to studio flat accommodation the tenant will be entitled to register for a larger property once they have successfully sustained their introductory/starter tenancy and this has been converted to a secure/assured/fixed term tenancy.

### **Redditch Homes Process**

1. Housing applicants should complete an application form.
2. Once registered applicants will be sent confirmation of their registration number and will be placed in the lowest band whilst waiting for an assessment.
3. Once assessed those placed into Band 1 will be direct matched to a property that meets their needs. Applicants placed in the other bands will be able to place bid on properties that they are eligible for.
4. Vacant properties are advertised each week and applicants, with the exception of Band 1, are advised to look for suitable vacancies regularly.
5. Applicants, other than those in Band 1, can make up to 2 bids per week as long as their circumstances match the advertised eligibility criteria.
6. Applicants who place bids will be prioritised by those with the highest band for the longest time when being considered for a property unless there is a specific eligibility criteria, when preference will be given to the applicant that meets this criteria.
7. Applicants who are direct matched will be prioritised by housing need for that particular housing type by effective date for that band.
8. The successful applicant will be contacted by the Landlord and asked for information such as proof of identity. A viewing will be arranged and subject to the applicant being accepted, an offer will be made.

## 5. The Banding Structure

Redditch Homes operates a needs-based banding system as described below. Bands are arranged to reflect housing need, with the highest band indicating the greatest need for housing. The scheme consists of five bands and a more detailed description of these bands and of Reasonable Preference can be found below.

The bands within the policy are based on the reasonable preference criteria set out within the 1996 Housing Act (as amended).

When registered the applicant can only be placed in one band and the highest banding possible will be applied according to the policy.

The table below describes the bands into which households will be placed according to their housing circumstances.

### **Band 1 - Applicant will be Direct Matched to a suitable property– (Bidding blocked)**

- Applicants whom this Council has accepted are statutorily homeless and have accepted a duty to re-house under s.193 of Housing Act 1996 (eligible, homeless, priority need, not intentional and with a local connection and the relief duty has come to an end).
- A verified high medical need / disability where the current property has a direct adverse effect on the health of the applicant or a member of their household and when it is unreasonable or uneconomical to adapt the current property to improve the housing situation.
- Accepted for move on from supported accommodation including designated accommodation for those fleeing Domestic Abuse.
- Living in exceptional circumstances.
- Applicants whom are homeless and the Council has a Relief Duty to assist them, have a priority need and would be unintentionally homeless.

### **Band 2 - High Housing Need – Applicants will be able to bid on properties that they are eligible for**

- Homeless cases where no statutory duty to re-house (excluding those deemed intentionally homeless).
- Applicants who are likely to be homeless within 56 days and the Council owes them a 'Prevention Duty' or have become homeless and the Council owes them a 'Relief Duty', but will not be eligible for the full re-housing duty.
- Occupying private rented property in a serious state of disrepair; where a Category 1 hazard exists and enforcement action is being carried out (but not for overcrowding and space).
- Social Housing tenants who are under-occupying social rent or affordable rent housing in the Borough.
- Social Housing tenants who are occupying a social housing property in the Borough with major adaptations that they do not need.
- Households suffering with serious overcrowding (2 or more bedrooms lacking) unless deemed to be deliberately overcrowded.
- Households meeting both criteria from band 3.

**Band 3 - Medium Housing Need**

- Overcrowding or lacking one bedroom, unless deemed to have deliberately overcrowded.
- Households suffering with some minor disrepair in their privately rented property where an improvement notice has been service for a Category 2 hazard.

**Band 4 - Reduced Banding (with Reasonable Preference)(12 month review)**

- Applicants with a Reasonable Preference as defined by legislation but do not have a Local Connection under the qualification criteria with the exception of those who are exempt due to their armed forces or care leaver status.
- Households with financial resources above defined limits.
- Households who have deliberately worsened their circumstances to qualify for a higher banding – eg. deliberate overcrowding.
- Households with housing-related debts and debts owed to Redditch Borough Council.
- Households who have committed acts of anti-social or abusive behaviour (including towards Council staff) and other tenancy breaches but not severe enough to have obtained outright possession.
- Households where the Prevention or Relief Duty has ended due to the unreasonable failure to co-operate.
- Households who are deemed to have become homeless intentionally.
- Households who are not bidding for properties that are available and suitable for their needs or successfully bid but then refuse a property that is suitable for their needs.

**Band 5 - Households who do not meet any of the above Reasonable Preference criteria, have a Local Connection under the qualification criteria or are an exempt group, and have a low housing need including;**

- Households in social housing and seeking a transfer
- Households with low level medical or welfare issues.
- Households who are suffering financial hardship
- Households in privately rented accommodation that do not have a reasonable preference
- .
- Households who are sharing facilities with other non-related households.
- Households residing in an institution or supported housing scheme.
- Households who have insecurity of tenure (those in tied accommodation or lodging with family members).
- Households that live with family but want to live independently
- Eligible and interested in older peoples accommodation will be eligible to apply even where they do not have a local connection.
- Households eligible and interested in shared ownership

**Band 6 – Reduced Preference for those not in a Reasonable Preference category**

- Households with financial resources above defined limits.

- Households with housing-related debts and debts owed to Redditch Borough Council.
- Households who have committed acts of anti-social or abusive behaviour (including towards Council staff) and other tenancy breaches but not severe enough to have obtained outright possession.
- Applicants who are eligible and interested in older persons accommodation but do not meet the qualification criteria as having a local connection
- Households who successfully bid but then refuse a property that is suitable for their needs.

## 5.1 The Bandings Explained

The following criteria will lead to a band being awarded:

**Band 1- Applicants will be placed into this band by a Senior Officer of the Council and Directly Matched to a suitable property – (Bidding Blocked)**

### 5.2 Statutory Homeless with a duty to re-house

This band will be awarded by the Council where it has accepted a full duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) to provide accommodation for an applicant.

When the Council accepts a duty under homelessness legislation, the Council will directly match applicants to a property. Only one offer of suitable accommodation will be made. Should an applicant refuse an offer of suitable accommodation, the Council will have discharged its housing duty.

Where the Council owes the applicant a 'Relief Duty' and has determined that at the end of the 56 day relief period a full re-housing duty will apply the applicant will be placed into Band 1.

Applicants have the right to request a review of certain decisions made by the Council in respect of their homeless application. This includes the decision to bring to an end the full homeless duty and Relief Duty by making a suitable offer of settled accommodation. The applicant has this right whether they refuse or accept the offer of accommodation. If the review finds in favour of the homeless applicant, the applicant will retain their Band 1 status (provided they are still homeless) and they will be direct matched to an alternative. However, if the reasonableness and suitability of the offer is upheld, any homeless duty will be ended and the applicant's banding will be reassessed. Homeless applicants are therefore strongly advised to accept an offer and then request a review.

### 5.3 High Medical Need or Disability

Medical priority will only be granted where the current property has a direct adverse effect on the health of the applicant or a member of their family, and when it is unreasonable or uneconomical to adapt their current property. The Council will directly match applicants to a suitable property.



Officers will gather sufficient information to understand the impact of the property on the health of the applicant or their family. The final decision for medical priority will be made by the a Senior Officer in conjunction with the Councils medical advisors and Occupational Therapist if required. An example would be someone with severe mobility problems requiring ground floor accommodation.

In certain circumstances the case may be referred to an external body e.g. Now Medical for assessment.

#### **5.4 Living in Exceptional Circumstances**

Exceptional circumstances will only be awarded in those instances where the applicant's living circumstances are considered by the Council to be exceptional given the prevailing housing conditions in the Borough and where no other banding criteria reflects or addresses the problem(s).

In reaching a decision to award this banding, account will be taken of the suitability of the current accommodation, and the location of the accommodation in relation to the applicant's needs.

Examples are given below of potential situations where this banding may be granted – the list is not exhaustive and the decision lies with the Council.

- The applicant is adequately housed but needs to give or receive support on the grounds of disability or illness that is substantial and ongoing and it is not possible for the person giving care to use public transport or their own transport to provide assistance.
- Death of a household member where there is no right of succession.
- The applicant needs to move on welfare grounds e.g. where an applicant has a need to move to work or take up an offer of work, where failure to do so would cause economic hardship.
- The applicant's household is overcrowded, coupled with medical issues that do not accrue medical priority e.g. ADHD, autism.
- The applicant needs to take up or continue employment, education and/or training that is not available elsewhere and they do not live within reasonable commuting distance.

#### **5.5 Move on from Supported Accommodation**

This status is awarded where an agreement between the Council and the Supported Housing provider, or designated accommodation provider for those fleeing Domestic Abuse, is in place for applicants to move on from supported accommodation in the Borough, or from any domestic abuse accommodation regardless of location.

This status will only be awarded to applicants in supported accommodation or care-leavers where the following criteria have been met:

- The applicant is ready to move to independent settled social housing on the recommendation of the support/accommodation provider.

- An ongoing support package or requirement for security measures to the property has been assessed and where required, are in place.
- 
- The applicant has not made a homeless application to any housing authority under homelessness legislation.

In the case of young people moving on from care, applicants are awarded this category in accordance with the 16 and 17 year old Joint Protocol between the Council and Worcestershire County Council's Children's Services Department. Applicants must be a former "Relevant Child" as defined by the Children Act 1989.

The evidence to support this will be provided by the County Council's leaving care service and will consist of confirmation that:

- The care-leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.
- The care-leaver possesses the life skills to manage a tenancy including managing a rent account.
- An ongoing support package has been assessed and where required, is in place.

Children accommodated out of the area by Children's Services or Unaccompanied Asylum Seeking Children under the responsibility of Worcestershire County Council will be awarded this status and will be granted a local connection with the Borough

## **Band 2 - High housing need**

### **5.6 Homeless cases with no statutory duty to re-house (excludes intentional homeless)**

This status is awarded by the Council where an applicant is considered under homelessness legislation to be;

- eligible for assistance,
- homeless,
- not in priority need,
- not homeless intentionally.
- has a local connection (or has exceptional circumstances and does not require a local connection)

### **5.7 Where an applicant will become homeless within 56 days and the Council owes them a 'Prevention Duty or they are homeless and owed the Relief Duty, but, the full Housing Duty has not been determined**

This status will be awarded by the Council. At relief duty stage, the banding will last for up to 56 days during which a decision will be made what further Duty may be owed. Where the full housing duty is owed the applicant will be promoted to Band 1. If it is determined that a full housing duty does not apply the applicant will remain in band 2 subject to the Council still considering them to be threatened with homelessness or actually homeless. At relief duty stage a household without a local connection may be referred to an authority where they have a local connection.

## **5.8 Properties subject to serious disrepair**

This status will be awarded where there are category 1 hazards (as determined by the Housing Act 2004) confirmed to be present within a property by a relevant officer; and one of the following enforcement notices has been served:

- Improvement notice for Category 1 hazards (other than for overcrowding and space)
- Prohibition order (on part or all of the dwelling)
- Emergency Remedial Action (on part or all of the dwelling)
- Demolition or Clearance Orders

The priority of the relevant officer will be to remove the category 1 hazard, therefore, Redditch Homes officers will liaise with the enforcement officer prior to an offer of accommodation being made in order to determine whether works have been completed.

Where the notice has been complied with and the works completed, the applicant's band will be re-assessed.

Where one of the following notices has been served on the dwelling which prohibits occupation of the whole dwelling applicants will be dealt with under homelessness legislation:

- Emergency Prohibition Order
- Prohibition Order

Where the applicant is in a Council tenancy the Housing Act 2004 does not apply as it is unable to serve upon itself. This reasonable preference would still be awarded where a notice would be served if the tenure was different.

## **5.9 Affordable housing tenants who are under occupying affordable housing or living in an adapted property where they do not require the adaptations**

The Council aims to make best use of existing housing stock and priority will be given where a affordable housing tenant applies to move to a smaller, or more appropriate type of property.

Some examples would be;

- a) Applicant's currently living in family sized accommodation, either social or affordable rent, who wish to 'downsize' and free up at least one bedroom.
- b) Applicants currently living in family sized accommodation, either social or affordable rent, wishing to move to a one bed property or a two bed property designated for older people e.g. retirement housing, Extra Care or a bungalow.
- c) An applicant occupying an adapted property where they do not require the adaptations.

Please note this only applies where a family sized property or a property with substantial adaptations will become available for re-letting following the move.

Please see 'Bedroom Standard for the Assessment of Overcrowding and Underoccupation' regarding how underoccupation is determined.

### **5.10 Serious Overcrowding**

Applicants lacking two or more bedrooms will be awarded this status e.g. where the applicant has a four bedroom need and is living in a two bedroom property.

Overcrowding assessments will include all household occupants and the overall size of the property in determining the band, regardless of whether the whole household wish to be rehoused together or not. Applicants will have their circumstances assessed against the Redditch Homes Bedroom Standard as set out under the section on Registration and Assessment Process.

### **5.11 Cumulative Preference in Band 2**

Applicants whose circumstances match more than one criterion in the Band 3 will be awarded 'cumulative preference', which means that they will move up to Band 2. For example, an applicant who meets two or more criteria in Band 3 would be awarded Band 2 banding but can't then move to the higher Band 1 unless the applicant is accepted for one or more of the reasonable preference criterion required for the Band 1 as agreed by a Senior Officer of the Council.

Applicants who have been found to be intentionally homeless, within the Band 4 will not qualify for a cumulative preference award.

## **Band 3 - Medium Housing Need**

The following criteria will lead to Band 3 being awarded:

### **5.12 Overcrowding or lacking required bedrooms**

This applies to households who are overcrowded or lacking one bedroom. Please see 'Bedroom Standard for the Assessment of Overcrowding and Underoccupation' table regarding how overcrowding or lacking required bedrooms is determined as set out under the section on Registration and Assessment Process.

### **5.13 Properties suffering from disrepair**

Following confirmation from the relevant officer, properties that are suffering from minor disrepair (regardless of tenure), and are not deemed to be severe or a threat to the health and safety of the occupier or visitors, will be awarded this band. This banding will be applied where a hazard awareness notice has been served for Category 2 hazards (as defined under the Housing Health and Safety Rating System, Part 1 of the Housing Act 2004) except for overcrowding and space assessment which is assessed separately under the Redditch Homes overcrowding policy.

The Council will liaise with the relevant officer on a regular basis to check that the property circumstances are still in disrepair prior to an offer of accommodation being made.

## **Band 4 - Reduced Banding**

**(Reasonable Preference but reduced priority reviewed after 12 months)**

This band will be used for households in Reasonable Preference categories where their priority is reduced for one of the following reasons;

Applicants will initially be banded according to their current housing need but demoted to Band 4. This decision will be reassessed by the Council after a period of twelve months, or at the applicant's request at any time subject to the confirmation of material changes in the applicant's circumstances.

#### **5.14 Reasonable Preference – No Local Connection as described under the Qualification Criteria**

Where an application is made and the applicant is assessed as having a reasonable preference as defined by Part VI of the Housing Act 1996, and does not have a local connection as defined under the Qualification Criteria of this Policy then their banding will be reduced to Band 4. This can be reviewed at any point at which they consider that they meet the Qualification Criteria.

#### **5.15 Financial Resources**

Owner occupiers and people with sufficient financial resources available to them to meet their housing needs will be placed in Band 4.

Applicants who have a household income (including benefits) of more than £45,000 per annum and / or savings/capital/assets/equity of £50,000 that will enable them to access and maintain private accommodation will be encouraged and supported to do so through the housing options service. Any household in receipt of a means tested benefit will not be subject to this reduced banding criteria (this does not include Child Benefit).

Applicants will be asked to provide income and asset/savings/capital details at the point of application and if, at that stage, they exceed the threshold their banding will be reduced to Band 4 (where they have a housing need). The income and assets/capital/savings details will also be considered at the point of offer to ensure the applicant is still on the correct banding.

The financial resources of an armed forces applicant will be disregarded where it is a lump sum that was received as compensation for an injury or disability sustained on active service.

Financial thresholds may also be determined by Registered Social Landlords and applicants should contact individual organisations where they believe income or capital may be an issue at the point they are made an offer of accommodation.

#### **5.16 Deliberately worsening housing circumstances**

Where there is evidence that an applicant has deliberately worsened their circumstances or deliberately moved into a property that is unsuitable and as a result would qualify for higher priority on Redditch Homes, this priority will be reduced. This would include circumstances where an applicant surrendered their tenancy, where it was reasonable to occupy and / or against the advice of the Housing Options Officer or where they moved to a property that was smaller than their requirements.

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher priority on Redditch Homes, this priority will be reduced. This may include the following;

- Unsuitable property choice – e.g. with stairs if need ground floor
- Overcrowding – e.g. moved in with others / moved others in by choice
- Causing disrepair – including not allowing access
- Giving up a suitable tenancy
- Adaptations – apply to move within 5 years and these still meet the households needs
- Refused support which could have maintained tenancy

Officers will consider the applicants circumstances and particularly issues of vulnerability or where poor advice has been given before reducing the persons banding to Band 4.

## **5.17 Housing related debts or other debts owed to Redditch Borough Council**

Where households have housing related debts or other debts to the Council or landlord an assessment will be undertaken to establish how the debts have arisen and if from a deliberate act or omission that led to non-payment.

Those with outstanding debt to the Council or their landlord will be placed in the reduced banding. NB: in certain circumstances restrictions can be lifted. The applicant will be encouraged to make affordable arrangements to pay the debt and they will be placed within Band 4 until an affordable arrangement has been reached with whom they owe the money and the applicant is maintaining regular payments for 13 weeks.

The restriction has been introduced to maximise income to the Council or their landlord as well as prevent customers being housed that have a poor proven payment history for services from the Council.

Outstanding debt to the council would include

- Council Tax arrears
- Sundry debt arrears
- Former tenant arrears
- Court costs
- Recharges
- Housing Benefit overpayments
- Deposit bond schemes

NB: this would include debts that are statute barred (6 years old) and/or have been written off the Council's systems.

The Council will exercise its discretion, depending on individual circumstances where there are mitigating factors or an urgent need to move.

The circumstances where restrictions can be lifted include:

- Debt is less than £1,000 with a repayment plan in place that has been maintained for 13 weeks
- Exceptional circumstances
  - Life threatening circumstances
  - Safeguarding concerns
  - Domestic abuse
  - Severe medical needs
  - Other 'issues' out of the applicants control

Where a request to lift the restriction is made it will be considered on a case by case basis.

All circumstances will need to be evidenced by the submission of a Housing Management report validated by supporting documentation and will be agreed at the

discretion of the Head of Housing, Housing Services Manager or Housing Options Manager.

### **5.18. Anti-social behaviour, other tenancy breaches or abuse to staff**

Where there has been a breach of tenancy such as anti-social behaviour or neglect of the property, the applicant will be placed within Band 4.

Band 4 will apply to applicants who are guilty of anti-social behaviour or tenancy breaches where formal legal action has been commenced e.g. injunction, CBO or Notice etc. This would include anyone found guilty of sub-letting a social housing tenancy and waste /neglect of the property. The Council will consider any particular support needs the applicant might have and whether this is having an impact on their behaviour before reducing the applicants banding. The Council will only consider recent tenancy breaches / anti-social behaviour. This would normally be within 6 months.

The Council can reinstate the higher banding where the tenancy breach is resolved or the applicant can demonstrate changed behaviour over a reasonable timescale. This would normally be 6 months.

Applicants who persistently verbally abuse or physically attack staff will have their application placed in Band 4, the reduced priority band, for 6 months.

### **5.19 Households who have been determined to have become homeless intentionally.**

Band 4 will be awarded to applicants where the Council has carried out investigations under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) and found the applicant intentionally homeless. This banding will remain unless the Council has reason to believe that applicant has secured settled accommodation which has broken the chain of causation of the original homelessness from the homelessness application.

### **5.20 No bidding or refusing offers of accommodation**

Where applicants in Bands 1 have refused a property without exceptional reason or applicants in Bands 2 or 3 have failed to place bids, or have placed successful bids but refused properties, and there is evidence that properties that would meet their needs have been advertised on Redditch Homes, their banding will be reviewed within the set time period for their band and they will be placed into Band 4, the Reduced Banding category.

By successful bids the Council means where the applicant(s) has been offered the property and invited to view it (where applicable).

The officer must consider the households' vulnerability and any issues that may have affected their behaviour at the time e.g. domestic abuse, mental health problems.

### **5.21 How Band 4, the reduced banding, will be applied**

Applicants will be banded according to their current housing need but demoted to Band 4. This decision will be reassessed by the Council after a period of twelve months, or at the applicant's request at any time. Review requests where there has



not been any change of circumstances will not be considered. The reduced banding is unlikely to be removed if an applicant's circumstances remain the same.

### **Band 5 - Some Housing Need**

This applies to all applicants who live, work or have a local connection as set out in Section 3 Qualification Criteria, to the Borough and do not meet any of the Reasonable Preference criteria, as set out above, and have low housing need. Applicants applying for designated older persons accommodation will not need to have a local connection to the Borough.

If an applicant has a low level housing need due to medical, disability or welfare conditions / issues, the banding will only be awarded where the condition / issue will be improved by a move to alternative accommodation.

Applicant(s) accepted onto the waiting list and awarded Band 5 include the following;

- In social housing and seeking a transfer.
- Households with low level medical or welfare issues.
- Households who are suffering financial hardship.
- Households in privately rented accommodation that do not have a reasonable preference
- Households who are sharing facilities with other non-related households.
- Households residing in an institution or supported housing scheme e.g. hospital with no access to settled accommodation.
- Households who have insecurity of tenure (those in tied accommodation or lodging).
- Households that are living with family but want to live independently.
- Two separate households wanting to live as one household.
- Households eligible and interested in older peoples accommodation will not need to demonstrate a housing need.
- Households eligible and interested in shared ownership properties only.

#### **5.22 Low Level medical need**

When determining whether an applicant is eligible for a low level medical need in order to be registered onto the system, the Council will accept the applicants own declarations as a sufficient level of evidence.

A low level medical need should be awarded where an individual has a disability, welfare condition or other issue where the issue may be improved by a move to alternative accommodation.

Applicants will be placed in band 5.

Any application in this banding can be closed after two years where no bids have been placed. Band 1 applicants who have not received an offer will also be reviewed after two years.

## **Band 6 – Reduced Priority for those who are not in a Reasonable Preference category.**

Applicants will initially be banded according to their current housing need but demoted to Band 6. This decision will be reassessed by the Council after a period of twelve months, or at the applicant's request at any time subject to the confirmation of material changes in the applicant's circumstances.

### **5.23 Financial Resources**

Owner occupiers and people with sufficient financial resources available to them to meet their housing needs will be placed in Band 6.

Applicants who have a household income (including benefits) of more than £45,000 per annum and / or savings/capital/assets/equity of £95,000 that will enable them to access and maintain private accommodation will be encouraged and supported to do so through the housing options service. Any household in receipt of a means tested benefit will not be subject to this reduced banding criteria (this does not include Child Benefit).

Applicants will be asked to provide income and asset/savings/capital details at the point of application and if, at that stage, they exceed the threshold their banding will be reduced to Band 6 (where they have a housing need). The income and assets/capital/savings details will also be considered at the point of offer to ensure the applicant is still on the correct banding.

The financial resources of an armed forces applicant will be disregarded where it is a lump sum that was received as compensation for an injury or disability sustained on active service.

Financial thresholds may also be determined by Registered Social Landlords and applicants should contact individual organisations where they believe income or capital may be an issue at the point they are made an offer of accommodation.

### **5.24 Housing related debts or other debts owed to Redditch Borough Council**

Where households have housing related debts or other debts to the Council or landlord an assessment will be undertaken to establish how the debts have arisen and if from a deliberate act or omission that led to non-payment.

Those with outstanding debt to the Council or their landlord will be placed in the reduced banding. NB: in certain circumstances restrictions can be lifted. The applicant will be encouraged to make affordable arrangements to pay the debt and they will be placed within Band 6 until an affordable arrangement has been reached with who they owe the money and the applicant is maintaining regular payments for 13 weeks.

The restriction has been introduced to maximise income to the Council or their landlord as well as prevent customers being housed that have a poor proven payment history for services from the Council.

Outstanding debt to the council includes:

- Council Tax arrears
- Sundry debt arrears
- Former tenant arrears
- Court costs
- Recharges
- Housing Benefit overpayments
- Deposit bond schemes

NB: this would include debts that are statute barred (6 years old) and/or have been written off the Council's systems.

The Council will exercise its discretion, depending on individual circumstances where there are mitigating factors or an urgent need to move.

The circumstances where restrictions can be lifted include:

- Debt is less than £1,000 with a repayment plan in place that has been maintained for 13 weeks
- Exceptional circumstances
  - Life threatening circumstances
  - Safeguarding concerns
  - Domestic abuse
  - Server medical needs
  - Other 'issues' out of the applicants control

Where a request to lift the restriction is made it will be considered on a case by case basis.

All circumstances will need to be evidenced by the submission of a Housing Management report validated by supporting documentation and will be agreed at the discretion of the Head of Housing, Housing Services Manager or Housing Options Manager.

### **5.25 Anti-social behaviour, other tenancy breaches or abuse to staff**

Where there has been a breach of tenancy such as anti-social behaviour or neglect of the property, the applicant will be placed within Band 6.

Band 6 will apply to applicants who are guilty of anti-social behaviour or tenancy breaches where formal legal action has been commenced e.g. injunction, CBO or Notice etc. This would include anyone found guilty of sub-letting a social housing tenancy and waste /neglect of the property. The Council will consider any particular support needs the applicant might have and whether this is having an impact on their behaviour before reducing the applicants banding. The Council will only consider recent tenancy breaches / anti-social behaviour. This would normally be within twelve months.

The Council can reinstate the higher banding where the tenancy breach is resolved or the applicant can demonstrate changed behaviour over a reasonable timescale. This would normally be twelve months.

Applicants who verbally or physically abuse staff shall have their application placed in Band 6, the reduced priority band, for twelve months.

5.26 Households eligible and interested in older peoples accommodation will not need to demonstrate a housing need but will be placed in Band 6 if they do not qualify for a close local connection under the Qualification Criteria.

5.27 Households in Band 5 who bid successfully on a property and refuse the offer may be placed into Band 6.

### 5.28 How Band 6, the reduced banding, will be applied

Applicants will be banded according to their current housing need but demoted to Band 6. This decision will be reassessed by the Council after a period of twelve months, or at the applicant's request at any time. Review requests where there has not been any change of circumstances will not be considered. The reduced banding is unlikely to be removed if an applicant's circumstances remain the same.

### 5.29 Bedroom Standard for the Assessment of Overcrowding and Underoccupation

<b>Bedroom Standard for the Assessment of Overcrowding and Under-occupation</b>				
<b>Household Make-up</b>	<b>Suitable Property Size</b>			
	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>
Single Person	✓			
Childless Couple	✓			
Parent(s) & 1 child or 25+ weeks pregnant		✓		
Parent(s) and 2 children of same sex aged between 0 and 16		✓		
Parent(s) and 2 children of same sex over 16			✓	
Parent(s) and 2 children of different sex under the age of 10		✓		
Parent(s) and 2 children of different sex when the oldest reaches 10			✓	
Parent(s) and 3 children – 2 of same sex aged between 0 and 16. Plus 1 other child			✓	

Parent(s) and 3 children - 2 of different sex under the age of 10. Plus 1 other child			✓	Additional bedrooms to be awarded as per age and gender of larger households
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The appropriate senior officer within the Council may exercise discretion in deviating from the Bedroom Standard to increase the number of rooms an applicant requires. Examples would include where an extra room is required to accommodate a carer on health grounds, or where the applicant is a registered foster carer. In some circumstances it may be possible to award this banding and direct match a potential foster parent living in social housing to a more appropriately sized property with the agreement of the landlord. (see also Eligibility for Types of Dwelling under Section 6).

The Bedroom Standard allows the policy to determine whether there is under-occupation or overcrowding for the purposes of banding. The Council will determine, through this allocation policy the type and size of property an applicant can occupy.

Bands 2 and 3 will also apply to applicants needing to be re-housed on the application if they have no bed spaces available to them.

Evidence of overcrowding must be provided at the point of registration and allocation of accommodation and may be verified by a home visit.

There may be some exceptions to the bedroom requirements including the following;

- Where there is a carer included in the household who cannot share a bedroom.
- Where the household contains "a child who cannot share a bedroom". This definition applies to a child who (1) is entitled to the care component of disability living allowance at the highest or middle rate, and (2) by reason of their disability is not reasonably able to share a bedroom with another child.

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

Even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer on a housing application will be considered if the need for a carer has been assessed by a relevant specialist organisation (e.g. a social care, health professional) as needing to provide overnight support by a resident carer. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Social Care or a Health professional.

In some limited circumstances it may be possible to consider cases where the carer is not in receipt of Carer's Allowance but would be eligible. Under these circumstances it will still be necessary for the applicant to demonstrate that the person looked after is in receipt of a relevant care related benefit.

### **5.30 Household with a disabled child**

Where the household includes a disabled child and the child isn't able to share a room with another child because of its disability then an additional bedroom requirement can be considered. The disabled child would need to be in receipt of the

care component of the Disability Living Allowance (or Personal Independence Payment) at the highest or middle rate.

### **5.31 Households with access to other children**

Anyone with access to children will need to demonstrate their involvement in the care and supervision of the child. A senior officer within the Council will give consideration to factors including regularity of contact, who claims the relevant benefits for the child and any residency orders as well as legislation, codes of guidance and case law in determining which parent has **primary responsibility** for the children. Therefore unless there is an exceptional circumstance we would be unlikely to provide family accommodation where the applicant is not the primary carer for the child even if they have joint access rights to their child.

Currently case law around eligibility for benefits and homeless case law has found that separated parents do not have an automatic right to benefits or a bedroom for a child they do not have primary responsibility for.

The bedroom standard assessment is for determining overcrowding and does not guarantee that an applicant will be offered the exact property size for their household needs. In particular, where their housing need exceeds four bedrooms but there is a limited supply of larger properties within the Borough they are unlikely to be offered social housing that exactly meets their needs.

There may be other special circumstances subject to emerging case law where the bedroom standard does not apply and this will be determined by a senior officer or manager.

### **5.32 Time Limited Register**

Live applications on the housing register will be closed after 2 years if there have been no bids placed. Band 1 applicants will also be reviewed where no offers have been made within a two year period. Please see the Reviews / Complaints Section for more information.

### **5.33 Waiting Time**

New applicants, who are eligible and qualify, are placed into Band 5 whilst their housing need is assessed. An applicant's waiting time will be from the date of registration (the effective date); this will be the date the on line form is submitted or the paper form is received and date stamped at the Council's offices.

If an applicant is moved up into a higher band (following assessment) then the date they moved into that band will override the registration date (effective date).

If the applicant remains in or moves down to the Band 5 or 6 then the registration date (effective date) will apply.

### **5.34 Removing Applicant's Reduced Preference from Bands 4 and 6**

Where an applicant is promoted from Band 4 or 6, the Reduced Band, to a reasonable preference band, the band start date will be back-dated to the date they were originally placed in the assessed band. E.g. Where the applicant has a reasonable preference due to a high medical need the date that this was effective from is the date that will be reinstated.

Where an applicant has been promoted from Band 4 or 6 a housing association may still refuse to accommodate them due to their own allocations policies. Applicants

demoted to Bands 4 and 6, the Reduced Bands, will be encouraged to pursue private rented housing wherever possible and appropriate advice and support will be given to assist them to do so.

The decision to promote an applicant from a Reduced Band will be undertaken as part of a full review of the applicant's circumstances to ensure that the applicant is awarded the correct banding.

### **5.35 Change of Circumstances**

All applicants are required to notify the Housing Options Team at the Council immediately of any change to their circumstances which may affect their priority for housing. Applicants will need to provide proof of their change before it is assessed.

Applicants who have had a change of circumstances and have not informed the Council may have their application suspended whilst an investigation takes place in order to determine eligibility. The applicants' banding will be reassessed at the point that they submit the change of circumstances (not at the point when the circumstances change) and this will then determine their band start date. If an applicant does not respond to contact from the Council within one month, their application will be closed.

Applicants should notify the Council of any change in their circumstances. For example:

- A change of address, for themselves or any other person on their application
- Any additions to the family or any other person they would wish to join the application
- Any member of the family or any other person on the application who has left the accommodation
- Any confirmed pregnancy
- Changes of name
- Changes in financial circumstances, including change of employment
- Accommodation issues
- Medical or other housing needs

### **5.36 Additional Preference – Community Contribution of Key Workers and Volunteers.**

The Council wants to recognise the many people who provide key worker services to the Borough, for example nurses, social workers and police officers, and will award an additional waiting time of six months for those applicants in key worker occupations. The key worker status can apply to either the applicant or joint applicant. The responsibility will be on the applicant or joint applicant to provide the evidence to be awarded this additional preference.

#### **I. Applicants Volunteering**

Applicants volunteering for a minimum of 20 hours per month confirmed by a registered charity and for a continuous period of at least six months, at the point of application, at review and the same at the point of offer will be awarded an additional six months waiting time.

## **II. Applicants who are full time carers**

Applicants who are unable to take up key worker or volunteering positions because they care for someone on a full time basis and have done so for a minimum period of six months (before applying) and are in receipt of carers allowance (due to disability or frailty), will qualify for the award of an additional six months.

## **III. Applicants with a disability**

The Council recognises that it may not be possible for some applicants to take up key worker or volunteering positions due to severe disability (e.g. where they are awarded the support element of Employment Support Allowance or higher rate Disability Living Allowance / Personal Independence Payment) and in these circumstances six months additional waiting time will be awarded.

### **5.37 Members of the Armed Forces**

By Armed Forces, we mean the “regular forces” and the “reserve forces” as defined by s. 374 of the Armed Forces Act 2006(a). The “regular forces” means the Royal Navy, the Royal Marines, the regular Army or the Royal Air Force. The “reserve forces” means the Royal Fleet Reserve, the Royal Navy Reserve, the Marine Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

Members of the Armed Forces who have been served with a cessation to occupy accommodation will be given housing advice and the appropriate banding and, if required, considered under homelessness legislation (Housing Act 1996, Part VII and other relevant legislation).

The Council recognises the contribution made by members of the Armed Forces and we support the principles of the Worcestershire Community Covenant.

The Housing Act 1996 (Additional Preferences for Armed Forces) (England) Regulations 2012 require Local Authorities to give additional preference to a person with an urgent housing need and are in one of the Reasonable Preference categories.

The regulations are that local housing authorities must frame their allocation scheme to give additional preference to the following persons if they fall within one or more of the statutory reasonable preference categories and are in urgent housing need:

- a) serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- b) former members of the regular forces
- c) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
- d) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

If an “Armed Forces” applicant is able to meet the local connection criteria (or is exempt from this) and does not have sufficient resource to meet their own housing



need, this Policy will award the applicant an additional six months in waiting time at the point that need has been assessed or date of registration (if need hasn't changed over time).

## **6. Applying for a Property and Lettings**

### **6.1 Looking for Available Properties**

Once applicants have been registered with Redditch Homes and notified of their registration number, they can start to look for a property of their choice, unless they are awarded Band 1.

### **6.2 Advertising**

Whilst some properties will be directly matched by the Council the remainder of properties, and those of its partner housing association landlords, will be advertised in the following ways:

- Website – available to anyone with access to the internet. The website enables applicants to view all available properties on line at [www.redditchhomechoice.org.uk](http://www.redditchhomechoice.org.uk)
- Council Offices – computers will be available to view and bid for available properties. Staff will be on hand to assist where needed

Adverts will provide information about the location, property type and size, rent level, and eligibility criteria.

The Council may advertise during any twelve month period up to 5% of its allocations to existing Council tenants registered in band 5 to facilitate movement within the Council's housing stock.

The Head of Housing will review the percentage target on an annual basis.

### **6.3 Direct Matching for Band 1 Applicants**

For all properties that are available and required for Band 1 a shortlist will be automatically produced of eligible households. The applicant at the top of the shortlist will be made an offer unless there are circumstances that make the allocation inappropriate e.g. where the location of the property is unsuitable for that particular applicant.

If the offer is refused it will be offered to the next applicant on the shortlist until the list is exhausted. If the property has been refused by the Band 1 shortlist or if there are no eligible applicants for the property, it will be advertised through Redditch Homes property shop for open bidding.

Applicants in Band 1 are only eligible for one offer and will be placed into Band 4 (Reduced Banding) if the offer was considered to be reasonable.

#### **6.4 How to Bid**

Applicants can bid for properties as detailed below. They will need to have their personal access details to access their account either:

- **On the Internet**

[www.redditchhomes.org.uk](http://www.redditchhomes.org.uk)

- **In Person**

At any of the Council's Offices with a public reception area

#### **6.5 When to Bid for a Property**

Empty properties will be advertised on a bidding cycle. The time that a bid is placed during the week does not make a difference to the shortlist position – it is not a 'first come first served' system.

#### **6.6 Number of Properties an Applicant can Bid for**

Whilst Band 1 applicants will be directly matched to a property, all other applicants will be able to make 2 bids each week as long as they match the advert criteria. Bids must be placed on separate properties for which the applicant is eligible. Applicants can withdraw their bid if they change their mind and re-bid on a different property at any time throughout the weekly bidding cycle.

#### **6.7 Multiple Bidding**

As applicants are able to bid on two properties during any given weekly bidding cycle, it is possible that the applicant will appear at the top of both shortlists. In this instance they will be contacted to discuss which property they wish to consider. The council or Housing Association will then indicate the applicant's preference and the applicant will be bypassed from the other shortlist. If the Council or Housing Association (Registered Provider) who has matched the applicant to a property subsequently decides not to offer them the property, the Provider will inform the applicant of the reasons for this directly, but the applicant will retain their banding and be able to continue bidding. Please see the section below on "Reasons why an applicant may not be offered a property".

#### **6.8 Applications from Employees and Elected Members**

Staff members, Elected Members, or relatives of either, will have their application approved by the Housing Options Manager or the Head of Housing, in accordance with the Councils equal opportunity policy.

Any offers of accommodation to members of staff or Elected Members, or relatives of either, will be agreed by the Chief Executive. In the absence of the Chief Executive this decision will cascade as follows:

1. Deputy Chief Executive
2. Executive Director for Leisure, Environment and Community Services
3. Executive Director of Finance and Corporate Resources

## **6.9 Statutory Homeless Households**

Homeless applicants placed in Band 1 will be those who have been:

- accepted as statutory homeless (where the full rehousing duty is owed) by the Council under s193 in Housing Act 1996 (eligible, homeless, priority need and not intentionally homeless, with a local connection) or those owed the relief duty, but who would be owed the full duty when the relief duty comes to an end

If an offer is rejected at the relief stage, subject to review, the full homeless duty will not subsequently be owed.

The Council will direct match all Band 1 applicants. When a Statutory Homeless applicant is directly matched to a property the applicant will be notified of this and, subject to rights of review under Part VII of the Housing Act 1996, this will constitute an offer of housing under Part VI as a discharge of the Council's homelessness duty. If this offer is subsequently refused and the applicant requests a review of the suitability of accommodation, then the application will be suspended until the outcome of the review has been determined.

If the refused offer is deemed suitable, the Council will have discharged its Duty and the applicant will be placed into band 4 (reduced banding).

Should a Statutory Homeless applicant (eligible for the full re-housing duty) be rejected by a partner housing association under its own allocations criteria, the homelessness duty will not be discharged and the applicant will remain eligible for a further offer.

## **6.10 Eligibility for Types of Dwelling**

The Council or its housing association (Registered Provider) partners may use their individual landlord policies, or may use their discretion to determine an applicant's eligibility for a size and type of dwelling.

Examples are, but not restricted to:

- Where applicants require larger or specially adapted accommodation on health grounds. This will be considered on a case by case basis, taking into account the advice of the Council's qualified medical advisor.
- Where the landlord wants to deliberately under-occupy a property and a Local Letting Plan is in place.
- Where there is little or no demand for a particular property and it is therefore difficult to let (at the point of advertising the property).
- Where an applicant has a larger family size than the bedroom size criteria.
- There may be properties where, having gone through the usual shortlisting process, have not been let and therefore the Council, or its registered provider partners, may use their discretion to adjust any of the criteria for that particular property as deemed fit.

## **6.11 Selection process**

- Applicants for each property are placed in order of housing need. Priority for a property is decided first by band and then by date within the band and then by effective date.

A bid for a property will not be considered if the applicant's household does not meet the size, age or disability requirements for that property, unless there are exceptional circumstances which need to be taken into account.

Landlords will select and may also interview the top applicant(s) before an offer is made.

A property will not always be offered to the applicant at the top of the shortlist if there are reasons why this applicant is not eligible or would not be suitable. Please see the 'Reasons why an Applicant may not be offered a property' section for more details.

Successful applicants will be given the opportunity to view the property prior to tenancy sign-up.

If the applicant chooses to refuse the property, the reasons for the refusal will be recorded and the applicants banding may be reassessed.

**If an applicant is matched to a property they will not be able to bid for other properties until they have decided to either accept or refuse the offer of the property.**

If the applicant is at the top of the shortlist the Council or Housing Association will check the application to ensure the banding is correct and there aren't any other factors that would limit offers of accommodation e.g. change of circumstances.

### **6.12 Reasons why an Applicant may not be Offered a Property or an Offer is Withdrawn**

Housing Associations may choose not to allocate a property due to their own allocations policy, please contact individual housing associations (registered provider) for more information.

Where information is received following initial registration that changes the eligibility of the application for the property being offered the offer may not be made or may be withdrawn.

If the applicant requires a certain type of accommodation for example their own entrance and the property does not meet this requirement the offer will not be made or will be withdrawn.

### **6.13 Restrictions on offers through the advert**

The Council and housing associations may apply restrictions in order to identify suitable applicants in particular circumstances and these will always be specified in the advert. Where a property is advertised with certain restrictions, the letting will be made to the bidder who meets the criteria with the earliest band start date in the highest band, as with usual lettings.

Some properties may be restricted for bidding as follows;

- Under agreements pursuant to s.106 of the Town and Country Planning Act 1990 (as amended) imposing conditions on who is able to bid – normally a restriction to households with a local connection or the applicants age.

- The Council and housing associations may adopt specific lettings criteria in relation to particular developments or areas in order to address identified problems and to create sustainable and balanced communities. In these circumstances a local lettings policy would apply.
- The Council and housing associations may advertise a property with particular criteria to allow for it to be sensitively let in recognition of the impact on neighbours or the neighbourhood. This will be authorised by a senior officer.
- The Council and housing associations are entitled to advertise some properties with preference given to their existing tenants in order to facilitate transfers.

#### **6.14 Refusing Offers of Accommodation**

Band 1 applicants are expected to accept an offer of accommodation as the Council will fully understand their requirements. All other applicants are expected to take reasonable care when bidding for a property to ensure it meets their needs. If, however, an applicant decides to refuse an offer of accommodation, the property will be offered to the next suitable applicant. An application may be reassessed if an offer of a property is refused. The Council will take into consideration the suitability of the property and reasonableness of the offer in any reassessment undertaken.

#### **6.15 Refusals by Band 1 applicants to whom the full homeless duty is owed**

If a homeless applicant refuses an offer of suitable accommodation, the Council may decide that its duty under homelessness legislation is discharged, subject to the statutory review process, and the applicants banding will be reassessed.

Homeless applicants have the right to request a review of certain decisions made by the local authority in respect of their homeless application. This includes the decision to bring to an end the full homeless duty by making a suitable offer of settled accommodation. The applicant has this right whether they refuse or accept the offer of accommodation. If the review finds in favour of the homeless applicant, the applicant will retain their Band 1 status (provided they are still homeless).

If the reasonableness and suitability of the offer is upheld, the homeless duty will be ended and the applicant will be placed in Band 4 (the Reduced Band). Homeless applicants are therefore advised to accept an offer and then request a review if they believe it to be unsuitable.

#### **6.16 Exempt Allocations – Accommodation provided for lettings that are not covered by this Scheme.**

The following exempt allocations are covered by s160, Housing Act 1996 and are not allocations under this Policy:

- Succession to a tenancy on a tenant's death pursuant to s89 Housing Act 1985 and s17 Housing Act 1988 (this will be dealt with by the landlord under the relevant legislation and policies).
- Assignment of a tenancy by way of mutual exchange.

- Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004.
- An introductory tenancy (including assured shorthold) becoming an assured/secure tenancy.
- Transfers initiated by the Council or housing associations (registered providers) (e.g. decant to alternative accommodation to allow for major works).
- Being rehoused by the Council pursuant to the Land Compensation Act 1973.

The following allocations are deemed to be exempt as they are likely to require different decision making processes and criteria in making assessments and rehousing the applicant:

- A person being granted a family intervention tenancy.
- Provision of non-secure temporary accommodation in discharge of any homelessness duty or power.
- Supported accommodation.
- Where a partner housing association needs to directly match a property (more details regarding this are included later in this policy).
- Some Extra Care and Sheltered accommodation will need to apply its own policy for the allocation of accommodation which will be based on age and housing and care needs. For more information contact the Council or relevant landlord for information.
- Changes to joint tenancies which will include the granting of a new tenancy through changes from a sole to a joint tenancy and from a joint to a sole tenancy. The Council or partner housing association will decide whether to allow a Joint Tenancy depending on the circumstances of the case.
- Households requiring a move through the Witness Protection Scheme or similar, at the formal request of the appropriate authority.
- Where properties have adaptations and are suitable for applicants with special needs they will, in the first instance, be considered for direct matching to applicants in Band 1. If there is no requirement for the property through direct matching, the property will be advertised through Redditch Homes. Priority for accessible accommodation will be given to those people who have appropriate levels of need and this will be clearly stated in the adverts.

### **6.17 Local Lettings Plans**

Redditch Borough Council reserves the right to apply additional criteria for example specific local connection criteria, offers of family sized accommodation to smaller

households or those in employment when using Local Letting Plans. The Council and housing associations, in the interests of promoting balanced and sustainable communities, agree local lettings plans for specific areas, estates, or blocks. This is to ensure that lettings plans are tailored to the needs of an area, and protect the interests of existing residents and the wider community.

All local lettings plans will be available from the landlord upon request.

### **6.18 The principles in applying Local Lettings Plans**

- Local Lettings Plans may be developed to meet the particular needs of a local area.
- Local Lettings Plans can apply to single properties or a number of properties in a particular area that may become available over a period of time.
- There must be a clear reason for having Local Lettings Plan (this may take the form of recurring antisocial behaviour issues, high child densities or a concentration of older residents) and will be subject to reconsideration.
- Local Lettings Plan must be developed and approved in accordance with an agreed procedure that must have specific aims and will be reconsidered on an annual basis.
- A requirement of a Section 106 agreement of the 1990 Town and Country Planning Act.

The decision to implement a Local Lettings Plan will be developed and approved by a Senior Officer of the Council. The local ward Member will be consulted and will have 7 days within which to respond, after which, if no response is received, it will be assumed that they are in agreement. Any decision to implement a Local Lettings Plan will always take into account the implications for equal opportunities and the need to ensure that the Council is able to meet the allocation needs of those owed a reasonable preference.

Where a property is advertised in accordance with a Local Lettings Plan, the letting will be made to the highest bidder who meets the eligibility criteria of the Local Lettings Plan.

#### **Examples of possible Local Lettings Plans:**

The following are examples of local letting criteria that could be included in respect of a specific area, estate, or block:

- Age restrictions.
- Where the property forms part of a rural housing scheme on an exception site.
- Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents.
- Sensitive lettings where there have been issues with anti social behaviour.



## **7. Administration of the Scheme**

### **7.1 Delegation of Authority**

Redditch Homes operates alongside the separate allocation policies and activities of partner housing associations.

The Council will not revoke any of its legal duties and powers.

The administration of the Allocations Policy and scheme is undertaken by Redditch Borough Council who is responsible for updating and reviewing this Policy and scheme in line with good practice, legislation and case law, consulting with partners and customers and ensuring the scheme is followed.

Certain functions within the scheme can only be undertaken by a senior officer or manager and, where this is the case, this has been clarified throughout the allocations policy.

### **7.2 Reassessment of Bandings**

Bandings will be reassessed when it is apparent there has been a change of circumstances.

An applicant will be notified of the reassessment. Failure to respond to appropriate correspondence in relation to the reassessment within one month will result in the application being closed. If good reason can be shown for the failure to respond to the reassessment then the application may be reinstated with the original band start date.

If the Council considers that an applicant in a reasonable preference banding has not been using their priority and bids appropriately, a senior officer will review the application and banding may be altered to Band 4, the Reduced Band unless good reason can be shown as to why bids have not been placed.

### **7.3 Notification of Bands 4 and 6 - Reduced Banding**

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

- The original band and the revised band
- The reasons for the decision to reduce banding
- That the applicant has a right to request a review of that decision
- What they have to do before their band can be reconsidered

### **7.4 Closing of Applications**

Applications may be closed if applicants:

- Request their application to be closed.
- Do not respond to a request to provide updated information about their registration.

- Do not make a bid, or if in Band 1 have not been offered a property, within 2 years of applying to join the Scheme
- Circumstances have changed and the applicant is no longer eligible under this allocations policy.

When an applicant is re-housed through Redditch Homes, their application will be automatically closed and they will need to complete a new registration form if they wish to remain on the Housing Register.

In all other circumstances where an applicant has moved they will need to complete a change of circumstances and be reassessed.

## **7.5 Re-joining the Housing Register**

Where a household wishes to re-join the Redditch Homes Housing Register at a later date, their new date of application will be the date they re-register unless there are exceptional circumstances to be considered by a senior officer.

## **7.6 Equality and Diversity**

The Council's aim is to implement and maintain services which ensure any potential or current applicant is not treated less favourably on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation or marriage and civil partnership, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible.

This policy will be subject to periodic equality impact assessments.

## **7.7 Confidentiality**

The fact that a person is an applicant on the Redditch Homes will not be disclosed (without their consent) to any other member of the public.

## **7.8 Data protection and Information Sharing**

All information held is subject to the Data Protection legislation. Redditch Homes will advise all applicants joining the scheme about how their data will be used. The application and any information relating to it will be able to be viewed by the housing association landlord who has advertised the property. The information is shared under the Council's legal duty for the purposes of allocating housing.

## **7.9 Information sharing without consent**

In exceptional circumstances information may be shared about the individual and their history irrespective of whether their consent has been obtained. This does not happen often but will include:

- In accordance with the provisions of the Crime and Disorder Act 1998 (S. 115).
- Where there are serious risks to the public, our staff or to other professionals;
- To protect a child; or
- To protect adults who are thought to be at risk, for example if they are frail, confused or cannot understand what is happening to them.
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.

## **7.10 False statements or withheld information**

It is a criminal offence for applicants and/or anyone providing information to Redditch Homes to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (s.171 Housing Act 1996). This includes but is not limited to:

- information requested on the housing registration form.
- Information provided in response to correspondence at the review of the application.
- Any information relating to any other reassessment of the application.

An offence is also committed if a third party provides false information whether or not at the instigation of the applicant. This would apply at any stage of the application process.

Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be placed under pending status during the investigation and will be excluded from this Scheme until an outcome is reached.

If the outcome of any investigation establishes that they did not provide false information, or there was no withholding of information or such was not found to be withheld knowingly, then the application will be reinstated from the date of registration, meaning the relevant applicant should not suffer any disadvantage.

However, where the investigation shows that false information was provided on the application form the application will be re-assessed. The applicant may also be liable to prosecution. Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by the 1996 Act, s.146) enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenant's instigation.

If it is determined that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld required information it will result in an applicant being removed from Redditch Homes and deemed ineligible unless there are exceptional circumstances to be considered by a senior officer.

## **7.11 Monitoring Redditch Homes**

The Council will regularly monitor the outcomes being achieved by Redditch Homes.

## **8. Reviews of decisions**

### **8.1 Information about decisions and reviews**

The Council makes the decision regarding the start dates and banding of every applicant.

An applicant to Redditch Homes has a right to request a review from the Council if they are unhappy with any decision (finding of fact). This will include:

- decisions to exclude from registration,
- the level of priority awarded or the way in which the application has been dealt with.

Applicants will be able to appoint an advocate, and once appointed, the Council will deal directly with the advocate. The applicant or advocate must request a review within 21 days of the date of the decision letter unless there are exceptional circumstances which have prohibited them from doing so.

Applicants have the following further and specific rights to information about decisions and rights of review of decisions:

- the right, on request, to be informed of any decision about the facts of their application which has been taken into account in considering whether to make an allocation to them
- the right, on request, to review on following grounds a decision to treat them as ineligible due to immigration controls or unacceptable behaviour serious enough to make them unsuitable to be a tenant

The applicant will be notified of the outcome of the review including reasons. The Council will aim to determine the review within 56 days of the request or such longer period as may be agreed with the applicant. Once the review has been decided upon there is no further right of review on the same matter unless there is a material change of circumstance.

The applicant will also have the right to make a formal complaint through the Council's complaints procedure and escalate this to the Local Government Ombudsman and seek a judicial review.

Reviews will be carried out by a senior officer within the Council and an officer who was not involved in the original decision.

Where the complaint concerns an issue with the letting of a property, the applicant should address their complaint directly to the relevant landlord and follow that organisation's complaint procedure.

### **8.2 Complaints**

An applicant who is not satisfied with the service that they receive may register a complaint with the Council by telephone, e-mail, in writing or in person. All complaints will be acknowledged and investigated. Please see the Council's complaints procedure for details on how to complain and the length of time the Council has to consider the complaint. <http://www.redditchbc.gov.uk/council/corporate/we-want-your-feedback/compliments-and-complaints.aspx>

An applicant can ask someone else or an organisation such as Citizen's Advice Bureau to make a complaint on their behalf.

## Appendix 2 Redditch Homes Partners' Contact Details

Name	Address	Phone Number	Email	Website
Bourneville Village Trust	Estate Office, Oak Tree Lane, Bourneville, Birmingham, B30 1UB.	0121 472 3831	<a href="mailto:info@bvt.org.uk">info@bvt.org.uk</a>	<a href="http://www.bvt.org.uk">www.bvt.org.uk</a>
Bromford Housing Group	Regus Birmingham Blythe Valley Central Boulevard Blythe Valley Business Park Solihull B90 8AG	0330 1234 034	<a href="mailto:customerservices@bromford.co.uk">customerservices@bromford.co.uk</a>	<a href="http://www.bromford.co.uk">www.bromford.co.uk</a>
Bromsgrove District Housing Trust	Buntsford Court, Buntsford Gate, Bromsgrove, Worcestershire, B60 3DJ	0800 0850 160	<a href="mailto:info@bdht.co.uk">info@bdht.co.uk</a>	<a href="http://www.bdht.co.uk">www.bdht.co.uk</a>
Clarion Housing	Gee Business Centre, Holborn Hill, Aston, Birmingham, B7 5JR	0300 456 3300		<a href="http://www.myclarionhousing.com">www.myclarionhousing.com</a>
Fortis Living	Festival House, Grovewood Road, Malvern, Worcestershire, WR14 1GD.	01684 579579	<a href="mailto:housingneeds@fortisliving.com">housingneeds@fortisliving.com</a>	<a href="http://www.fortisliving.com">www.fortisliving.com</a>

Friendship Care & Housing	50 Newhall Hill, Birmingham, B1 3JN	0121 506 2800	friendship@longhurst-group.org.uk	www.fch.org.uk
Housing and Care 21	Tricorn House, 51-53 Hagley Road, Birmingham B16 8TP.	0370 192 4000	<a href="mailto:enquiries@housingandcare21.co.uk">enquiries@housingandcare21.co.uk</a>	www.housingandcare21.co.uk
Midland Heart Ltd	20 Bath Row, Birmingham, B15 1LZ	0345 60 20 540	<a href="mailto:customer.servicecentre@midlandheart.org.uk">customer.servicecentre@midlandheart.org.uk</a>	<a href="http://www.midlandheart.org.uk">www.midlandheart.org.uk</a>
West Mercia Homes	Apex 2, Apex Park, Wainwright Road, Worcester, WR4 9FN	0300 7906 531	<a href="mailto:info@wmhousing.co.uk">info@wmhousing.co.uk</a>	<a href="http://www.wmhousing.co.uk">www.wmhousing.co.uk</a>
Orbit Heart of England	10 Greenhill Street, Stratford upon Avon, WARMS CV37 6LG	0345 8 500 500	<a href="mailto:info@orbit.org.uk">info@orbit.org.uk</a>	<a href="http://www.orbit.org.uk">www.orbit.org.uk</a>
Redditch Co-operative Homes	Britten House, Britten Street, Redditch B97 6HD	01527 591170	<a href="mailto:customerfirst@accordgroup.org.uk">customerfirst@accordgroup.org.uk</a>	www.accordgroup.org.uk
Rooftop Housing Group	70 High Street, Evesham, Worcestershire, WR11 4YD	0800 0421 800	<a href="mailto:info@rooftopgroup.org">info@rooftopgroup.org</a>	www.rooftopgroup.org
Sanctuary Housing	Sanctuary Midlands, 164 Birmingham Road, West Bromwich, Birmingham, B70 6QG	0800 131 3329	<a href="mailto:midlands@sanctuary-housing.co.uk">midlands@sanctuary-housing.co.uk</a>	www.sanctuary-group.co.uk
Stonewater	Jephson House Third Floor, Castle Mill,	01234 889494		www.stonewater.org

	Burnt Tree, Tipton, DY4 7UF			
Stonham Housing Association	2 Gosforth Park Way, Gosforth Business Park, Gosforth, Newcastle upon Tyne, NE12 8ET	0845 141 4663		<a href="http://www.homegroup.org.uk">www.homegroup.org.uk</a>
Optivo	Grovenor House, 125 High Street, Croydon CR0 9XP	0330 123 0220	<a href="mailto:csclondon@optivo.org.uk">csclondon@optivo.org.uk</a>	<a href="http://www.optivo.org.uk">www.optivo.org.uk</a>
Walsall Housing Group	100, Hatherton Street, Walsall, WS1 1AB		<a href="mailto:Enquiries@whgrp.co.uk">Enquiries@whgrp.co.uk</a>	
Waterloo Housing Group	Waterloo House, 1700, Solihull Parkway, Birmingham Business Park, Solihull, B37 7YD	0800 435016		<a href="http://www.waterloo.org.uk">www.waterloo.org.uk</a>