

# Housing Allocations Policy 2021

## Introduction

This Allocation Policy sets out how the London Borough of Bexley (The Council)

- 1) Assesses applications to the Council's housing register
- 2) Allocates social housing to which the Council has nomination rights

This allocations scheme is devised to ensure that this service is delivered in a fair and transparent way to Applicants who are eligible and who qualify to join the housing register.

## Legislative and Policy Framework

### Legal Framework

S166A Housing Act 1996 (as amended by the Localism Act 2011) requires local authorities to make all allocations and nominations in accordance with a published allocation policy.

Under Part 6 of the Housing Act 1996 Local Authorities are required to give reasonable preference to certain applicants. These types of applicants are summarised as: -

- a) Applicants who are homeless within the meaning of Part 7 of the Housing Act 1996. Including those found to be intentionally homeless or homeless but not in priority need
- b) Applicants who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s192(3).
- c) Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- d) Applicants who need to move on medical or welfare grounds, including grounds relating to a disability.
- e) Applicants who need to move to a particular locality in Bexley, where failure to meet that need would cause hardship (to themselves or others).

The scheme must also be framed so as to give additional preference to a person with urgent housing needs who falls within the paragraphs (a) to (e) above and who:

- 1) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- 2) formerly served in the armed forces,
- 3) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- 4) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

The meaning of regular forces and the reserve forces is as defined in Section 374 of the Armed Forces Act 2006.

Where an Applicant would be awarded reasonable preference because they are homeless or they are owed a duty under Part 7 of the Housing Act 1996 (categories (a) and (b) above) they will not be awarded that preference if they are only homeless or owed a duty as a result of the Council having had regard to a member of their household who is a restricted person within the meaning of Part 7 of the Housing Act 1996.

This Policy has been drafted taking into account: -

- a) The Statutory Guidance – Allocation of accommodation: guidance for Local Housing Authorities in England June 2021
- b) The Council's Homelessness Strategy and Tenancy Strategy
- c) The Mayor of London's Housing Strategy 2018
- d) Equality Act 2010

## **Bexley's Housing Register & Choice Based Lettings Scheme**

Due to the high demand for social housing in this borough the Housing Register and the Allocations Policy have been designed to prioritise those households that are in the greatest need of social housing. In order to achieve this a definition of priority has been broken down into various categories of need and these are then grouped into one of 4 bands with Band 1 being the highest priority and Band 4 the lowest.

This approach will apply to homelessness cases where the Council accepted a homeless application on or after 9 November 2012.

### **Applications to the Housing Register**

Any person aged 18 or above who is eligible and qualifies can join the Housing Register.

Where a person does not satisfy the eligibility criteria or is disqualified because of any of the criteria set out below they will not be able to join the Housing Register.

No duplicate applications will be accepted.

Joint tenancies will only be granted to spouses, civil partners or partners who have been in a proven relationship of more than 12 months. Joint applications to the register should therefore only be made by persons who satisfy the criteria.

### **Eligibility**

Eligibility is set out in S160ZA of Housing Act 1996 (as amended by the Localism Act 2011).

A person may not be allocated accommodation under Housing Act 1996 Part 6 if they are a person from abroad who is ineligible for an allocation under s160ZA of the 1996 Act. There are two categories for the purposes of s106ZA:

- A person subject to immigration control – such person is not eligible for an allocation of accommodation unless they come within a class prescribed in regulations made by the Secretary of State (s160ZA(2)), and
- A person from abroad other than a person subject to immigration control – regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s106ZA(4)).

### **Qualifying Persons**

Housing Act 1996 (S160ZA) provides for Local Authorities to set qualifying criteria for Applicants applying to the Housing Register. Housing authorities only allocate accommodation to people who are defined as 'qualifying persons'. Subject to the requirement not to allocate to persons from abroad who are ineligible and the exception for members of the Armed and Reserve Forces, Housing Authorities may decide the class of people who are, or are not, qualifying persons. This Council has decided that it will only make an allocation to persons who qualify as a result of all of the criteria set out below:

## **A) Length of residency in the Borough**

All Applicants must be currently resident in the London Borough of Bexley and have lived in the borough continuously for the last five years.

This five-year residency rule does not apply to the following:

- a) Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Forces at any time in the 5 years preceding their application for an allocation of social housing
- b) 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
  - (ii) the death was wholly or partly attributable to their service
- c) Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- d) Those who are homeless within the meaning of Part VII of Housing Act 1996 and London Borough of Bexley have accepted a full duty towards them.
- e) Former homeless applicants owed the full housing duty who accepted a qualifying offer of housing outside of the London Borough of Bexley and have not retained that property through no fault of their own and the application to join the housing register is made within a two year period of the start date of the qualifying offer.
- f) London Borough of Bexley care leavers
- g) Applicants who have spent time away from the borough in an institution which includes prison, mental health institutions and drug and alcohol treatment centres and lived in the borough prior to their admission and immediately return to the borough upon their release and both periods of residency add up to a period of five years.

The Head of Housing may waive the five-year residency rule in other exceptional cases.

## **B) Unacceptable behaviour or actions**

The Council will exclude an Applicant from the housing register where the Council are satisfied that having considered all available evidence that the person is guilty of serious unacceptable behaviour.

Unacceptable behaviour is behaviour which, if the person was a secure tenant, would entitle the Council to obtain a possession order against them on one or more of Grounds 1 to 7 of Schedule 2 of the Housing Act 1985.

This includes:

- failing to pay rent
- breaching a term of the tenancy agreement
- causing a nuisance or annoyance to neighbours
- assaulting or persistently using abusive or racist language towards a member of the Council's or the landlord's staff or a contractor
- being convicted of an arrestable offence committed in, or in the vicinity of, their home
- causing the condition of the property to deteriorate by a deliberate act or by neglect
- making a false statement to obtain a tenancy

## **C) Applicants who do not qualify for any priority Band under the criteria set out below**

### **D) Homeowners**

Applicants will not qualify if they already own, or part own a residential property including under a shared ownership or subsidised scheme in the UK or abroad. This includes people who own residential caravans or houseboats or properties abroad.

At the discretion of the relevant appropriate senior manager an applicant may be accepted onto the housing register where the owned accommodation is no longer suitable on medical grounds (as assessed against the council's medical criteria) and they do not have the financial resources available to them to meet their own housing costs through the sale of the property.

Exceptional circumstances will be considered on a case-by-case basis and at the Council's sole discretion.

### **E) Providing inaccurate information**

The Council is satisfied following investigation that a criminal offence has occurred under S171 Housing Act 1996 or S2 and S3 Fraud Act 2006 because the Applicant or anyone providing information on their behalf has knowingly or recklessly make false statements or withheld reasonably requested information relevant to their application at any stage of their housing register application.

## **Notification to Applicant if ineligible/Disqualified to join the Housing Register**

Applicants who are ineligible and/or disqualified by any of the criteria set out above will receive a letter setting out: -

The Council's decision

The Applicant's right to request a review of that decision

Advice and information on alternative housing options

Where an Applicant subsequently becomes ineligible or disqualified the housing application will be cancelled and the Applicant will receive written confirmation which will include the right to seek a review and advice on alternative housing options.

An Applicant who is found to be ineligible or not to be a qualifying person can apply to join the Housing Register again in the future if they can demonstrate they meet the eligibility and qualification criteria.

The Allocations Service aims to register applications from eligible and qualifying applicants within 56 days and a letter of confirmation will be sent to the applicant giving details of:

- Registration number
- Band,
- Band date
- Size of home for which they will be considered.

## How to apply to the Housing Register

All Applicants for social housing, or people who are tenants of social housing operating in the London Borough of Bexley, are required to complete an on-line Housing Register Application Form which can be found together with additional explanatory information at <https://www.bexleyhomechoice.org.uk/>. Applicants will be requested to provide supporting documentation in order to enable their application to be properly assessed. Applicants must provide information within any reasonable timescales given to them. Failure to do this may lead to their application being cancelled.

Applicants who require assistance to complete an application should contact the Citizens Advice Bureau.

## Who can be included on a Housing Register Application

An Applicant can only include members of their immediate family who normally live with them or would if it were possible for them to do so or other people who have an exceptional need to reside with the Applicant.

Members of their immediate family are spouses or civil partners, partners and dependent children under the age of 21. Only the applicant's own children, where the applicant is the sole legal guardian, will be accepted as part of the household. Where there is another legal guardian, a decision will be made on a case-by-case basis to agree whether it is reasonable to accept the child as part of the household on the application. Proof of Child benefit will also be required to confirm residency of children.

Members of the family who are resident outside of the UK will not be included in the application until it can be clearly shown that they are lawfully resident in the UK and reunited with the family.

Where an Applicant wishes to include someone other than an immediate family member they will only be accepted as part of the household they are already residing with the Applicant and it can be shown there is an exceptional need for that person to reside with the Applicant.

Examples of exceptional need include: -

A child of the Applicant or partner aged 21 or over who cannot live independently because of a disability and is already residing with the Applicant or partner at the time of the application.

A carer of a household member who is unable to receive a care package and there is no member of the household who can provide it

An adult relative who has a longstanding arrangement to reside with the applicant and resides with the Applicant at the date of the application in order to receive care that cannot be provided elsewhere.

Applicants should explain in their application why it is necessary for a person who is not an immediate family member to reside with them and should be prepared to provide evidence that is requested to support that application.

Where an application is made by a person who shares residency of children and the Applicant wishes to include those children as part of their housing register application the Council will consider the housing position of both partners.

If one parent has adequate accommodation for the children then the children will not be taken into account on the other's parent's application.

Where no formal arrangements are in place then the Council will look at the existing arrangement between the parents taking into account such factors as where the children are resident, which partner has financial responsibility for the child, where the child's school is located and where the healthcare services are located.

## Keeping your application up to date

If there are any changes to an Applicant's details it is the responsibility of the applicant to inform the Council immediately and to promptly provide any documentary evidence of the change requested by the Council. The Council will then assess whether this information results in a change to the Applicant's eligibility qualification or priority banding. If there is such a change then the Council will advise the Applicant of that change in writing. The Council may suspend the application whilst the change is processed if it is likely to result in a change of banding or the size of the property needed.

Where Applicants do not advise the Council of a change of their contact details and the Council are unable to contact them the Council will assume that they no longer require assistance and will remove their application from the housing register.

The Council will periodically review all housing register applications and will ask Applicants to renew their applications and confirm that their household circumstances have not changed.

Applicants will be required to respond within 28 days of the request and, if the applicant does not renew their request, it will be assumed the Applicant does not require assistance and they will be removed from the register.

If the Applicant's circumstances have changed then the application will be reassessed as detailed in this policy.

Joint tenancies will only be granted to spouses, civil partners or partners who have been in a proven relationship of more than 12 months. Joint applications to the register should therefore only be made by persons who satisfy the criteria.

## Removal from the Housing Register

An Applicant will be removed from the Housing Register if:

- They are found never to have been, or have ceased to be, an eligible person
- They fail to renew their application following a review of the register
- They display unacceptable behaviour including persistent abusive or racist language directed at Council staff or other partner organisations.
- They have successfully bid for and subsequently received three reasonable offers of accommodation and have refused all three offers.
- For those owed a homelessness duty where they have received a direct offer of accommodation or bid for and received an offer of accommodation and refused one reasonable offer
- Other Applicants who have received a direct offer of accommodation (see below) and have refused one reasonable offer
- They have been re-housed

Where a bid is successful and the corresponding tenancy is secured, the household concerned will have its registration details and registration number removed from the Housing register. Once removed from the register, applicants may not register for 24 months commencing the date of the offer of accommodation unless their housing priorities set out in Priority Bands, One, Two, Three or Four.

The Applicant will be notified in writing if the Allocations Service is intending to remove them from the housing register and will be given the reasons for removal. If the Applicant subsequently gives reasons why they believe they should not be removed from the register a formal review of their case will be undertaken.

## Deferral on the Housing Register

Where an Applicant deliberately worsens their own circumstances, which results in their application being placed in a higher band they will be deferred for a period of 12 months.

Where an Applicant is suspected or alleged to have committed a criminal offence under S171 Housing Act 1996 or S2 and S3 of Fraud Act 2006 in connection with their application the housing register application will be marked as deferred whilst the appropriate investigation takes place. There will be no offers of accommodation made during this time.

## The Banding Scheme

The table below sets out the banding system and the level of priority assigned to the various groups.

Band	Category of Need	Criteria
1	Emergency Medical or welfare needs in accordance with the Council's medical assessment process.	Granted in exceptional circumstances (see definition below)
1	Unsanitary or overcrowded housing or otherwise unsatisfactory housing conditions	There is a significant risk to the health and wellbeing of the occupiers of the property or the property has a legal order requiring it cannot be used (see full definition below)
1	Armed Forces with additional needs	Armed forces personnel or former personnel or their bereaved spouse or civil partner with urgent housing needs
1	Management Priority Cases	Agreed at the discretion of the Head of Housing
2	Accepted Homeless Cases who are homeless eligible for assistance unintentionally homeless and in priority need.	Accepted Homeless cases who are owed the full homeless duty under Part VII Housing Act 1996
2	Urgent Medical Grounds	Urgent medical priority will be awarded where the applicant's or a member of the household's has an extremely urgent and immediate need to move for medical reasons or due to a disability, which is being exacerbated by their current housing situation
2	Releasing an Adapted Property	This priority will be awarded to Housing Association tenants occupying a Property which has substantial adaptations, and the adaptations are no longer required by the current residents and the adapted property is offered to the Council for nomination
2	Under occupiers	Existing Housing Association tenant's resident in a property for which the Council has nomination rights who are prepared to move to a property with less bedrooms
3	Overcrowded	This priority will be awarded where an applicant is living in overcrowded conditions as defined by the bedroom standard



3	Homeless People owed a prevention or relief duty	Applicants owed a S195(2) Prevention duty or S189B Relief Duty for as long as that duty is owed to the applicant
3	Moderate Medical Need	This priority will be awarded where an applicant suffers with a moderate medical condition which is being adversely affected by their current housing situation to a more than minor degree
3	Young People Leaving Care	Young People leaving Care who are fully supported by the Council's Children's services and there is evidence that the young person leaving care is tenancy ready for independent accommodation
4	Armed Forces	Armed forces personnel or former personnel or their bereaved spouse or civil partner
4	Applicants for Sheltered Housing	Applicants who are applying for sheltered housing who have no other priority need.
4	Hardship	Applicants who qualify under 'hardship grounds'
4	Homeless People	See Below.

## Definitions:

### Band 1 Emergency Medical or Welfare Needs cases

The Council recognises that there may be some exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. In the interests of fairness, these circumstances will be kept to a minimum and the decision to award emergency priority can be made by a senior manager based on the individual circumstances of the household.

It will usually consist of a combination of exceptional social/welfare/safety/medical and urgency factors affecting an applicant or their household that cannot be adequately dealt within the normal rules of the Allocation Scheme.

They may include, but are not limited to:

- Situations where there is a threat to life.
- Emergency cases where homes are damaged by fire, flood or other disaster if it is not possible to repair the existing home, or any repairs will take such a long time that there will be serious disruption to family life.
- Households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continued occupation would pose a threat to the community.
- Cases nominated under the Police Witness Protection Scheme or other similar schemes that the Council has agreed to be part of.
- Cases with an exceptional need not covered by this allocations policy, including where child or public protection or severe domestic abuse issues has led to the need for rehousing and where all other options to remain in the home have been considered.
- Applicants approved as having very serious social needs and whose cases are supported by Social Services as requiring urgent assistance.

- Other exceptional circumstances as authorised by the Head of Housing.

### **Band 1 Unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions**

Households living in conditions which give rise to an imminent risk of serious harm and where the Council has served a Prohibition Order under Part 1 of the Housing Act 2004.

Where an officer from the Council has determined that a private sector property (tenanted) contains one or more serious Category 1 hazards as defined by the Housing Health & Safety Rating System that are having a severe impact on the household.

Where there is a significant risk to the health and well-being of the occupants, and where there is no prospect of the issues being remedied in a period of time that the Council considers reasonable.

Demolition or Compulsory Purchase Order (CPO). Where the applicant's property is subject to demolition or subject to a CPO for redevelopment and where the said household is particularly vulnerable, e.g., being surrounded by voids and therefore isolated.

Applicants without access to all the following facilities:

- A bathroom or kitchen
- An inside WC
- Hot or cold water supplies, electricity, gas or adequate heating

Applicants who have access to shared facilities in shared accommodation will not qualify under this criteria.

For tenants of housing association properties in Bexley or beyond or of another local authority the imminent risk of harm will be assessed taking into account the responsibility on that landlord to resolve the problem or to transfer the tenant immediately. Therefore, only in exceptional cases, e.g. where it would be unreasonable or impossible for the HA or LA landlord to resolve the risk of imminent harm will priority be awarded.

### **Band 1 Armed Forces personnel in urgent housing need**

A person with urgent housing needs who qualifies for priority under another category of need in this policy (other than Band 4 Armed Forces) and who –

- (i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- (ii) formerly served in the regular forces,
- (iii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- (iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

For this purpose, "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.

### **Band 1 Management Priority Cases**

Exceptional circumstances giving rise to urgent housing need not described or anticipated by this scheme, as determined by the Head of Housing.

**Band 2 People who are homeless within the meaning of Part V11 of the Housing Act 1996; and people who are owed a homelessness duty by the local authority under Part V11 of the Housing Act 1996 Homeless applicants who are Eligible, Unintentionally Homeless and in Priority Need.**

The Localism Act 2011 gives the Council the power to end the full housing duty by offering a suitable private rented home with a fixed term tenancy without the Applicant's consent. This applies to all cases accepted after 9 November 2012.

**Band 2 Urgent Medical Grounds**

Applicants will be awarded an Urgent medical priority where the applicant's or a member of the household's has an extremely urgent and immediate need to move for medical reasons or due to a disability, which is being exacerbated by their current housing situation.

Medical priority is not awarded solely on the existence of a medical problem. It is only awarded where the health of an Applicant, or a member of their household, is made significantly worse, or prevented from improving, by their accommodation and would be demonstrably improved by a move to alternative accommodation.

The appropriate Council officer will carry out the assessment and will obtain the necessary appropriate medical specialist advice.

**Band 2 Releasing an Adapted property**

Households who are living in an adapted property where the adaptations are no longer required by a member of the household and the Council is satisfied that the level of adaptations carried out at the property and the current demand for that type of adaptation are significant.

**Band 2 Under occupiers**

Social housing tenants who are under occupying their current property and wish to transfer to a property for which they are eligible with fewer bedrooms. This is assessed in accordance with the Housing Benefit Size Criteria (Welfare Reform Act 2012)

**Band 3 Overcrowded**

Applicants who are living in overcrowded conditions. The Council will be using the bedroom standard

The Council will use the bedroom standard as the measurement of overcrowding for allocation purposes with the amendments set out in the paragraph below.

A separate bedroom will be allocated to:

- Married or cohabiting couples
- Person aged 18 or more
- Pair of children less than 18 years of the same gender
- Pair of children aged under 10 years regardless of gender

Priority will not be given for overcrowding if it is as a result of a deliberate act or omission where people have moved into the household to create overcrowded conditions.

For the purposes of this definition a bedroom will be classed as a room that would normally be used as a bedroom. Rooms of a size less than 50 square feet (4.65m<sup>2</sup>) are disregarded.

The Council will apply the following additional criteria in the assessment of overcrowding:

- Non family members will not be considered within the household group. Extended family members will be included if they need to live with the family to receive care and support
- In assessing an application, a second living room or parlour is counted as a bedroom

This banding will not apply where Applicants have moved into private sector accommodation or other accommodation that is too small for their needs, when they could reasonably have been expected to find more suitable accommodation or if they have allowed friends or relatives to reside with them who do not form part of their household.

### **Band 3 Homeless People owed a prevention or relief duty**

These Applicants are those who are homeless under part VII of Housing Act 1996 and who are owed a duty by the Council under Prevention Duties (s195(2) Housing Act 1996) or Relief Duties (S189B Housing Act 1996). Applicants will only remain in this band for so long as these duties are owed. Once the duty is discharged then the applicant's banding will be reviewed, and the appropriate alternative banding applied.

### **Band 3 Non -Urgent Medical Needs**

Applicants suffering medical needs where their current accommodation no longer remains suitable, and they do not require urgent rehousing. An appropriate Council Officer will assess the medical evidence provided and take any appropriate medical advice.

### **Band 3 Young People Leaving Care**

Applicants who are Care Leavers and looked after children by the London Borough of Bexley who are aged 18 to 25 years old. These applicants will only be allocated accommodation when they: -

- Possess the life skills for independent living and to manage a tenancy including managing a rent account
- A support package has been assessed and is in place

This decision will be taken by the relevant Housing Officer in conjunction with the Care Leaver's Personal Adviser.

Applicants in this category may also be made the offer of a private rented sector home.

### **Band 4 Armed Forces**

Should an Applicant satisfy the following definition of Armed Forces then they will be eligible to be included on the register even without any other urgent housing need:

- a) Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Forces at any time in the 5 years preceding their application for an allocation of social housing.
- b) 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.
- c) Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

### **Band 4 Sheltered Housing**

Those Applicants who wish to move from general needs social housing accommodation to sheltered/older persons housing, but do not have any other priority need. In order to qualify Applicants

will need to be over the age of 55 years. Where the Application is made jointly, and one applicant is under the age of 55 this will be assessed on a case-by-case basis.

### **Band 4 Hardship**

Those with a proven need to move to a particular locality in Bexley. Applicants in this category include those who need to move to enable care and support to be given or received, specialist medical treatment to be received or to take up employment or training.

### **Band 4 Homeless People**

Applicants who are homeless within the meaning of Part VII of the Housing Act 1996. Including those found to be intentionally homeless or homeless but not in priority need

Applicants who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s192(3).

## **Band Dates**

An Applicant's position on the register, and within bands, will be determined by the band date. The original band date will be the date the Applicant was accepted onto the Housing Register.

- **Moving up a band**

When an Applicant moves up a band the band date will be the date it was agreed that the Applicant's priority should be increased.

- **Moving down a band**

When an Applicant moves down a band because their priority has reduced their original band date will be used to determine where they are placed in the lower band.

If an Applicant is moved down from a priority band due to a change in circumstances, they will only be given the benefit of the original band date if they move back within 6 months due to the same set of circumstances. If there are a different set of circumstances, they will enter the band at the new band date.

If an Applicant is a former homeless applicant and falls within the category in 3.1 A) e of this policy they will be given their original band date prior to the acceptance of the qualifying offer upon reapplication to the Housing Register within the specified two year period.

## **Size of Property**

The Council uses the Government Bedroom Standard to decide the size of home an Applicant needs with the exceptions that the Council will allocate a separate bedroom to

- Person aged 18 or more
- Pair of children less than 18 years of the same gender

In exceptional circumstances the Council may exercise its discretion in exercising the bedroom standard. Examples of when this may be exercised more flexibly include when an Applicant or a member of their household has medical needs which requires an additional room for a carer or medical equipment. Such cases will be dealt with on a case-by-case basis which will include a full assessment of the care funding available.

## **Assessment of Applicants - Mobility Needs**

Accessible homes that have been adapted, or are suitable for adaptation, for households with mobility needs are also advertised through the Choice Based Lettings Scheme.

If an Applicant advises the Council that they, or someone in their household, have a mobility need this will be assessed taking into account all medical evidence submitted and advice from the Council's Medical Reviews Officer if appropriate.

The Medical Review Officer may carry out a home visit to assess the Applicant's mobility needs and will provide a written report to the Council which will help to inform a decision regarding the Applicant's mobility need the applicant should be placed in, the type of property required, and if any adaptations to that property are required.

## **Verification of details and rent arrears policy**

The Council may verify the details provided to the Council by an Applicant at any time.

This verification may include the applicant providing to the Council prescribed information and proofs and may involve a visit to the Applicant's current home. The Council may also make its own checks to verify the information being provided. Failure to engage with the verification process may result in the Council cancelling the housing application.

Social housing tenants being considered for a transfer will be expected to have a clear rent account before an offer is made.

Social housing tenants who hold a probationary tenancy may need their landlord's permission to move if they are successful in bidding through Bexley Home Choice.

## **Bexley's Choice Based Lettings Scheme**

The homes to which the Council have nomination rights are let through the Choice Based Letting System (CBL). A list of available properties is advertised every week on CBL and Applicants who have been accepted on to the Housing Register can bid for suitable properties. Suitability factors include the type of property whether it is a house, maisonette or flat, the size of the home, the floor level of the home, whether the home has lift access, the adaptations carried out to the home, any restrictions relating to the home for example age or pet restrictions and the area in which the home is located.

Once the bidding period is over a shortlist of applicants is drawn up. The shortlist is produced by placing the applicants in priority order based on priority band and then those in the same priority band will be prioritised according to their priority within the band. This is usually date order from the date of approval within the band.

The final decision to award a tenancy will be made by the social housing provider. In making this decision it is expected that it will normally be offered to the Applicant who is in the highest priority band according to date, however other factors can be taken into account including former and current rent arrears, any history of anti-social behaviour and whether the Applicant is currently on a probationary tenancy.

There are also occasions where the Council will make direct offers to applicants rather than advertising on CBL. This option will be used for exceptional cases and where it is in the Council's financial or strategic interests. Further information on Direct Offers is set out below.

The Council will also give priority to certain categories of need where it is considered that this is necessary in order to achieve broader Council priorities. This can be through a Local Lettings Plan for new build properties, and on a case by case basis.

Choice must also be set against the need for the Council to urgently resolve some applicants housing situations (for example where an applicant is owed a statutory homeless duty) and therefore in certain circumstances choice may need to be restricted. For any applicant owed a homelessness duty under section 195, 189B, 193(2) or 193C(4) of the Housing Act 1996 Part 7, as amended by the Homelessness Reduction Act 2017, the Council may in the Council's absolute discretion make a direct offer of suitable accommodation including a PRSO where the Council is legally able to do so at any time in order to resolve the threat of homelessness or homelessness itself.

An offer of suitable accommodation could be made in any area that the Council considers is suitable for the applicant to live. However, the Council will always ensure that any offer is suitable, reasonable and affordable.

Following verification (if required) the Housing Association will issue an invitation to view a property. This invitation will be made by either letter SMS text or email. The Applicant will then need to confirm their attendance as required by the housing association. Lack of confirmation may result in the applicant's appointment for viewing being cancelled.

The Applicant is then given full property details by the Housing Association.

The Applicant will then be advised whether they are the successful applicant and will need to make a decision about whether they will accept the home. If they accept then they will be given an appointment by the Housing Association to sign the tenancy agreement and receive the keys to the property.

Where an applicant has failed to attend a viewing, accept an offer, or failed to sign a tenancy the Council has the discretion to remove the Applicant from the housing register. If the Council intends to exercise this right they will write to the Applicant and give them the opportunity to make representations before a final decision is reached. The final decision to remove the Applicant will be given in writing and will give the applicant a right of review.

Where a **direct offer** has been made a one reasonable offer policy will apply to:

- Homeless households
- Urgent transfers
- Social needs referrals
- Reciprocal

For all cases where an Applicant refuses a direct offer, other than homeless cases, the Allocations Officers will fully consider the reasons for refusal. If the offer was suitable for the applicant and their household needs. The Applicant will be advised of the decision in writing and will be removed from the Housing Register.

If the Applicant is an accepted homeless case. The offer letter will set out that they can

- Accept the property
- Accept the property and seek a review
- Refuse the property and seek a review
- Refuse the property and find their own accommodation

If the Applicant refuses the offer of permanent accommodation, then the Housing Options officers will fully consider the reasons for refusal. If the offer was suitable for the Applicant and their household needs, then no further offer will be made.

The Applicant will be informed verbally and in writing that the Council has discharged housing duty under Housing Act 1996. If the Applicant is occupying temporary accommodation this will be terminated giving reasonable notice. The applicant will then be expected to find their own accommodation.

The Applicant will be advised of their right to a review of this decision and, if a review is requested, the Council's Reviews Officer will carry out the review and notify the applicant of the timescale and subsequently the outcome of the review in writing. If the decision on review upholds the original decision, then no further offers of accommodation will be made. If the decision on review overturns the original decision, then a further offer of accommodation will be made.

## Refusal of applicants on a shortlist

Housing Associations may refuse a nomination by the Council including:

- Where there is a mismatch between the Applicant's needs and the size of home for which they have been nominated
- Where the Applicant has previously been evicted by the Housing Association for a serious breach of tenancy conditions and they consider it unreasonable to grant a tenancy
- Where a particular home has been designated for use by a particular category of applicant and the Applicant does not fall within that category
- Where it is known that the Applicant has been convicted of a serious criminal offence of an antisocial nature.
- Where a social housing tenant has not completed their 12-month probationary tenancy the receiving landlord has discretion to refuse.

This list is not exhaustive and there may be other circumstances in which the association has good reason to consider refusal of the applicant for a property.

The Applicant will be informed of the Housing Association's decision and unless there is a good reason to withhold it the reason for the Association's decision.

## Local Lettings Plans

Local Lettings Plans ("LLPs") are sometimes put in place for a specific area or estate in response to particular local circumstances. They are designed by the housing associations following detailed consultation with the Council and an equality act assessment.

LLPs may cover an area, an estate or a single block. Once agreed these schemes will have their own allocations criteria.

LLPs are designed to meet the particular needs of a local area and will be evidence based.

They will include a clear commitment to equality of opportunity, the provision of clear and accurate information to applicants and an appeals mechanism.

The aim of local lettings schemes is to work towards more balance within local communities to result in outcomes that reflect the wider community and address issues such as child density and the proportion of households in employment in any one area or estate.

Working towards more balanced communities may mean housing a mix of:

- a) Different household types;
- b) Households of different ages and/or with children of different ages;
- c) People who are in paid employment and those who are not in paid employment;
- d) Families which have one parent and those which have two parents;



- e) Households that have previously had a tenancy and those that have not; The precise approach to be adopted will reflect the particular problems of an area or estate.

## **Pilot Schemes**

From time to time the Council will work with housing association partners to pilot schemes to make best use of social housing stock. Full details of any current scheme will be published on Choice Based Lettings.

## **Reciprocal arrangements**

In very specific circumstances the Council may request or agree a reciprocal arrangement with another local authority or a housing association.

A reciprocal arrangement is when another local authority or a housing association request their tenant is housed by the Council in return for which they will offer a Bexley Council applicant a similar home from their own housing stock. Tenants cannot request a reciprocal arrangement.

The Council is under no obligation to accept a reciprocal arrangement and will only consider the request in the following circumstances:

- If the nominated person is at risk in their current property and needs to move due to exceptional circumstances.
- The referring organisation is unable to intervene to rehouse the applicant or mitigate the risk themselves.

If accepted assistance will be provided on the following basis:

- The Allocations Service will have nomination rights to the resulting vacancy or a property of similar type/size.
- The application will be placed in Band One as an exceptional case and be made one reasonable offer.
- The offer of accommodation will be at a safe distance to the present accommodation.

Any allocations made will be subject to the Council's allocation policy.

## **Confidentiality and Sharing information**

All personal information provided by or on behalf of applicants to the Council is treated with the utmost confidentiality and in accordance with the Council's data protection policies.

Applicants should be aware that by signing the Housing Register Application Form that they are giving their consent for the Council to disclose information about them to prospective landlords for the purpose of nominating them for a housing association property or to obtain a tenancy in the private sector.

Personal information can be disclosed without the applicant's consent in the following specific circumstances: -

- As part of a criminal investigation
- Where there is a serious threat to the Applicant themselves or to another party's staff or contractors if the information is not disclosed.
- Where information is relevant to the management of a proposed landlord to ensure the health and safety of the applicant themselves, a member of the Applicant's household or a member of staff of the landlord.

## Access to an Applicant's personal information

In accordance with the Data Protection Act 2018 all housing Applicants have a right to see information about them which is held by the Council.

All requests for access should be made to the Council's Housing Options Team in writing. A fee may be charged for this service.

If an Applicant believes that the information held on their record is inaccurate then it is open to that applicant to apply to the Head of Housing to have that information corrected or erased.

If the Head of Housing does not agree the information is inaccurate then the Applicant may submit an internal review within 21 days of receipt of the decision.

There are circumstances where the Council may refuse to disclose information to an Applicant and these include where a disclosure may identify a third party and that party has not given their consent to disclosure or where information is held for the purposes of prevention or detection of crime or in respect of legal proceedings. The applicant will be advised of the Council's refusal and if appropriate the reason for the refusal.

## Providing inaccurate information

Applicants should be aware that it is a criminal offence under S171 Housing Act 1996 or S2 and S3 of Fraud Act 2006 for Applicants or anyone providing information on their behalf to knowingly or recklessly make false statements or withhold reasonably requested information relevant to their application at any stage of their housing register application.

Where an offence is suspected or alleged then the housing register application will be marked as deferred whilst the appropriate investigation takes place. There will be no offers of accommodation made during this time.

Where the outcome of the investigation is that the Council is not satisfied that an offence has been committed the application will be released from deferral and fully reinstated.

Where the outcome is that the Council is satisfied that an offence has been committed then the Applicant will be disqualified from joining the register and will be removed. A referral will be made to the Council's Legal Service for a criminal prosecution to be undertaken which could result in a criminal record, a fine or imprisonment.

## Review arrangements and rights to information

Under s.166A(9) Housing Act 1996, an Applicant has the following rights to information about their application:

- (a) the right to request such general information as will enable them to assess—
  - (i) how their application is likely to be treated under the scheme (including in particular whether they are likely to be regarded as a member of a group of people who are to be given preference by virtue of subsection (3)); and
  - (ii) whether housing accommodation appropriate to their needs is likely to be made available to them and, if so, how long it is likely to be before such accommodation becomes available for allocation to them; and
- (b) the right to request the Council to inform them of any decision about how their case has been assessed which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

Housing authorities must inform Applicants that they have the right to information about certain decisions which are taken in respect of their application and the right to review those decisions (s.166(1A)) Housing Act 1996.

By virtue of s.160ZA (9) and (10) housing authorities must notify an Applicant in writing of any decision that he or she:

- is ineligible for an allocation of accommodation under s.160ZA(2) or (4), or
- is not a qualifying person under s.160ZA(7).

The notification must give clear grounds for the decision based on the relevant facts of the case.

Section 160ZA(10) provides that, where a notification is not received by an Applicant, it can be treated as having been given to him or her, if it is made available at the housing authority's office for a reasonable period.

Where the Council considers that an applicant may have difficulty in understanding the implications of a decision on ineligibility or disqualification then it will as a matter of good practice make arrangements for the information to be explained verbally in addition to providing a written notice.

Applicants can seek a review of the Council's decision under S166A(9) Housing Act 1996 in relation to :-

- Whether the Applicant is eligible for an allocation of accommodation
- Whether the Applicant is a qualifying person
- How the Applicant's case was assessed in considering whether to allocate accommodation to the Applicant. This could include factors such as the type of property for which an Applicant will be considered, the extent of the Applicant's household to be housed with the Applicant, the Applicant's medical condition and welfare needs, factors considered to determine the Applicant's reasonable preference, factors considered to determine if the Applicant has additional preference on the grounds of urgent housing needs or the Applicant's priority including her/his financial needs, behaviour and local connection.

Such request should set out the full reasons for the lack of response.

Homeless applicants have an additional right of review under S202 of Housing Act 1996 with regard to the suitability of any offer made under this allocations policy.

## **Procedures on review**

Applicants will be informed of the timescale within which they must request a review. Usually this will be 21 days from the date the Applicant is notified of the decision. In exceptional circumstances and at the Council's absolute discretion this time limit can be extended.

Applicants should be notified that the request for review should be made in writing, and that it would also be acceptable for the request to be submitted by a representative on their behalf.

When a review request is received the reviewing officer will write to the applicant confirming receipt of the review request and will set out the reviews process. Such acknowledgement will invite the Applicant, or someone authorised to act on their behalf to make any further written and/or oral representations in support of the review.

The review will be carried out by an officer who is senior to the person who made the original decision.

The review will be considered on the basis of the authority's allocation scheme, any legal requirements and all relevant information. This should include information provided by the applicant on any relevant developments since the original decision was made for instance, the settlement of arrears or

establishment of a repayment plan, or departure of a member of the household responsible for anti-social behaviour

Reviews will be completed wherever practicable within a set deadline of eight weeks.

The Applicant will be notified of any extension to this deadline and the reasons for this.

Applicants will be notified in writing of the outcome of the review. The notification will set out fully the reasons for the decision.

## Complaints Procedure

Complaints about the way the Council has administered its allocations policy and its associated procedures should be made using the complaints form found on the Council's website. If after taking the matter through the Council's complaint's procedure the complainant is not satisfied, then they can take their complaint to the Local Government Ombudsman.

## Appendix A: Medical Criteria

The Council's medical assessment officer is responsible for assessing housing and health related needs, including the need for suitable accessible housing and any vulnerability you may have and reviewing your priority awarded. In some circumstances the Council may use another medical professional in place of the medical assessment officer to review your application form.

People with mobility needs can have very different requirements for adaptations to a home. As a guide to help people make informed choices about bidding for suitable available homes, Bexley Home Choice will use the following categories to identify the mobility needs of those using Bexley Home Choice and to show the types of adaptations in homes:

### Sheltered Housing

To be considered for sheltered housing an Applicant must normally be over 55 years of age and meet one of the following criteria

- i) Where the housing environment presents critical or substantial difficulties in relation to the older person's physical functioning and the physical structure of the Applicant's home is such that they can no longer be expected to live there.

This includes:

- where an older person is confined to their home due to inadequate access facilities.
  - where the older person is unable to, or is having difficulty accessing, essential amenities and this is causing problems with essential functioning such as preparing meals, sleeping, toileting, washing and bathing.
- ii) Where the unsuitable housing environment may cause a breakdown in care arrangements and/or the person being placed in residential care.
  - iii) The person is living in accommodation, or an environment, that is having a serious affect on their mental, physical or emotional wellbeing.

The following **may** result in an applicant being excluded from sheltered housing.

- A current substance misuse dependency
- A recent and sustained history of aggression, violence or threatened
- violence where this may represent a risk to other tenants, staff or neighbours • A history of premeditated arson, or regular arson attempts, where this
- may represent a risk to other tenants, staff or neighbours .

- Support needs over and above that provided by the sheltered provider and relevant agencies for a particular scheme.

If the Applicant disagrees with the decision they shall be advised of the appeals mechanism operated by the provider. The final decision will be the providers but will be taken in consultation with the local authority.

## Physical Disability

Where the housing environment presents critical or substantial difficulties to the disabled person in relation to their physical functioning which would include where:

- Significant health problems have developed, causing severe functional difficulties within the property.
- The person is housebound as they are unable to transfer independently through the property's threshold or communal access.
- No adaptations can be made to the property to help with the functional difficulties.
- The carer is put at high risk to aid the person and/or there will be a breakdown of care causing the person to be placed into residential care.

To assess if a person meets the criteria the following will generally be expected:

- The disabled person will have a recognised medical diagnosis which is confirmed by a consultant with details of treatment received
- The disabled person will have severe mobility problems as assessed by the SNHT following a full functional assessment.

## Mental Health

All Applicants will be expected to meet the following criteria:

- Have a severe and enduring mental illness,
- Be subject to a CPA and/or currently having, or recently have used Bexley Mental Health Services.
- Their current accommodation should be presenting an evidenced high risk to their mental wellbeing.
- People, requiring urgent/same day assistance such as those at risk of hospital admission whose present accommodation is detrimental to their mental wellbeing and/or physical/ emotional/ psychological needs. or who pose an immediate risk/danger to themselves/others/carers;
- People who are in a crisis situation, are highly vulnerable in mental health terms and, for example, are being discharged from hospital where their home is not suitable for them to return to.
- People experiencing repeated admissions to hospital as a direct result of their current accommodation being detrimental to their mental wellbeing;
- People currently residing in a supported housing/supported lodgings placement, Chapel Hill Hostel or other residential setting, including mental health in-patient rehabilitation services.
- Applicant households with children receiving intervention from Council's Children Services or a looked after child in the household, where current accommodation has a significant impact on mental wellbeing and family functioning.

## Other medical problems

- Where a person's medical condition makes it more difficult for them to share essential facilities with others who are not members of their immediate household such as Crohns Disease or a

similar type of condition, a skin condition which requires regular bathing, diabetics requiring injections therefore storage of insulin and needles.

- Where the health of a person with a serious medical condition or disability is seriously affected due to their current housing circumstances.
- Where an unsuitable housing environment may cause a breakdown in care arrangements and/or a person being placed in residential care.
- Where the person's medical condition requires treatment at home and space is not available for equipment or storage of equipment, e.g. kidney dialysis

### **Request for separate bedrooms**

- Where a 24-hour carer is required after the level of functioning has been assessed and continuous care funding has been agreed.
- Specialist equipment is required in the bedroom and this is impossible due to the lack of space.
- The management of a person with behaviour problems, due to a recognised medical condition where there is a confirmed diagnosis, is made more difficult due to the present accommodation, such as a child with ADHD, Autism or similar requiring their own bedroom. The criteria is as follows: Where a child has a confirmed diagnosis of ADHD or Autism and their behaviour is such that another person within the family would be at a proven critical risk if a bedroom was shared and there are no other arrangements that can be reasonably made within the accommodation.
- And in receipt of high-level care & mobility component of benefits.

### **Currently occupying adapted accommodation**

Where a social housing tenant occupies a property that has substantial adaptations that are no longer required by a member of the household consideration will be given to awarding a medical priority for a move to alternative accommodation to free up the vacancy. This will be dependent upon the level of adaptations within the property and the demand for that type of housing.