

# **Wokingham Borough Council**

## **Housing Allocations Policy**

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#### **Contact us:**

If you have any queries or require any help, please contact us.

Call: 0118 974 6000

Visit our Housing Online website:

<https://www.wokingham.gov.uk/housing-and-tenants/housing-needs/register-for-council-housing/>

General enquiries email:

[housing.needs@wokingham.gov.uk](mailto:housing.needs@wokingham.gov.uk).

Housing Online/housing applications email:

[housingonline@wokingham.gov.uk](mailto:housingonline@wokingham.gov.uk).

## Introduction

1. Every local authority is required to have a Housing Allocation Policy (sometimes referred to as an allocation scheme). This document is Wokingham Borough Council's revised Allocations Policy in accordance with the requirements of The Housing Act 1996 (Part VI) as amended. This policy determines how Wokingham Borough Council will allocate to available social housing stock in the Borough and set priorities between applicants.
2. Wokingham Borough Council had adopted a direct lettings approach. This policy covers the allocation of the Council's vacant housing stock and the nomination of any applicant under the scheme to be an assured or assured shorthold tenant of a housing association when nomination rights apply.
3. This policy sets out who is, and who is not, eligible for social housing in Wokingham Borough and how the Council will make this assessment. It covers how applicants can apply for, and access social housing, the priority they will be given, and the order in which any offer of social housing will be made. The policy also determines how applicants are 'nominated' from the Council to vacant homes owned by Housing Associations.
4. This is a revised Housing Allocation Scheme and will take effect in respect of all allocations of housing on or after [insert date here](#) and the assessment of need and qualifying criteria set out in this policy will be applied to new and existing applicants from this date.
5. This is the Council's published Allocation Policy and can be viewed online here: [www](#). along with links to the working operational processes that are used to implement the policy. A copy of the full policy is also available free of charge.

### Policy Objectives

6. The aims of this policy are to:
  - Help applicants in housing need to find suitable accommodation.
  - Prioritise applicants, so that available housing is let to those in most need.
  - Make best use of the housing stock available.
  - Support sustainable communities.
  - Meet legal and good practice standards.
  - Ensure equal opportunities.
  - Work in partnership with other housing providers.
  - Provide a high quality service to customers.
  - To ensure that every customer is treated fairly and consistently irrespective of race and ethnicity, disability, gender/gender reassignment, sexual orientation, religion and belief and age.

### Legal & Regulatory Framework

7. This is Wokingham Borough Council's Housing Allocation Policy as required by Part 6 of the Housing Act 1996. Applicants are able to apply for housing and all applications will be fully assessed. In developing this policy, the Council has followed and fully considered the following housing legislation, regulations, statutory guidance, and strategies:

- 1) The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)

- 2) The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- 3) Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”;
- 4) Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”.
- 5) Improving access to social housing for members of the armed forces: Statutory guidance issued by MHCLG June 2020
- 6) Plus the following statutory regulations:
  - a) Allocation of Housing (Procedure) Regulations 1997, SI 1997/483;
  - b) Allocation of Housing (England) Regulations 2002, SI 2002/3264;
  - c) Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
  - d) Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;
  - e) Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
  - f) The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
  - g) ‘The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)’
  - h) Right to Move guidance (DCLG, 2015)
  - i) Social Housing for Victims of Domestic Abuse in Refuges or other Types of Temporary Accommodation, guidance (MHCLG, 2018)
  - j) Homelessness code of guidance for local authorities (MHCLG, 2018)
8. In framing our allocations scheme this policy has had regard to the Council’s Homelessness and Rough Sleeping Strategy, Housing Strategy, and Tenancy Strategy as well as the Equality Act 2010.
9. In relation to f) above in accordance with the Right to Move statutory guidance on housing allocations for local housing authorities in England (Department for Communities and Local Government, March 2015) the Policy sets a limit of no more than 2% of lettings will be allocated to social housing tenants from outside of the borough who need to move for employment purposes.
10. All references to statutory materials are by way of summary and for convenience only, and are not to be used as substitutes for the details within the original.

11. The Council takes data protection very seriously. Applicants on the housing register have the right to see any entry relating to them that is held on the councils computerised systems. Where there is third party information held on file, the councils will seek their permission before disclosing documents to the applicant.
12. Information provided by applicants will be used to process their application and may be passed to third parties involved in assessing their application and offering accommodation.
13. Personal information provided to the Council as part of an application for housing will be processed and held in accordance with the General Data Protection Regulations.
14. This policy complies with the Council's statement on data protection. Please click [here](#) for further information. To view our privacy statement page, please click [here](#).
15. The Council is committed to ensuring that the Policy and the implementation of all associated guidance and procedures are non-discriminatory and that all applicants are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for Children, Section 11 of the Children Act. This policy complies with the Council's Equalities Policy, which can be viewed [here](#).
16. Details of the Council's complaints process can be found [here](#).

#### **Reasonable Preference**

17. The law, as it applies to local housing authorities, requires that the scheme be framed so as to secure that Reasonable Preference for housing is given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:
  - a) People who are homeless within the meaning of Part VII of the Housing Act 1996.
  - b) People who are owed certain homelessness duties by any local housing authority.
  - c) People occupying unsanitary, overcrowded or otherwise unsatisfactory housing.
  - d) People who need to move on medical or welfare grounds (including grounds relating to a disability).
  - e) People who need to move to a particular locality within the district to avoid hardship to themselves or others.
18. Wokingham Borough Council meets this requirement. Please refer to the banding scheme for further details.

#### **Choice**

19. Wokingham Borough Council is committed to offering applicants choice. All applicants have the opportunity to express preferences for certain areas in the borough (based mainly on parish boundaries).
20. The ability to satisfy choice preference may be limited by the housing pressures faced. Expressing a preference over where an applicant would prefer to live does not mean that preference can be met, nor prevent an applicant being offered suitable accommodation outside of their preferred area.

21. Offers made to applicants in Band One and Two are not required to be within an area of choice. Exceptional circumstances can be considered by a Senior Officer.
22. If an applicant owed any of the statutory homelessness duties set out below refuses a written offer of suitable social housing accommodation made through this policy, then the duty owed to them will be discharged.
23. A statutory homeless duty means:
  - a) The prevention of homelessness duty under Section 195(2)
  - b) The relief of homelessness duty under Section 189B(2)
  - c) Where the relief duty has come to an end and an applicant is then owed a section 190 intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty)
  - d) The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty.
24. Any applicant will be asked to state any area where they believe they cannot live due to fear of violence, harassment or domestic abuse. The Council will then consider the facts and decide whether the applicant can be allowed to restrict those areas.
25. Applicants over 55 years of age can be considered for a bungalow, sheltered accommodation and for extra care housing. This age restriction can be lowered in exceptional circumstances at the discretion of a Senior Officer, for example, if medical needs justify an allocation.
26. There is a limited supply of specialist housing in the borough. Should a void occur, the Council will make a direct offer to the most suitable applicant taking into account all of their circumstances, their housing need, and the suitability of the unit and scheme.
27. In cases where a household contains children solely aged 17 or over, our housing offer is likely to be a flat rather than a house.
28. Choice may be affected if:
  - You are receiving an offer of accommodation as a result of presenting to the Council as homeless. One suitable offer of accommodation will be made.
  - As part of the Multi-Agency Public Protection arrangements (MAPPA), a decision has been made to disallow an applicant from choosing where they can live.
  - Advice is provided from another agency (e.g. Police, Probation, Social Services) that leads the Council to decide there would be a risk to another person or the wider community or the applicant themselves from allowing that applicant choice.

### **Armed Forces**

29. The Council is committed to supporting the armed forces community and signed the Wokingham Community Covenant in 2013. Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 are exempt from local connection criteria. Please refer to the Banding Scheme at page 23 to review the preference given to members of the armed forces community.

30. Any lump sum received by a member of the armed forces as compensation for an injury or disability on active service will be disregarded for the purposes of assessing financial resources.

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## Eligibility and Qualification

31. The Housing Register is a single list of applicants in Wokingham Borough who qualify to be included on the scheme. It includes new applicants and existing social housing tenants who are seeking a transfer.

### The eligibility of persons from abroad

32. Everyone can apply to join the register but there are some groups of people who by law cannot join the register, regardless of their housing need or circumstances. These are people who:

- Come under the Government's 'persons from abroad' eligibility rules and cannot lawfully be given housing help;
- Do not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man or the Republic of Ireland);
- Do not have the right to live in the UK;
- Plus other categories of people who the Government may in the future, decide are not eligible for housing assistance.

33. Under sections 160ZA (1), (2) and (4) of the Housing Act 1996 the Council cannot allocate a tenancy, or nominate a person for housing, if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control or a person from abroad who is prescribed as ineligible.

34. The relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020 (SI 2020/667) implemented from the 24 August 2020.

35. The rules are complicated and anyone who is impacted or believe they may be impacted can approach the Council for advice, or seek independent legal advice.

36. The rules have changed in 2021 due to the UK's exit from the EU and new regulations regarding eligibility for housing based on the EU settlement scheme. This policy will be amended to take into account any new rules.

37. Each case will be considered individually, taking account of all relevant circumstances. Applicants will be asked to provide documentary evidence to prove eligibility for themselves and for all members of their household, at the point of registration and should they receive an offer of accommodation.

## Local connection

38. In order to join Wokingham Borough Council's Housing Register, you will need to demonstrate that you have been resident in the borough for five consecutive years or more directly prior to the date of your application, and that you are still resident in the borough at the point you receive an offer of accommodation. Qualification can be that the applicant meets the five years residency rule or a member of their household does.
39. For the purposes of determining local connection for residence in Wokingham Borough, this will include:
- 1) Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch where it is demonstrated that this is their permanent place of residence and this can be evidenced through paying council tax.
  - 2) People who are forced to sleep rough in Wokingham Borough if they meet the qualification period for residency.
40. The exceptions to the local connection test are:
- 1) An applicant is homeless and the Council has accepted the section 189B 'relief of homelessness' duty or the main section 193(2) housing duty under the Housing Act 1996, and they are not intending to refer the applicant to another Council under the homelessness local connection rules.
  - 2) The Council has placed an applicant into temporary accommodation outside of Wokingham Borough.
  - 3) Where there are significant and special circumstances requiring a move into Wokingham Borough. This will be decided on a case-by-case basis following a request from the applicant or from the information submitted on their housing register application. Examples include:
    - a) Reasons of safety; i.e. when an applicant is fleeing domestic abuse or hate crime from another area, or
    - b) Is on a witness protection programme and the Council have agreed that there is an essential reason why they need to move to Wokingham Borough.
    - c) Caring responsibilities for a resident in Wokingham Borough when there is an identified need for care. The person receiving the care would normally be eligible for a care package from Wokingham Borough Council and this arrangement is accepted by the relevant Social Care authority.
  - 4) Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme that is not in Wokingham Borough and the applicant was resident in Wokingham Borough for one year immediately preceding residency in an institution, or 3 out of the last 5 years immediately before they were accommodated in that institution. The Council will consider the case for exceptional circumstances as required, for example, if a reciprocal agreement is in place due to NHS funding.

- 5) The Council will consider any application from a gypsy or traveller household where the applicant may not meet the continuous period of residence rule, as the period may have been broken by travelling. The Council will consider the facts of each case when deciding whether the rule should be waived.
  - 6) Care Leavers below the age of 25 years who are, or were, owed a duty under section 23C of the Children Act 1989 by Wokingham Borough Council and have been looked after in accommodation outside of Wokingham Borough. This will include care leavers who are still receiving after care support from Children's Service until they are 25, and some care leavers who are in full-time education who wish to move back to Wokingham Borough on completion of their education.
  - 7) Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012. These are:
    - a) Applicants who are serving members of the regular armed forces
    - b) Applicants who served in the regular armed forces within the 5 years immediately prior to the date of their application
    - c) Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service
    - d) Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.
  - 8) Spouses and civil partners who are required to leave accommodation provided by the Ministry of Defence following a breakdown in their relationship with their Service spouse or partner. This exemption is recommended by the MHCLG Statutory guidance issued in June 2020.
  - 9) Applicants who satisfy the right to move criteria. The Right to Move qualification regulations 20155 states that Local Connection criteria must not be applied to existing social tenants who seek to move from another Council district in England and who have a need to move for work related reasons to avoid hardship. The Council policy is to limit these moves to no more than 2% of all lettings per year.
41. To qualify the applicant must:
- Be a social housing tenant living in England.
  - Wish to join the Housing Register in Wokingham Borough due to work related reasons to avoid hardship. Applicants are able to do so provided that they can provide satisfactory evidence.
  - Satisfy the criteria that the tenant needs, rather than wishes, to move for work related reasons and if they were unable to do so this would result in hardship.

## Application Process

### Getting started

42. Applicants will need to register for Housing Online via the Council's website to apply to join the Housing Register. Paper application forms can be provided on request.
43. Applicants will be asked to provide information and evidence necessary to enable officers to check their eligibility and housing need. This will include:
  - Official photo identification for all household members, for example a passport or driving license. In exceptional circumstances, the council may accept a full birth certificate as proof of identity if no other form can be provided.
  - Evidence of immigration status in the UK. The Council will carry out Home Office checks to verify an EEA nationals settled or pre-settled status. Applicants will be required to provide their pin number for online verification of their status.
  - Proof of armed forces service and/or discharge paperwork including service number, veterans ID card, discharge letter, evidence of any monetary settlement (where applicable), termination pay, and details of Armed Forces pension income and lump sum (if any) as applicable.
  - Proof of current tenure.
  - Proof of income.
  - Proof of residency and local connection i.e. council tax bills.
  - Health and wellbeing documentation e.g. support plans. Any identified support or risks will be shared with providers at nomination.
  - If you are living in Service Family Accommodation, we may ask for a copy of your 'Certificate of Cessation of Right to Occupy Service Quarters' or 'Notice to Vacate' where relevant.
44. A full list of the documentation required is available online on our website. If you are unable to register online, or require support to complete your application, please contact the Council using the contact details provided below.
45. Please note that applicants are only permitted to be on one application at any one time. It is not permitted for an applicant or household member to be part of more than one application at a time.
46. Applicants whose circumstances mean that they are currently homeless, or sofa surfing or rough sleeping will need to provide details of their 'care of' address, where they have been sleeping and which services they have engaged with so that the Council can verify this.
47. Applicants will be required to sign a declaration, or to give informed consent, to confirm their understanding that:
  - a. The information given is correct and that they will notify the Council of any change in their circumstances.
  - b. Enquiries will be made concerning their eligibility for housing and level of priority.
48. This is a condition of being accepted onto the housing register and applies to the applicant, or any member of the applicant's household.

49. Once an applicant provides information, we will process that information under Article 6 GDPR. The processing is necessary under the Public Task purpose and is necessary for the Council to perform a task in the public interest or for its official functions, and that task or function has a clear basis in law.

50. Applications will normally be assessed within 21 working days, once all the required information has been provided by the applicant.

51. If accepted onto the register, applicants will be informed of:

- 1) The band they have been placed in (this determines priority)
- 2) The date of application (may be used to determine priority within the band allocated)
- 3) The size of properties for which they are eligible
- 4) Their application reference number
- 5) How to appeal against their banding if they think it is wrong.

52. All incomplete applications will be cancelled after a period of 28 days measured from the date information has been requested and not provided. If cancelled, this does not prevent the applicant making a subsequent application at a later date, although in such cases the effective date of registration would not be backdated to the earlier application date. The Council may consider discretion when enforcing this time limit in cases where an applicant requires a third party to act on their behalf, for example a Deputy (supporting documentation will be required).

53. The Council may request information or a reference from an applicant's current or previous social landlord and, depending on whether the application gives rise to any concern, request a reference from the most recent private sector landlord if the applicant is or has been a private sector tenant.

54. Where a landlord does not reply a reminder will be sent, and if still not forthcoming any other information or records available will be checked to try to determine whether there have been any concerns over the way an applicant may have conducted their private rented tenancy. An applicant should not be disadvantaged if, despite every effort, it is not possible to obtain a reference from their current or previous landlord.

55. All applications are subject to certain verification checks and may be reassessed:

- At the point of initial application
- Following any change of circumstance notified to the Council by the applicant
- Following any routine validation audits
- Following a scheduled review of the application
- At the point of an offer of accommodation
- At the point of letting

### **16 and 17 year olds**

56. Anyone over the age of 16 is eligible to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.

57. If an applicant is under 18 years of age they will not normally be offered a tenancy. This does not apply to young people living in a foster home or in residential care provided by Social Services for whom re-housing under the Children Act has been agreed and who are within 6 months of their 18th birthday. There is an agreed protocol between our Housing Needs and Children's Services teams covering housing for applicants who are looked after, or were formerly looked after.
58. Any offer to an applicant who is under the age of 18 will only be made after their ability to manage a tenancy has been fully assessed. This assessment is to make sure that they can cope with being a tenant at a young age and that they do not risk losing that tenancy offered through a lack of support.
59. If a person who is 16 or 17 is granted a tenancy, this will be held in trust until they reach 18. This means that another suitable person (such as a parent, legal guardian, social worker or relative) will be responsible for the tenancy.

## Households

60. The Council will consider the following people part of the same household:
- Partners.
  - Dependent children (under 18) – where there is any dispute as to whether children reside with and are dependent upon the applicant, the Council will apply the test in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide (see below).
  - Dependent relatives – where a relative of an applicant has had to join the applicant to receive care and there are no other housing options for the family
  - Carers – where the officer has agreed that on the medical evidence there is a need for a permanent live in Carer. The Carer is a person who provides or intends to provide care for another adult 24/7, as they are unable to safely and fully care for themselves. It is either a relative or friend who assists another person in their day-to-day life. This is different from someone who offers care professionally or through a voluntary organisation. 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 in a housing application will be considered by a Senior Officer to determine if the carer has been assessed by Social Care and Health as needing to provide overnight support. In these circumstances, the applicant must provide supporting evidence from other agencies e.g. Social Care or a Health professional.
  - Foster children or fostering spaces, where an applicant is an approved foster or adoptive parent, as verified by Children's Services at Wokingham Borough Council only.
  - Children who have lived with the applicant but who have been taken into care, providing there is a realistic chance, supported by Children's Services that they will be able to return to live with the applicant.
61. Joint applications will be accepted and will be treated as one application. Joint applications will be accepted from partners only, and will not be accepted from parent(s) and child(ren), siblings etc. The housing need of the full household will be considered in assessing housing need. Please note that applicants are only permitted to be on one application at any one time.
62. Joint tenancies are normally granted where applicants have a long-term commitment e.g. married and unmarried couples, civil partners. This decision is down to the individual provider

who will decide whether to allow a joint tenancy depending on the rules adopted by that organisation.

63. Expectant mothers should provide a MATB1 form or other adequate proof of pregnancy from a health professional (followed by a MATB1 form). Expectant mothers will be placed in the appropriate band based on their current housing circumstances. The unborn child will not be counted for the purposes of bedroom eligibility or overcrowding, until proof has been received by the council of the child's safe arrival. In some cases, the Council will need to seek confirmation from Children's Services that the child will continue to reside in the household.

#### **Households with access to children/shared residency order or Child Arrangement Orders**

64. As part of the assessment process the Council will record whether the applicant claims to have children that live with them part of the week, and whether or not this arrangement is set by the court. The Council will apply the test in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant. Unless this test is passed an applicant will only be able to be considered for the size of accommodation relevant to their circumstances.
65. In accordance with the Homelessness Code of Guidance, there must be actual dependence on the applicant, although the child need not be wholly and exclusively dependent on them. There must also be actual residence (or a reasonable expectation of residence) with some degree of permanence or regularity, rather than a temporary arrangement whereby the children are merely staying with the applicant for a limited period.
66. In some cases where parents separate, the court may make a residence order indicating with which parent the child normally resides. In such cases, the child may be considered to reside with the parent named in the order, and would not normally be expected to reside with the other parent. However, in many cases the parents come to an agreement themselves as to how the child is cared for, and a court order will not be required.
67. There will be cases where after the section 189(1)(b) assessment it is agreed that children live with the applicant on a 'shared arrangement' even though they do not exclusively live with the applicant. In these cases, and in cases where an applicant has contact with children who stay over but do not live with the applicant, the applicant will be advised as to what size of property they are likely to be able to access and the rules for allocating accommodation to households where children do not exclusively live with an applicant. The decision of each provider is likely to vary and will depend on a number of factors including:
  - a) The ability of the applicant to afford the rent with or without help from benefits
  - b) The availability and popularity of family housing in a particular location.
68. The officer supported, where necessary by a senior officer, will review each application on a case-by-case basis and will request and review the evidence made available to them by the applicants in order to make a determination.

## **Bedroom Standard**

69. The Council considers that a separate bedroom is appropriate for each of the following:

- Every adult couple (married or not).
- Any other adult aged 21 or over that is eligible to be included in the application.
- Any two children of the same gender aged 20 or under are expected to share a bedroom.

70. Once an older child, of a different gender to their sibling, reaches the age of 10, the Council recognises it would be better for them to have a separate bedroom. However, given the housing pressures face, this is not a guarantee that larger accommodation will be provided.

71. In cases where a household contains children primarily aged 17 or over, a larger home will not usually be offered due to the likelihood of household reduction in the near future.

72. In exceptional circumstances, the Council may exercise discretion in applying the Bedroom Standard. For example, where an applicant can only live in independent accommodation if they have a full-time carer, where an additional bedroom is required for medical reasons or because a member of the household is a young carer. Evidence will be required.

## **Checks into any court cases or unspent criminal convictions**

73. In the interests of community all applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

74. The Council may use any information disclosed (or any other information obtained during the assessment or following registration) to ascertain whether the applicant should be deprioritised, or remaining on the register, due to applying the serious unacceptable behaviour rule including whether they may pose a serious risk to a community if they were to be housed.

75. Spent convictions are not required to be disclosed and will not be taken into account in assessing that person's eligibility to join the register. The assessment will instead reflect whether there is evidence of any current serious unacceptable behavior regardless of whether a person has been convicted in the past for that behavior.

76. If the Council decide that, on the information obtained during the assessment process, there is a real pressing need for a 'Disclosure and Barring Service (DBS)' check, or a police check, a supplementary request for information and declaration will be sent to the applicant asking for more details and for permission from the applicant for the Council to make the relevant check. Failure to give permission may result in the application not being made live whilst the Council considers the information available to it or may result in the application being closed through the applicant failing to give permission for the Council to undertake all reasonable enquiries.

77. Information gained will not automatically exclude an applicant from the register. Information received may also be used to make informed decisions about the suitability of any property that may be offered.

78. All assessments will be carried out in accordance with the data protection and information sharing policies and legal requirements.

## **Fraud or False Information**

79. Under Section 171 of the Housing Act 1996, it is a criminal offence for an applicant to knowingly give false information or to withhold information relevant to their application. It is also an offence for an applicant to allow a third party to provide false information on their behalf or at their instigation, or to mislead a third party into giving false information. The Council may remove an applicant from the Housing Register in such circumstances. Tenancies obtained as a result of false or misleading statements may be terminated by the Registered Provider. Applicants may be liable for prosecution.
80. For details on how we will assess the question of alleged fraud or false information see appendix 4.

## **Updating, renewing and withdrawing an application**

81. All applicants must inform the Council of any changes of circumstances or contact details when they occur. If you have any changes to your circumstance or contact details, please submit the 'Changes of Circumstances Form' via Housing Online to tell us what those changes are. Supporting evidence will need to be uploaded to Housing Online to confirm certain changes, for example a birth certificate for a new baby.
82. Additionally, the Council requires all applicants to renew their application on an annual basis to confirm that you are still interested, and in need of social housing within Wokingham Borough. Renewal is an annual process via Housing Online. Applicants are required to review and accept the terms and conditions as prompted, on or after 1<sup>st</sup> March each year.
83. Failure to renew your application within 28 days of receiving your renewal notice will result in the termination of your application. Therefore, if for any reason you need advice or assistance with completing a renewal form, please contact us. Contact information is available on page 3.
84. If an applicant wishes to withdraw their application or to be removed from a joint application, they can do so by emailing [housingonline@wokingham.gov.uk](mailto:housingonline@wokingham.gov.uk) or calling 0118 974 6000.
85. If the Council determines that an application must be withdrawn, the applicant will be notified of this decision in writing (last known address) and given the reason(s) for the withdrawal.
86. Reasons for withdrawal include:
- No response to a renewal reminder.
  - The applicant has accepted an offer of accommodation.
  - Contact with the applicant is lost.
  - The applicant ceases to be eligible.

## **Decisions and Reviews**

### *Decisions*

87. We will 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)) of the Housing Act 1996, as amended.
88. By virtue of s.160ZA (9) and (10) we will notify an applicant in writing of any decision that they are ineligible for an allocation of accommodation under s.160ZA(2) or (4).
89. Applicants also have the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them (s.166A(9)(b)). For example, if an applicant is de-prioritised or if they disagree with the decision reached concerning the band in which they have been placed.

### *Reviews*

90. Applicants can request a review of a decision concerning their Housing Register application. Applicants must make a request for the review within 21 days from the date of the decision. This time limit may be extended in exceptional circumstances.
91. The review request should be made in writing or via email. It would be acceptable for the request to be submitted by a representative on the applicants behalf if need be, and in such circumstances, verbal representations could also be made.
92. Requests for review must:
  - Provide the reason(s) for the request for a review.
  - Identify where the applicant believes existing information concerning the application or circumstances have not been properly taken into account.
93. Requests can also include:
  - Any new information which should be taken into account.
  - Any new evidence to support the request for review.
94. The review will be undertaken by a Senior Officer/s who has not previously been involved with the application. The Council aims to complete all reviews within 28 days of the request. The applicant will be notified if further time is required to complete investigations. Applicants will be notified of the outcome of the review in writing with reason(s). There will be no further right of appeal against the decision.

## **Offers of Accommodation**

95. This section sets out the procedure that will apply to making an offer of accommodation.
96. In certain situations the offer will not be made, or if made may be withdrawn if:
  - Since joining the scheme an applicant has become ineligible.

- On verification of the applicants' details, the priority band has been incorrectly awarded due to the information received by the applicant, or due to mistakes in the assessment of the application itself.
  - The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
  - The landlord has evidenced housing management reason not to offer the property.
97. For Council homes: if an applicant does not reply to an invitation in writing, by letter or email or text, to view a property within 5 working days of receiving an offer then the offer will be deemed to have been refused and the property will be offered to the next applicant on the shortlist who qualifies for that offer.
98. For Registered Provider (housing association) homes: please wait for the provider to contact you. The Registered Provider will advise the Council if they have not been able to contact you. If an applicant is deemed not to have responded, then the offer will be deemed to have been refused and the property will be offered to the next applicant on the shortlist who qualifies for that offer.
99. There may, unfortunately, be exceptional circumstances where following a viewing or notification of offer an offer may still be withdrawn. This can be done up to the point when a tenancy agreement is signed. Examples of reasons when a property offer may be withdrawn are:
- The property is not suitable for the households needs
  - The property fails to become available
  - There is an issue and concern for community safety
  - It comes to light that information has been withheld
  - It comes to light that that the household or member of the household has a property related debt
  - The offer has been made in error
  - The households circumstances changed
  - The property is required for an emergency
  - It transpires that the rent would not be affordable
100. There must be clear grounds recorded by the Council or a provider if a decision is taken to refuse an applicant. Where an applicant has been refused because they have failed a verification check or their circumstances have changed, they should be informed of the reason and how it now effects their application.
101. For all other reasons, for example, issues of public safety, risk, or sustainability of the tenancy, an applicant, upon request, will be informed of the reason behind the decision to refuse them.

## **Refusals**

102. If an applicant refuses a reasonable offer of accommodation within an area of their choice that is suitable for their bedroom need, their application will be removed from the Housing

Register. This is to ensure that the Council is able to prioritise those applicants in most housing need.

103. The refusal of an offer of the correct size and type of home, and within an area of your choice, will normally be considered unreasonable. If an applicant believes an offer to be unreasonable, a review by a Senior Officer can be requested.
104. Offers made to applicants in Band One and Band Two are not required to be within an area of choice. For offers to applicants outside of Band One and Two, the Council will endeavour to make an offer within an area of choice. However, taking account of the availability of accommodation in the area/s chosen, this may not be possible.
105. If an applicant owed any of the statutory homelessness duties set out below refuses a written offer of suitable social housing accommodation made through this policy, then the duty owed to them will be discharged.
106. A statutory homeless duty means:
  - a. The prevention of homelessness duty under Section 195(2)
  - b. The relief of homelessness duty under Section 189B(2)
  - c. Where the relief duty has come to an end and an applicant is then owed a section 190 intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty)
  - d. The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty.

Guidance on reasonable and unreasonable refusals:

#### *Property size*

107. The property must be the appropriate size for the household's needs at the time of making the offer. We allocate homes according to bedspaces required. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.
108. It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms to which they are entitled.
109. Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the lettings standard, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the Council.

#### *Property type*

110. A dislike of the property type will not be considered a reasonable refusal. Therefore, an applicant cannot reasonably refuse an offer because for example, the property is in a block, the property does not have a garden or a particular heating system, it is on a wrong floor, offers open plan living, or does not have a lift. If the applicant states medical grounds for refusing the property, these should already have been disclosed and considered as part of the

assessment of their application, unless new information is submitted that is accepted by the Council.

111. Where specialist accommodation is offered to a household inappropriately, this is considered to be a reasonable refusal. This may be for example:

- a) Offers of wheelchair standard housing to households which do not have wheelchair users.
- b) Offers made to disabled applicants which are unsuitable for their needs, for example where they are unable to open a door entry system because the doors are too heavy.
- c) Offers of sheltered housing where the applicant is not of the appropriate age according to this allocations policy and the policy operated by the Registered Provider if applicable.

#### *Property condition*

112. Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the voids team or Registered Provider decides to withdraw the property from letting for further works to be carried out.

#### *Area of choice*

113. 'Area of choice' options will not apply to applications in Band One or Two. Nor will this apply to applicants that have been assessed as being statutory homeless and are owed any of the statutory homeless duties detailed above.

#### *Racial harassment and protected characteristics*

114. Where an applicant from an ethnic minority or with a protected characteristic as per the Equalities Act 2010 refuses the property prior to viewing because the previous tenant was rehoused as a result of harassment, or there is a known problem of harassment in the vicinity of the property, the refusal is considered reasonable.

#### *Choice of landlord*

115. An applicant cannot choose whether they are rehoused by the Council or by a Housing Association or a specific Housing Association. Therefore, any refusal of a Housing Association property because, for example, there is no Right to Buy, or Right to Acquire, or the rent is higher than another social landlord will not be considered to be reasonable (unless in the example of the rent level the assessment is that the offer is unaffordable for the applicant in question).

#### *Pets*

116. Any intention to keep a pet must comply with the Council's or Registered Provider's tenancy terms and conditions, which means that written permission is usually required prior to signing the tenancy agreement for the property. Well behaved pets are usually permitted. Therefore, any refusal on the basis that permission has not been granted to keep a pet is not reasonable.

## Banding

### Allocation Scheme

117. To facilitate movement in the Housing Register, the Council has devised an Allocation Scheme which sits above the Banding System. The Allocations Scheme describes the priority order between each band, and within Band One.

<b>Band</b>	<b>Band Description</b>	<b>Priority order</b>
One	Exceptional Need for Housing.	All applications in this band will be prioritised above any other.  For further details, please see Appendix 9.
Two	Urgent Need for Housing.	After Band One applicants have been prioritised, allocations will be made from applications within this band.  Priority between groups in Band Two will be reviewed and agreed on a quarterly basis by the Council in order to account for current corporate issues. Applicants within each group will then be prioritised in date order as within other bands.  If all applicants for a particular type of property are exhausted from this band, allocations will automatically be made from the next band (Band Three).
Three	Significant Need for Housing.	After Band One and Two applicants have been prioritised, allocations will be made from applications within this band.  If all applicants for a particular type of property are exhausted from this band, allocations will automatically be made from the next band (Band Four).
Four	No Housing Need/Adequately Housed.	After Band One, Two and Three applicants have been prioritised, allocations will be made from applications within this band.
Five	Reduced preference.	After Band One, Two, Three and Four applicants have been prioritised, allocations will be made from applicants in this band.

## **Band Two prioritisation**

118. We recognise that all applicants in Band Two have been assessed as having an urgent need for housing and are prioritised above any other band except for the most exceptional cases. Allocations from within Band Two will not be made in date order. Instead, the Council will set and review the priority between the different groups within this band on a quarterly basis and publish a position statement. Applicants within each group will then be prioritised in date order as within other bands. When reviewing the priority between the different groups in Band Two, the Council will consider:

- Sensitive lettings.
- Financial costs to the Council.
- Estate regeneration.
- Management reasons.
- Corporate priorities.
- Other relevant factors.

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## Banding Scheme

Band	Criteria
One	<p><b>EXCEPTIONAL CIRCUMSTANCES – MOST URGENT ONLY</b></p> <ul style="list-style-type: none"> <li>• Applicants fleeing domestic abuse that have been assessed by MARAC as needing to move urgently for the safety and security of themselves and/or any dependent children.</li> <li>• Urgent health or disability needs (Medical A).</li> <li>• Urgent social or welfare needs (Social A).</li> <li>• Property condition presents a serious risk to life or presents an immediate threat of serious injury: fire, flood, extreme overcrowding (determined by Environmental Health), Category 1 Hazard with Prohibition Order resulting in permanent loss of accommodation in the private rented sector, or serious property failure (social housing only) resulting in no access to a bath or shower, a toilet, cooking facilities, running hot water supplies, electric/gas needed for essential activities without remedy within a reasonable timeframe.</li> <li>• Demolition or Compulsory Purchase Order (CPO) cases. Decant required (WBC stock only) - allocations to be made in accordance with Decant Policy.</li> </ul>
Two	<ul style="list-style-type: none"> <li>• Homeless applicants (main duty accepted under S193 of the Housing Act 1996 as amended) when the S189B Relief Duty ends, including Wokingham care leavers in housing need and rough sleepers covered by this legislation.</li> <li>• Wokingham care leavers in housing need, with agreement from the Young Person’s Housing Panel, and completed tenancy training.</li> <li>• Move on from non-permanent supported accommodation that is commissioned by the Council, as part of an agreed move on pathway (for example, SIL schemes).</li> <li>• Under-occupying by two bedrooms or more (social housing only, where the void comes back for re-let).</li> <li>• Overcrowded by 2 or more bedrooms.</li> <li>• Urgent unsatisfactory housing. The property poses a Category 1 hazard under the Health and Safety Fitness Rating, which cannot be resolved within 6 months and poses a considerable risk to the applicant’s health. Only applies to cases where the household is not able to resolve their own housing problem.</li> <li>• Members of the Armed or Reserve Forces who fall into one of the groups below:</li> <li>• Serving or former members of the Armed or Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service.</li> </ul>

	<ul style="list-style-type: none"> <li>• Bereaved spouses and civil partners of members of the Armed Forces leaving Services family accommodation following death of their partner.</li> <li>• Serving members of the Armed Forces leaving service accommodation through no fault of their own and comprise a family with children or fall into one of the priority groups defined by the Housing Act 1996.</li> <li>• Applicants owed a duty by Adult Social Services under the Care Act 2014 / Mental Health Act 1983/2007 who have been assessed by the housing team as being suitable to move into or between independent living settings and have an appropriate support package in place.</li> </ul>
<b>Three</b>	<ul style="list-style-type: none"> <li>• Applicants owed a S195 Prevention Duty or a S189B Relief Duty.</li> <li>• Significant health or disability needs (Medical B).</li> <li>• Significant social or welfare needs (Social B).</li> <li>• Unsatisfactory housing (Environmental Health defined).</li> <li>• Overcrowded by one bedroom.</li> <li>• Insecure tied accommodation.</li> <li>• Members of the Armed Forces leaving service accommodation through no fault of their own on discharge without dependents.</li> <li>• Former members of the Armed Forces with housing need. This will be determined on a case-by-case basis.</li> <li>• Foster carers with approval from Children’s Services, where there is a need to move to a larger home in order to accommodate a looked after child (max.4 bedrooms).</li> <li>• Under-occupying by 1 or more bedrooms (social housing), including accepted tenancy successors.</li> </ul>
<b>Four</b>	<ul style="list-style-type: none"> <li>• Homeless households who are non-priority (not accepted main duty cases) and/or have been found to be intentionally homeless.</li> <li>• Privately renting and adequately housed.</li> <li>• Sharing facilities including kitchen and bathroom, and adequately housed.</li> <li>• Wokingham care leavers who do not meet criteria for Band 2 now.</li> </ul>
<b>Five</b>	<ul style="list-style-type: none"> <li>• Out of area applicants (exceptional circumstances only e.g. caring responsibilities).</li> <li>• Owner occupiers.</li> <li>• Finances preclude priority.</li> </ul>

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	<ul style="list-style-type: none"><li>• Those where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher priority (see page 33 for more details).</li><li>• Former tenants who have been evicted for rent arrears and/or ASB.</li></ul>
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## Priority Within Bands

119. Applicants within each band are prioritised in order of the date they applied to the housing register. If an applicant's band is changed, the date of the new banding award is used to determine priority.

## Priority Groups

### *Reasonable Preference*

120. The law, as it applies to local housing authorities, requires that the scheme be framed so as to secure that Reasonable Preference for housing is given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:

- a) People who are homeless within the meaning of Part VII of the Housing Act 1996.
- b) People who are owed certain homelessness duties by any local housing authority.
- c) People occupying unsanitary, overcrowded or otherwise unsatisfactory housing.
- d) People who need to move on medical or welfare grounds (including grounds relating to a disability).
- e) People who need to move to a particular locality within the district to avoid hardship to themselves or others.

121. Wokingham Borough Council meets this requirement. Please refer to the banding scheme for further details.

### *Reducing the use of temporary accommodation*

122. Temporary accommodation can be expensive, disruptive, and present particular challenges for those with children and/or support needs. The Council is committed to reducing the use of temporary accommodation where possible and is exploring a range of measures to reduce placements.

123. As part of this commitment, the council wishes to offer accepted homeless applicants an incentive not to take up an offer of temporary accommodation should they be eligible for a placement. Therefore, if both the council and the applicant agree, the applicant's banding priority will be increased by one level on the understanding that no temporary accommodation will be offered. For example, an applicant in Band Three will be placed into Band Two under this incentive. This incentive is not available to those who are not eligible for a temporary accommodation placement.

### *Key Workers*

124. Key worker housing is a type of affordable rent that provides a more financially accessible option for key workers living or working in the Borough. Key workers can access accommodation through any key worker schemes made available in the borough, and thus do not receive extra priority under the Council's Part 6 Allocations Policy.

125. Each year a number of properties can be made available through housing associations and other local housing companies to provide a rental option for key workers. Rent at these properties will typically sit at 80 percent or below of local market rates.

126. A key worker is a public sector employee who is considered to provide an essential service and is in receipt of an income of £30,000 or less per annum (per person, not per household). Key workers can include any of the following:

- Clinical National Health Service staff (except doctors and dentists).
- Teachers and nursery nurses.
- Police officers, Community Support Officers and some civilian police staff.
- Prison officers and some other Prison staff.
- Probation Service staff.
- Social workers, educational psychologists, and therapists.
- Local Authority Planners.
- Firefighters.
- Some Ministry of Defence personnel.
- Environmental Health Officers.
- Highway Agency Traffic Officers.

127. This definition may be extended to include those support staff without whom the above roles may struggle to function. On occasion, certain schemes may adopt a wider definition of key worker, to include those providing an essential service to the local economy and earning under £30,000 per annum per person.

128. Further details on key worker accommodation can be found on the Council's website [here](#).

#### *Medical Priority*

129. An applicant can apply for re-housing on medical grounds by completing an application and providing supporting documentation. The officer supported, where necessary, by a senior officer, will normally make a decision whether or not to award a priority based upon the information provided. They will use the guidance notes and assessment framework in this appendix to help them make a decision.

130. If the officer is of the view that it would be beneficial to obtain an opinion from an Independent Medical Advisor, or Occupational Therapist, they will make a referral. In these circumstances supporting information is collated by a Housing Needs Officer and presented either to a WBC panel or to an Independent Medical Adviser (externally to Wokingham Borough Council) who will make a decision of whether an applicant should be awarded overriding medical priority (Medical A), Medical B or no priority.

131. Medical B is usually awarded to reflect that the household's housing is affected by a medical condition but where the situation is non-urgent

132. If Medical A is awarded, the applicant will be placed in Band One and under the priority scheme would be made one offer of suitable accommodation within their areas of choice. Within the band, date of award is then the decider between applicants.

133. If Medical B is awarded the application will be placed in Band Three unless their other housing circumstances take them to a higher band.

134. Further guidance on how the Council will assess medical priority is detailed in Appendix 5.

## *Social Priority*

135. An applicant can apply for Social Priority where they believe their situation to be:
- Urgent
  - Serious
  - Unusual
  - Enduring
  - Cannot be solved any other way
136. A Senior Needs Officer will consider Social Priority requests and will usually do so in conjunction with support from other professionals (e.g. Tenant Services, Children's Services, Police).
137. If Social Priority A is awarded, the applicant will be placed in Band One and under the priority scheme would be made one offer of suitable accommodation within their areas of choice. Within Band One, after Medical Priority, the decider among Social Priority A applicants, will be date of award.
138. If an assessment of the household's housing needs results in all of the criteria above being met aside from overriding urgency, the Senior Needs Officer will assess whether Social Priority B should be awarded and the application placed in Band Three (unless their general housing need places them already in a higher band).

## *Move on*

139. Applicants in non-permanent supported accommodation are placed into Band Two, provided that the following criteria are met:
1. The applicant has been living in supported accommodation in order to meet their need for tenancy related support or an assessed social care need.
  2. They are vulnerable due to physical disability, mental health illness, learning disability, substance misuse, or are a care leaver.
  3. They are currently living in the borough or be currently funded by Wokingham Borough Council.
  4. The applicant has a need to move which is supported by Housing Needs and other service, and has met support planned targets/outcomes.
  5. They have demonstrated their ability to manage a tenancy appropriately, even if there is a need for ongoing support.
  6. Does not have rent arrears or a history of anti-social behaviour.
140. A decision about eligibility for Band Two will be made by a Senior Needs Officer.
141. As part of the Council's Corporate Parenting responsibilities, care leavers who are housed into social housing and then lose this accommodation, can be considered again at a later date (with the support of Children's or Adults Services) under our commitment to allow more than one chance.
142. The Council is willing to consider entering into reciprocal agreements with other local authorities in order to meet the needs of our care leavers. If a Wokingham care leaver is accommodated in a social housing unit in another local authority area, that local authority

may receive a reciprocal credit to place a young person in Wokingham Borough on the same terms, provided that both local authorities sign up to the reciprocal agreement in that case. This is not a guarantee that such arrangements can be made.

#### *Working households*

143. The Council will set aside at least 10% of properties per year for working households in the borough. Working households must be in current, permanent employment of at least 16 hours per week (evidence will be required). This 10% applies to those who would not necessarily have been next for nomination, because working households will feature in the mainstream also.

#### *Right to Move*

144. The Right to Move regulation supports current social housing tenants to move between local authorities in order to take up a job or live closer to employment or training in order to avoid hardship.

145. The employment should be long-term – at least 12 months, and should be for at least 16 hours per week. The work must be based in Wokingham Borough, not just requiring the applicant to travel to the borough occasionally. Where an applicant has received an offer of a job, there must be genuine intent to take it up. Voluntary work is not eligible, but apprenticeships are eligible.

146. Applicants must provide evidence to confirm employment, and the reason(s) they would experience hardship if they were not able to move into the borough. This may include:

- A contract of employment.
- A formal offer letter.
- Wage/salary slips.
- Bank statements.

147. Up to 1% of nominations per annum will be made under the Right to Move provision.

#### **Reduced Preference Groups**

148. Applicants whose circumstances come under one or more of the criteria below will be awarded reduced preference status and will be placed into Band Five unless the Council agree that there are exceptional circumstances which mean that the reduced preference criteria should not be applied.

#### **Out of Area**

149. Out of area applicants, i.e. applicants who live outside of Wokingham Borough, will not generally be prioritised for housing under the Allocations Policy. Our priority is to house those applicants who live within the borough.

150. If a Wokingham resident has needed to move to a neighbouring borough for affordability reasons (e.g. due to the scarcity of privately rented accommodation within the borough) and applies to join the Housing Register within 12 months of their move out of borough, they will be considered as in-area applicants on receipt of sufficient evidence.

151. A person who lives elsewhere and has an urgent need for housing in Wokingham (e.g. to provide essential care that cannot otherwise be delivered) can ask that a Senior Officer consider the facts of the case and decide whether an exceptional circumstance applies.

152. Out of area applicants who have been accepted in exceptional circumstances will be placed into Band Five (see Banding Scheme) and will have a smaller chance of being housed under the Council's Allocations Policy. Opportunities for re-housing will occasionally arise for these applicants where a property has been hard to let or where applications from higher bands have been exhausted, but it should be noted that these instances are very rare.

### **Applicants who have sufficient financial resources**

153. Those who have sufficient savings or capital to buy a property, a share in a property, or fund a privately rented home will not be prioritised. This also applies to those who deliberately deprive themselves of resources (for example gifting money from the sale of a former home) and those who hold an interest in a property.

154. Gross household income (of sole and joint applicants together) will be taken into consideration, including bonuses and/or commission. Depending on the bedroom size needed, working age applicants with total annual income and/or capital above these thresholds will be placed into Band Four:

- One bedroom need - £40,000 per annum (subject to review).
- Two bedroom need and above - £60,000 per annum (subject to review).

155. Applicants with total annual incomes above these thresholds are deemed to have sufficient financial resources to pay a market rent or buy a home in the borough.

156. Applicants who are due to inherit will be placed into Band 5 until sufficient evidence has been provided to confirm the inheritance due does not exceed the above thresholds.

157. 'Sufficient financial resources' includes any assets or investments even if they are not immediately available to the applicant, such as any residential or non-residential property that they own or part own anywhere in the UK or abroad.

158. Any lump sum received by a member of the armed forces as compensation for an injury or disability on active service will be disregarded.

159. This does not prevent applicants from being considered for any low cost home ownership schemes, such as rent to buy, shared ownership/equity, discounted market sale and starter homes. Further information can be provided on request.

160. Applicants may be considered as an exception if:

- a) They own or part own accommodation or have a legal interest in accommodation; and
- b) They are over state pension age or have a substantial disability; and their current home is not suitable for their specific needs and cannot be adapted, and
- c) They have insufficient financial resources to buy accommodation that meets their particular housing needs in the private market despite owning a property, or having income or savings above the 'sufficient resources' thresholds set out in this policy.

161. This possible exemption is intended to cover situations where a person owns their own home but where it is agreed that they are no longer able to manage in it due to their advancing years, or due to developing a substantial disability that makes living in their home impracticable. This would be the circumstances where selling up would not provide sufficient funds to purchase a more suitable alternative in the area leaving that person in a difficult position.

### **Owner Occupiers**

162. Owner Occupiers are not prioritised for most social housing and are placed in Band Five. However, this rule does not apply to shared ownership extra care housing where applications from owner-occupiers can be accepted. Owner Occupiers include those who:

- Own or have an interest in residential property including freehold, leasehold, joint ownership or shared ownership. This includes:
  - Properties owned and rented out to other persons.
  - Properties in the UK or other Countries.
  - Properties owned by a spouse or civil partner
  - Ownership of a mobile home, houseboat or accommodation on seasonal holiday parks.

163. Applicants who have been the owner of a residential property within the last 7 years will be required to provide proof of the proceeds from the sale and of the disposal of the proceeds. If no monies were received from the sale, this will also need to be formally evidenced. An official headed redemption statement from the mortgage lender or a completion statement from the solicitor, who acted on their behalf during the sale, will be accepted as evidence.

164. If an applicant has disposed of capital without making adequate housing arrangements, for example, gifting the capital to relatives or friends, they will not be prioritised and placed into Band 5.

### **Unacceptable Behaviour or Actions**

165. Wokingham Borough Council may decide that an applicant will be placed into Band Five if satisfied that the applicant, or members of the household, have been guilty of unacceptable behaviour serious enough to make them unsuitable as tenants of social housing. Examples of unacceptable behaviour include:

- Applicants who have been evicted for anti-social behaviour or illegal sub-letting, or are responsible for serious anti-social behaviour or who permit visitors to cause anti-social behaviour.
- Breach of tenancy for nuisance behaviour.
- A conviction for using a dwelling for immoral or illegal purposes, or committing an indictable offence in the dwelling or locality of it.
- Domestic abuse causing a partner or family member to leave the property or loss of an applicant's accommodation due to this.
- Abuse, threats of assaults to a member of staff.
- Rent arrears for their last private tenancy.

166. An assessment of the facts of each individual application will be made by a Senior Officer responsible for the decision to deprioritise. The Senior Officer will determine the length of time this will apply for depending of the circumstances of the case.

167. The Senior Officer will be guided by the following considerations:

- 1) The behaviour need not have led to possession, prosecution or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible
- 2) In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer time-scale may be appropriate.
- 3) There must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending.

168. The Senior Officer will specifically consider:

- a) The seriousness of the applicant's behaviour
- b) The duration of the behaviour and/or the number and frequency of incidents
- c) The length of time that has elapsed since the behaviour took place
- d) Any facts that indicate that there has been no further cause for concern in the last 6 to 12 months
- e) Any relevant vulnerability or support needs that may explain the behaviour
- f) Whether there is meaningful engagement with support agencies
- g) Critically, whether there has been a significant and sustained change in the applicant's behavior, and
- h) Whether they believe on the evidence that the behavior is likely to still reoccur now or at the point a tenancy was offered or commenced

169. Applicants to whom the rule is applied will be written to and informed that:

- a) That the unacceptable behavior rule has been applied to their case and either they will be deprioritized.
- b) What they must do to resolve the problem
- c) It is the applicant's responsibility to notify the Council when they have, in their view, resolved the issue and that they will need to present evidence to back up their view.
- d) Where an applicant is deprioritised for unacceptable behaviour they will have a right to ask for a review of the decision.

### **Rent Arrears and Housing Related Debt**

170. When carrying out an assessment, we will take into consideration all housing related debts, associated with either a current or former tenancy where this relates to any social housing provider in the UK. Note the rules in this section apply only to social housing former or current rent arrears, occupation of temporary accommodation debts, and some other forms of housing related debt. This section does not cover any rent arrears for a private sector tenancy or licence- this is covered under the unacceptable behaviour rules.

171. The definition of a housing debt will not include debts that are statute barred. The debt will be considered statute barred where an applicant, or their representative or someone else they held the account with has not:

- Made a payment in the last 6 years
- Written to the creditor acknowledging the debt in the last 6 years
- Had a county court judgement (CCJ) relating to the debt in the last 6 years

172. For the purposes of this qualification rule housing related debts include:

- a) Current or former tenancy rent arrears of a social housing tenancy;
- b) Outstanding re-chargeable repairs;
- c) Current and former housing related service charge arrears;
- d) Bed and breakfast or other temporary accommodation charge arrears for a license or a tenancy
- e) Housing benefit overpayments for a social housing tenancy;
- f) Failing to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt for a social housing tenancy or temporary accommodation
- g) Any court costs associated with any of the above debts

173. Housing related debts apply to both the applicant and to any members of their household that are included in the application.

174. The purpose of this qualification rule is two fold.

- 1) To ensure any debt to a former landlord is recovered and
- 2) To focus on whether an applicant's history creates a risk of future non-payment, rather than simply on the existence of a current outstanding debt.

175. We will consider:

- Whether the applicant still owes that debt, and if they do, the extent of the arrears/debt and whether it is a recoverable debt or a statute barred debt.
- Whether there possible exceptional circumstances that need to be considered.
- Whether the applicant has taken debt advice and acted on it, and entered into and begun to implement any arrangement to clear the arrears/debt.
- If an arrangement has been made, the amount of arrears/debt paid off, any amount outstanding, and the regularity of any payments made.

176. After applying the above procedure it may be decided that the applicant will be placed into Band 5 until the matter has been resolved to the satisfaction of the Council. The applicant will be informed of the steps they need to take to resolve the debt in order to have their banding reviewed.

#### **How decisions for applicants with a social housing debt will be made**

##### **a) Applicants with debts of £500 or more who have not made any arrangement to address the debt**

177. Applicants with debts of £500 or more who have not made any arrangement to address the debt will be placed into Band 5 unless the circumstances surrounding the debt are exceptional and the assessment concludes that there is no real risk of future non-payment.

**b) Applicants with debts of £500 or more who have made any arrangement to address the debt**

178. Applicants will not be deprioritised if they have maintained a payment arrangement for at least 13 weeks and have either:

- Repaid at least £375; or
- Repaid at least 25% of their original debt

179. It is however, accepted that the provider to whom the debt is owed may wish to see that a longer period of repayment is kept to. Where this is the case, any requirement by the provider to whom the debt is owed does not prevent an applicant from receiving an offer of accommodation from another provider.

**c) Applicants with debts of £1-£499**

180. Applicants with debts of £1-£499 will not be deprioritised, unless there is clear evidence of a future risk of non-payment. Clear evidence of a future risk could include factors such as:

- a) A long history of housing debt;
- b) A long history of poor rent payments; and
- c) A long history of breached payment arrangements.

181. Where such evidence exists, the applicant will be placed into Band 5 until there is evidence of rehabilitation. Evidence of rehabilitation could include factors such as:

- a) Maintaining a payment arrangement for 1-8 weeks;
- b) Demonstrating that the causes of the previous problems have been addressed.

182. Applicants who are placed in Band 5 for a housing related debt of £500+ should notify the Council immediately when they have either repaid at least £375 or repaid at least 25% of their original debt, so that their application can be reviewed.

183. The only exceptions to this qualification rule are applicants who can demonstrate that their circumstances are exceptional and that they would face serious hardship or risk through being deprioritised. An exception may be considered where, for example, an applicant has a good payment history with a debt resulting from a one off incident or problem such as relating to Universal Credit, or benefits reforms, or where a tenant had to flee domestic abuse and a subsequent debt built up for their tenancy.

184. Additional procedural information on the consideration of exceptional circumstances and how applications are considered where there is a 'Debt Relief Order', 'Bankruptcy Declaration' or 'Individual Voluntary Agreement (IVA)' are set out in Appendix 5.

**Deliberate Worsening of Circumstances**

185. The Housing Needs Team will assess every application to confirm the applicant is in the housing need they have described on their application form. If there is evidence that a household has knowingly acted to try and increase priority for housing, (when there was an alternative option which would not have resulted in a higher priority), then the Council reserves the right to place the application into the appropriate band as though the deliberate act had not occurred.

186. Examples of deliberate worsening of circumstances include:

- Selling a property that is affordable and suitable for the applicant's needs.
- Moving from a secure Assured Tenancy to insecure and/or overcrowded accommodation without good reason.
- Moving from suitable accommodation in the private sector to unsuitable accommodation (for example, overcrowded or unaffordable).

#### **Exceptional Circumstances.**

187. There may be circumstances where, for urgent operational or financial reasons, there is a need to make an offer of housing outside of the criteria set out in this policy.

188. Such occasions may include:

- Supported housing under the care of the Council.
- Extra care accommodation.
- Exceptional circumstances, e.g. urgent operational or financial reason.

189. Examples include but are not limited to:

- Situations where urgent re-housing is required due to an applicant's existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed or in discharge of a statutory homelessness duty.
- Where there is an evidenced threat to life in the area in which an applicant currently lives.
- Wokingham Borough Council tenants in emergency cases whose homes are damaged by fire, flood or other disaster.
- If an applicant is not being realistic in the areas they select, and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.
- Where a vacant adapted property or a property designed to disability standards becomes available and there may be a need to offer that property to an applicant whose disability need best matches that property, regardless of the date they were registered.

190. In such cases, an Exceptional Needs Panel will be convened to determine the allocation of accommodation in order to meet the needs of such applicants and in order to make the best use of stock in the borough. The Exceptional Needs Panel will meet on an ad hoc basis and membership will include the Assistant Director Neighbourhoods and Communities, Senior Homelessness and Housing Needs Manager and a Senior Housing Allocations Officer. Other relevant colleagues may also be requested to attend as required. Minutes of the meetings will be taken and circulated to all attendees. In the event that such a decision is needed, the Assistant Director Neighbourhoods and Communities will make a final determination in respect of allocations.

#### **Local Lettings Policies**

191. Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities.

192. The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

- 1) Age restrictions.
- 2) Specific local lettings policies for a village or rural parish.
- 3) Prioritising applicants who are key workers, as defined by the Council.
- 4) Restrictions on lettings to vulnerable households where there is already a concentration of supported tenants/residents in a street or block.
- 5) Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- 6) Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- 7) Ensuring that there is a balance of working and non-working households allocated to a scheme.
- 8) Enhanced local connection restrictions relating to a specific parish.

193. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

### **Rural Exception Schemes**

194. Many rural areas face particular difficulties in securing an adequate supply of land for affordable housing for local needs. The delivery of rural exception schemes for affordable housing can be a complex issue for Parish Councils, landowners and the community. In response to this, the Council has included a policy in the Core Strategy to allow sites to be brought forward for affordable housing to meet local needs in rural Wokingham Borough Council Adopted Affordable Housing SPD (July 2013) areas as an exception. The circumstances when the Council will allow a site to be brought forward as a rural exception are set out in Core Strategy policy CP9.

195. Applicants should note that a local connection to the particular parish area will be required for any rural exception schemes.

## How to contact us

### Contact us:

If you have any queries or require any help, please contact us.

Call: 0118 974 6000

Visit our Housing Online website:  
<https://www.wokingham.gov.uk/housing-and-tenants/housing-needs/register-for-council-housing/>

General enquiries email:  
[housing.needs@wokingham.gov.uk](mailto:housing.needs@wokingham.gov.uk).

Housing Online/housing applications email:  
[housingonline@wokingham.gov.uk](mailto:housingonline@wokingham.gov.uk).

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## Appendices

### Appendix 1 – Banding Scheme

To be copied from above once completed.

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## Appendix 2 – Shared Ownership

Wokingham Borough Council does not manage the application or advertisement process for shared ownership in the borough. Those interested in shared ownership are advised to contact [Help to Buy South](#).

In most cases, Wokingham Borough Council is responsible for prioritising the list of applicants who have expressed an interest in a shared ownership home in the borough via the Help to Buy Portal. Applicants are prioritised in the following order:

1. Military Personnel who meet one of the following criteria:
  - a member of the British Armed Forces or former member who has been honourably discharged in the last 2 years, or;
  - a bereaved partner of a service personnel who was killed in action within the last 2 years.
2. Those with a local connection to the borough (i.e. those who live or work in the borough) in the following order:
  - On the housing register and eligible for the size of property available (priority will be by band and then registration date).
  - On the housing register but not eligible for the size of property available (priority will be by band and then registration date).
  - Not on the housing register, has a local connection or are exempt from the local connection criteria, and eligible for the size property available.
  - Not on the housing register, has a local connection or are exempt from the local connection criteria, but not eligible for the size of property being advertised.
3. All other applicants.

## **Appendix 3 – Extra Care and Supported Housing**

### **Extra Care**

An extra care scheme is independent living accommodation, specifically designed for use by both those who have disabilities and for those in reasonably good health.

Varying amounts of care and support can be offered, according to need.

Some services and facilities are shared enabling older people to live independently in their own homes with the option of socialising and joining in activities.

Occupants may be part owners or tenants and all have legal rights to occupy underpinned by housing law (in contrast to residents in care homes).

Ages are 55+ although consideration may be made for slightly younger people in highly exceptional cases.

A care need is required in some schemes whilst others have varying needs from low (0-8 hours per week care provision) up to those with a high care need.

Vacancies arise fairly frequently for both rented and shared ownership accommodation.

### **Supported Housing**

Supported accommodation options offer varying degrees of care and support. There are several different types, including accommodation for those with mental health disabilities and learning disabilities. Usually, support accommodation is open to all ages. We will require evidence of need for supported housing as part of the application paperwork. This may include an occupational therapy (OT) assessment, social worker report etc.

General housing stock: applicants with no overnight support need and a small package of care during the day will usually be allocated a home within general housing stock based on their housing need.

Supported living: applicants who require access to 24hr care and support (can include sleep in or waking night) will usually be allocated a supported living home. This will usually involve sharing a home and support hours with other residents.

Residential care: will only be considered if supported living is unavailable or a specialist placement is required.

Vacancies do not arise often because residents will generally (but not always) remain in their homes for a long time. Where a vacancy occurs, an appropriate Panel will be convened to determine the allocation. We seek to develop move-on pathways for residents where appropriate.

## **Appendix 4 – Fraud or False Information**

### **Details of how alleged fraud or providing false information will be assessed**

Section 171(1) of the Housing Act 1996 makes it an offence for anyone, in connection with the exercise by a local housing authority of their functions under Part VI of the Housing Act 1996 (and therefore in seeking an allocation of accommodation) to:

- a) Knowingly or recklessly make a materially false statement or
- b) Knowingly withhold information that the Council has reasonably required him/her to give in connection with the exercise of those functions.
- c) A person guilty of this offence is liable on summary conviction to a fine at the date of this scheme document of up to £5,000.

The circumstances in which an offence is committed could include:

- d) Any false information given on an application form for housing/accommodation (including transfer applications);
- e) Any false information given in response to subsequent correspondence;

In addition making a fraudulent application for housing may constitute an offence under the Theft Act 1968 and/or the Fraud Act 2006.

If an applicant has given materially incorrect information at the time of the application or that subsequently comes to light, amounting to deliberate concealment of for example a debt, or an eviction, their application will ordinarily be cancelled and a letter will be sent to the applicant to notify him/her of the decision and reasons.

### **Determination of deliberate intent**

In many cases, applicants will have provided incorrect or inadequate information on their application form, but the assessment concludes that there was no deliberate intention.

It will be for the officer in the first instance to decide if any errors contained in an application were deliberately made or not. If the officer is satisfied that the errors were not deliberate, or that it had no impact on the application, then no action will be taken though the applicant may be warned about the need to provide accurate information and the consequences for not doing so.

However, if the officer has concerns, these will be discussed with their Manager who will decide if they:

- 1) Are satisfied that there is insufficient evidence to deprioritise the application on these grounds;
- 2) Requires more information to be gathered before a decision can be made;
- 3) Are satisfied that the applicant has provided fraudulent information, or withheld important information.

The Manager will refer to the Police in all cases where serious or systematic fraud is suspected.

If the decision is that the applicant has given false information or withheld information, they will be deprioritised. In these circumstances, a letter will be sent to the applicant to notify them of the decision and they will have a right to seek a review of that decision.

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## Appendix 5 – assessing medical priority

### Medical Priority

This appendix provides further detail to explain how the Council will make a decision on whether medical or social priority should be awarded.

Applicants will be asked for information and any supporting documentary evidence, regarding how their health or welfare are affected by their current home, or why the applicant's health cannot be managed in their current accommodation.

On receipt, the officer will consider whether any supplementary information is needed from any other relevant professional, who may be able to explain the impact the applicant's current accommodation is having on their medical condition or disability.

While this information is being provided, and pending the assessment of medical priority, eligible and qualifying applicants who have another statutory housing need will be registered and placed in a band according to that need. Where no other housing need exists, the application will remain as pending until any medical priority is determined

The officer supported, where necessary, by a senior officer, will normally make a decision whether or not to award a priority based upon the information provided. They will use the guidance notes and assessment framework in this appendix to help them make a decision.

If the officer is of the view that it would be beneficial to obtain an opinion from an Independent Medical Advisor, or Occupational Therapist they will make a referral. A Medical Advisor will not normally be asked to carry out a medical examination and their opinion will be based on the information provided by the applicant and any supporting information from a medical professional and any information submitted by any organization supporting the applicant.

Applicants are not required to provide any supporting medical evidence in support of their application before an assessment is made although where this is available they should provide it in support of their case.

Where the officer believes that further medical information is required before they can make an assessment they may request it from a relevant medical professional dealing with the applicant.

It is important to note that the officer is not making a medical opinion. The role of the officer is to consider evidence regarding the impact of an applicant's current housing circumstances on any medical condition or disability.

Medical priority will not normally be awarded in the following circumstances:

- a) Where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied.
- b) Health problems that are not affected by housing or cannot be improved by moving.
- c) Where a move would only make a marginal improvement to the applicant's condition.
- d) Medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame.
- e) Where another reasonable course of action is available to the applicant to resolve their difficulties.
- f) Time-related medical problems (e.g. pregnancy-related problems or a broken leg).

- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact).
- h) Overcrowding not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for being overcrowded).
- i) If the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

Applicants who require support to live independently with their medical condition will be placed in a priority band for their medical need. However, if no appropriate support package has been agreed, the applicant will not be offered accommodation whilst a support plan/package is pursued.

Each individual on the application with a health will be assessed. If there is more than 1 member of the household whose health and/or welfare is being affected by their housing, their application will be awarded the need relating to the severest problem.

Where an applicant has been placed in bands 1 or 3 because of a medical need this may be reviewed on a regular basis to ensure the award is still relevant. The review will determine whether the level of priority is still appropriate. The review may involve a phone-call to the applicant and/ or support agency, an email, or a home visit.

Once the assessment has been completed the applicant will receive a letter or email advising them of the outcome, and if a priority band is awarded what that band is.

Where an applicant already registered notifies a change of medical circumstances that are impacted by their current housing the applicant's priority will be re-assessed using the same process.

This section below quotes examples of when Bands 1 or 3 could be awarded. These are just examples and an assessment will be made on the facts of the case.

**Band 1: Covers urgent and immediate medical impact problem**

This top category band 1 will be reserved for exceptional cases where an applicant's health is seriously at risk (including a risk to life) due to the associated medical and housing difficulties that are inherent in their existing accommodation.

**Band 3: Covers serious medical impact problem**

A band 3 award also reflects urgent medical impact cases that have a clear relationship with the applicant's existing housing circumstances.

**The detail for the operational guidance used to assess medical cases**

1. The applicant will be asked to indicate on their application form whether they or anyone in their household has an illness or disability that is affected by their current accommodation.
2. If the information returned on the on-line form does not clearly address the impact of the applicant's current housing on their condition, the officer will contact the applicant to ask them specifically to describe how the current housing is impacting on the condition described.
3. Where supporting information from a health professional is available, the applicant should provide this information to support their application.

4. It is expected that the majority of cases can be assessed by the officer using this guidance and where necessary taking advice from a senior officer. Only where relevant and appropriate will advice from an independent medical advisor or OT be sought.
5. Depending on the seriousness of the circumstances claimed the case might be referred to an independent medical advisor or OT to provide advice on the possible impact of any medical or disability condition to help address the impact of the applicant's current accommodation on that condition.
6. In the circumstances where the officer believes there may be an urgent and immediate need, due to the severity of the impact of their current housing on an applicant's disability, the case can (with a senior officer's approval) be submitted to the Council's Occupational Therapy Team (OTT) for a more detailed assessment. In order to do this the OTT may visit the home of the applicant and consider any supporting information and may recommend whether Band 1 or 3 priority should be awarded, based upon the severity of the case and the urgency of the need for re-housing.
7. The OTT may also make recommendations regarding the type of housing that the applicant may need.
8. Where priority is awarded applicants will only be considered for the type of accommodation assessed as being required. For example, if it is assessed that an applicant needs to move to a bungalow because, due to their condition, they need to use a wheelchair, they will only be considered for suitable properties that meet this need.
9. There will be occasions when advice, or clarification, from a GP or hospital consultant may need to be sought. For example, where it is claimed that an applicant's housing circumstances is severely affecting their mental health.
10. Where the information indicates that the applicants condition is not so urgent and immediate that they are unable to live in their current home, or that there is insufficient evidence that the medical condition would be significantly improved by alternative housing no award of priority band 1 or 3 will be made.
11. The following list sets out some of the circumstances that may qualify for an award of priority banding:
  - a) An applicant's inability to manage stairs, control temperature, etc.
  - b) Where an applicant is confined to their existing accommodation due to the physical nature of that accommodation
  - c) Where an applicant's accommodation is having a significant or exceptional impact or is causing an applicant's mental or physical health.
  - d) An applicant's restricted ability to fend for him/herself in the accommodation which may put them at significant risk due to the physical nature of the accommodation
  - e) The need for adapted housing and/or extra facilities
  - f) The need for sheltered or supported housing due to the impact of their current housing on a medical condition.
  - g) The need for alternative housing as part of a care plan

When assessing whether to award band 1 or 3 or no band, the officer will follow the 5-stage process set out below:

1. Is the medical/disability issue serious enough for a priority banding to be considered?
2. If the medical condition is serious enough for a priority banding to be considered the officer should then decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation, i.e. on the facts obtained (from the applicant and any medical information or reports submitted including any advice from an independent medical advisor or OTT)

the officer accept that the applicant's current housing accommodation/circumstances is making their medical condition substantially worse, or will make it worse.

3. In practical terms the officer should consider the adverse effect this has on the applicant's ability to manage day-to-day tasks in their current home. The applicant's current housing accommodation/circumstances may be impacting on their medical condition or disability but not to the extent that an award of band 1 or band 3 priority should be granted under the criteria adopted for the policy. The examples listed for an award of band 1 or band 3 should be used to guide the officer when making their decision.

4. Before making an award the officer needs to be satisfied that there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.

5. If the officer is satisfied that the impact on the identified medical condition/disability would be removed or significantly improved they would then decide whether to award Band 1 or 3 depending on the severity of the impact and using the examples below to guide them.

### **More extensive examples to help officers to decide if Band 1 should be awarded on medical or disability grounds**

These examples are intended to guide the officer on the threshold set for a band 1 or band 3 priority award, or whether no award should be made. They will also serve to help an applicant understand the threshold for a priority award to be given.

The following are examples of cases that may qualify for Band 1 award. It may apply to the applicant or a member of their household:

1. Applicants who have a progressive, chronic or life threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital due to their accommodation being unsuitable.
2. Applicants who have a progressive, chronic or life threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user.
3. An immediate life threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage
4. A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care
5. A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care
6. The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g. applicant has severe mental health problems that are significantly exacerbated by their accommodation;
7. A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation
8. Where their current property leaves a person at risk of infection, e.g. where an applicant is suffering from late-stage or advanced AIDs
9. Due to limited mobility a person is unable to access essential parts of the property e.g. bathroom/toilet.

10. A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
11. Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service.
12. Veterans who have actively served in the armed forces and are suffering from severe post traumatic stress disorder or serious illness directly related to service in the forces
13. People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care.
14. People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs
15. Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability
16. Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition
17. Someone with a medical or disability who's housing has rendered them housebound
18. Where a move would avoid the need for another service (e.g. Social Services) from having to provide a significant level of support. This might include for example residential care; overnight care provision, or other support with similar resource implications
19. Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the number and nature of steps, stairs or other hazards that may increase the risk of serious injury
20. Where it is impossible for the person to use essential facilities within the home and no adaptation is possible
21. The applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective.

**More extensive examples to help the officer to decide if band 3 should be awarded on medical or disability grounds**

1. Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation
2. Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities
3. Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition
4. Applicants who have a medical need for an additional bedroom for example, because they have been assessed as requiring an 'overnight carer', or they need more space to accommodate a substantial amount of medical equipment.
5. Applicants whose housing is unsuitable for severe medical reasons, or due to a disability, but who are not housebound, or whose health, or safety is not at such a risk level to require immediate urgent housing may be awarded band B
6. Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without long term settled accommodation.
7. A person whose disability means that re-housing would help them to overcome physical barriers created by their current accommodation that they struggle with e.g. stairs and steps.

8. A person with a severe disability requiring some adaptations to their property that cannot be provided for in their current accommodation.
9. Where an applicant can access their home, but struggles to access normal day-to-day facilities within it (e.g. bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort. This would include cases where an adaptation is possible but cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)
10. An applicant is suffering from a long-term mental illness that is being exacerbated by their accommodation. There will normally not only be GP involvement, but other specific mental health support already provided.
11. Where an applicant is only not housebound due to significant support that is available to enable them to get out of their accommodation
12. An applicant or member of their household with a terminal illness, or long term medical debilitating condition, whose current accommodation is not necessarily having a significant impact on their condition but where it is agreed by the council that their quality of life would be significantly improved by moving to alternative more suitable accommodation, or accommodation that is nearer to support that is essential for their well being.

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## **Appendix 6 – Definition of Terms**

Accessibility – Used here the term refers to how ‘user friendly’ the service is to all people who may want to use it.

Adapted Property – Property that is suitable for those with a physical disability i.e. where a stair lift has been fitted.

Banding Scheme – The method by which customers are prioritised for social housing.

Housing Register – One list of people applying for social housing (previously ‘housing waiting lists’).

Applicants – Those people applying to the scheme for housing.

Effective Date – The date used to decide between customers in the same Band to establish who has waited longest.

Hard to Let – Low demand property where it takes longer to find a tenant.

Housing Options – A term used to describe a service that advises customers of all their choices and includes mutual exchanges, low cost home ownership and renting in the private sector.

Letting Policy – The means by which it is decided how property will be offered to customers.

Local Lettings – Policy made in local areas (to tackle specific, identified housing management issues) on how property will be offered that differs in some part from the overall scheme policy.

Social Housing Providers – The term for a variety of housing organisations that provides housing, includes local authorities and housing associations.