

**South Oxfordshire District Council  
Vale of White Horse District Council**

**Housing Allocations Policy**

**February 2019**

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## **1. Introduction**

South Oxfordshire and Vale of White Horse are areas of high demand for affordable housing. Demand for social housing exceeds supply in both districts. Both councils aim to allocate the resources available fairly, objectively and systematically.

The housing allocations policy (HAP) describes the mechanisms by which the councils assess applications to join their separate housing registers and makes allocations for affordable housing within their districts.

Both councils transferred their housing stock through Large Scale Voluntary Transfers (LSVT) to separate partner LSVT Registered Providers. The councils use their nomination agreements with Registered Provider partners to meet housing need in the districts and to discharge their statutory housing duties. The majority of nominations are to rented homes, but nominations to shared ownership housing is also included in the HAP.

The councils work within the legal and regulatory framework governing the allocation of affordable housing. This scheme also takes into account local need and demand within the districts.

South Oxfordshire and Vale of White Horse District Councils operate a Choice Based Lettings Scheme. This allows applicants to have as much choice as possible over where they live, within the limits of what types of accommodation they are eligible for.

The HAP does not cover all lettings made by Registered Providers; some manage transfers of existing tenants and/ or arrange their own decants and management moves. However, the councils have partnerships with most local Registered Providers with the aim of providing a 'one-stop-shop' for those looking for affordable housing.

The councils will continue to use a Choice Based Lettings (CBL) scheme to advertise and let affordable rented properties in the districts. There are limited circumstances where the councils will let properties outside its CBL scheme. Further information is provided in section 15.

## **2. Objectives of the Housing Allocations Policy**

### **i. Primary Objectives**

In 2012, the government published "Allocation of Accommodation; guidance for local housing authorities in England." This confirmed that the councils should in the main use the "reasonable preference" framework contained in the 1996 Housing Act (as amended) when determining priorities for the allocation of social housing in their districts.

The principle objective of the councils HAP is to enable the councils to meet their statutory responsibilities with regard to housing. The HAP will ensure that the properties, where the councils have nomination rights, are let to those in housing need in a way that is fair, consistent and understandable, and that also supports the councils commitment to prevent homelessness.

## **ii. Other Objectives**

The Localism Act 2011 introduced greater flexibility for councils to determine local priorities when drawing up their allocations policies.

Even with an active development programme, the demand for affordable housing in the districts is far greater than the supply. A key priority for the councils is to prevent homelessness by meeting housing need. However the councils will, where possible, endeavour to use its housing allocations policy to meet local priorities, whilst ensuring its primary objectives are met.

The other objectives of the HAP are:

- to ensure that the allocation of social housing is suitable for the future, as far as is reasonably practical
- to facilitate choice for people in housing need, where possible
- to encourage people back into work and enable them to become contributing members of their communities, where possible
- to increase the accessibility of local homes for local people, where possible
- to make the most effective use of the affordable housing stock in the district
- To allocate housing fairly, consistently and transparently
- To allocate suitable accommodation to households in housing need
- To work to meet the Council's responsibilities to homeless households in the district and to work to prevent homelessness
- To ensure that empty properties are let quickly and efficiently
- To make best use of the social housing stock available
- To offer appropriate advice to applicants who we are unable to house, including accurate and timely referrals to other agencies
- To promote sustainable communities

## **3. Equality and Diversity**

The councils are committed to equality of opportunity and anti-discriminatory practice in service provision and seeks to promote social inclusion.

Applicants will not be discriminated against on the grounds of race, colour, nationality, ethnic or national origin, disability, age, sex, gender reassignment, sexual orientation, religion or belief, marriage and civil partnership, pregnancy and maternity.

The housing allocations policy conforms with relevant legislation and case law, best practice and guidance issued by the Ministry of Housing, Communities & Local Government (MHCLG) and other relevant bodies.

#### **4. Advice and Information**

Because of the shortage of affordable rented housing in the district, few applicants will be able to quickly resolve their housing need through the housing register. It will usually, therefore, be necessary to explore other ways to meet their housing need.

The councils will comply with legislative requirements to provide housing advice, support and early intervention to prevent and relieve homelessness. This includes complying with the provisions of the Homelessness Reduction Act 2017.

The councils will ensure that advice and assistance is available to enable applicants to apply to join the housing register, and to participate in its CBL scheme. The councils will assess applications on receipt to identify an applicant who may need support. Where possible the councils will encourage applicants to act independently, or with the support of a relative or advisor. Where an applicant has asked a third party to bid on their behalf, the councils will ensure that the nominated person is given information about using the system. If necessary, help will be offered to an applicant who may be vulnerable and/or who may have difficulties applying for housing or using the CBL scheme.

Applicants will have their application confirmed by letter with full information on how their application has been assessed and how to apply for properties. Applicants who are not eligible for inclusion on the housing register will be provided with full reasons including their right to request a review.

Applicants will be given clear information about the availability and turnover of social housing, to help inform their choices. The councils will publish the results of lettings outcomes on the CBL websites and in the property newsletters. This information enables applicants to see how popular properties in particular areas are, what band the person at the top of the shortlist was in, and how long they had been waiting. These results do not show personal details.

Applicants can also access copies of the housing allocations policy on the councils' websites. Copies of the policy will also be made available in large print, braille and foreign language versions on request.

## 5. The Legislative Framework

In framing this allocations scheme, the district councils comply with the relevant legislation, including, but not exclusively: the 1985 and 1996 Housing Acts, as amended by the Homelessness Act 2002; the Equality Act 2010; the Human Rights Act 1998; the Localism Act 2011; the Homelessness Reduction Act 2017 and other Acts specified within this document. The councils also take due account of case law, best practice and government regulations and guidelines including the Codes of Guidance on Allocations and Homelessness:

- Allocation of Accommodation: guidance for local authorities in England 2012
- Providing social housing for local people – Statutory guidance on social housing allocations for local authorities in England 2013
- Right to Move: statutory guidance on social housing allocations for local housing authorities in England 2015
- Homelessness Code of Guidance 2018

### Reasonable Preference

The councils are required by legislation to give reasonable (but not over-riding) preference to the following categories of person:

- Those who are homeless within the meaning of Part 7 of the 1996 Housing Act (including those who are intentionally homeless and those not in priority need)
- Those who are owed a duty by any housing authority under s190(2), 193(2) or 195(2) of the 1996 Act (or under s65(2) or 68(2) of the Housing Act 1985) or who are occupying any accommodation secured by any housing authority under s192(3)
- Those in insanitary or overcrowded housing or otherwise living in unsatisfactory conditions
- Those who need to move on Medical or Welfare grounds, including grounds relating to a disability
- Those who need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or others

These categories are not discreet, and applicants can fall under different categories.

### Additional Preference

Under section 166A(3) of the Housing Act 1996, the councils can give additional preference to applicants in urgent need. The councils can decide which applicants within a particular category should be given the greatest priority for housing, and which of the groups should be prioritised over others.



The councils housing allocations scheme must also give “additional preference” to a person who falls into a reasonable preference group and is considered to have urgent housing needs where the person:

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

## **6. The Councils statement on choice**

The Housing Act 1996 requires that the councils state their policy with regard to offering applicants a choice of housing accommodation or offering them the opportunity to express preference about the housing to be allocated to them.

The demand for affordable housing in the district far outstrips the supply and this impacts on the amount of choice that the councils are able to offer housing applicants. The councils operate a CBL scheme which allows the majority of registered applicants to express preferences over the types of properties and the areas in which they want to live. It is the case that the more restrictive an applicant is with regard to their choices the more limited are their chances of being offered affordable housing.

The majority of applicants on the housing register can bid on properties for which they are eligible with no restrictions. There are some circumstances where this does not apply as follows:

- homeless applicants. Further information on what choice is available to applicants accepted as homeless under sections 193 and 195 of the 1996 Housing Act is contained in section 15.
- where a time-limited priority is awarded to an application. (see section 11, ii)
- where as part of the Multi-agency public protection arrangements (Mappa), a decision is made to disallow an applicant from choosing where they can live
- direct match properties (see section 15, v)
- Local Lettings Plans (see section 15 iv)
- Reciprocal Nominations (see section 15, vi)
- where advice is provided from another agency (e.g. Police, Probation, Social & Health Care) that leads the councils to decide there would be a risk to another person or the wider community or the applicant themselves from allowing that applicant choice in what they can bid for.

In addition, the councils will impose sanctions for applicants who unreasonably refuse offers of accommodation. This means they will be suspended from the housing register for a defined period and so will not be able to participate in the CBL scheme. More detailed information is contained in section 16.

## **7. Eligibility and qualification to join the housing register**

Only applicants who are eligible for housing and who qualify for an allocation of housing will be included on the councils housing registers and considered for offers of accommodation. If an applicant has already been included on the housing register and is found to no longer be eligible for housing, or no longer qualify for housing, they will be removed from the housing register and notified in writing.

The qualification provisions in the policy are general requirements which are subject to any further specific requirements operated by some Registered Provider partners in relation to some or all of their specific properties.

### **i. People subject to immigration control**

Certain classes of people are ineligible for an allocation of housing, and therefore are ineligible to join the housing register. A person may not be allocated accommodation under Part 6 if he or she is ineligible for an allocation under s.160ZA of the 1996 Housing Act. There are two categories for the purposes of s.160ZA:

- i) *a person subject to immigration control* – such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and
- ii) *a person from abroad other than a person subject to immigration control* – regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)). This may include British citizens and others who are not subject to immigration control but who are not habitually resident in the UK.

The regulations setting out which classes or persons from abroad are eligible or ineligible for allocation are the Allocation of Housing and Homelessness (Eligibility)(England) Regulations 2006 (SI 2006 No. 1294)('the Eligibility Regulations').

British citizens and others from abroad who are not subject to immigration control but live abroad due to their service in the Armed Forces are classed as having residence in the UK and are eligible.

Where an applicant seeks to include a household member who is not eligible due to their immigration status, that household member will not be taken into account for the purposes of assessing bedroom eligibility or priority due to

overcrowding or health and social considerations. The ineligible household member cannot confer qualification through local connection.

**ii. Transfer applicants**

Only applicants who are occupying social housing in the district will qualify as a transfer applicant. Tenants will be eligible to join once they have successfully completed their introductory tenancy (usually after 1 year). Tenants on fixed term tenancies are included.

**iii. Young people under 18**

Applicants to the housing register will be excluded from participating in CBL until reaching the age of 18. At 16 and 17 they will be eligible for supported housing. The council will maintain well-established links and protocols with Social & Health Care and supported housing providers to ensure that young people can access appropriate housing and support.

Where there are joint applicants, both applicants will need to be aged over 18 to be offered an introductory tenancy.

**8. Disqualifications from the housing register**

**i. Rent arrears and housing debt**

Rent arrears and housing debt mean any money owed to the councils; or another local authority; or the council's White Horse Lettings team - in respect of loans or repayments outstanding for Rent in Advance or a Rent Deposit; or money owed to Registered Providers; or a private landlord in the form of non-payment of rent; or former tenant arrears; or service charges; or chargeable repairs (including any deductions from deposits paid for by the Council's White Horse Lettings Team).

Current tenants, with rent arrears or housing debts relating to where they currently live, and former tenants with rent arrears or housing debts relating to previous tenancies, who meet one or more of the following criteria will not normally qualify for inclusion on the housing register and will be excluded where they are:

- A current tenant of the council, another local authority, a Registered Provider or a private landlord, where a court possession order has been issued regarding rent arrears, the tenant is in breach of the Court Order and/or ongoing action is being taken to evict the tenant; or current arrears and/or housing debts are above £500.
- A former tenant of the council, another local authority, Registered Provider or private landlord who has been evicted from, or given up their former property, owing rent arrears and have unpaid rent arrears or housing debts over £500 which are legally recoverable.

Applicants may be considered for joining the housing register where there is evidence that they were not responsible for the debts accruing in the first place, or a financial assessment has concluded that they genuinely could not afford to meet the rent.

Applicants with housing debt above £500 may also be considered for inclusion on the housing register if they have an agreed repayment plan with their landlord that has been maintained for six months.

If an applicant with rent arrears has been allowed to join or remain on the housing register they will not normally be considered for an offer of accommodation until the arrears have been satisfactorily addressed. (see section 16, vi).

**ii. Applicants guilty of unacceptable behaviour (or defined as unfit to be a social housing tenant)**

The councils and their Registered Provider partners take anti-social behaviour very seriously. Individual applicants where they, or members of their household, meet one or more of the following criteria, will not normally qualify for inclusion on the housing register and will be excluded:

- Applicants who have been evicted from a council, Registered Provider, supported accommodation or private rented property, for illegal subletting or anti-social behaviour
- Breach of tenancy for behaviour which is a nuisance or annoyance to those in the locality of the dwelling; or a conviction for using the dwelling for immoral or illegal purposes, or committing an indictable offence in the dwelling, house or locality of it
- Domestic violence causing a partner or other family member to leave the property / or loss of an applicant's accommodation due to this
- Deterioration of the dwelling house or furniture provided for use under the tenancy due to waste, neglect or fault
- Tenancy induced by false statement(s) (see section 15.ii)
- Housing applicants or members of their households who are considered by the council responsible for serious anti-social behaviour including abusive or threatening behaviour towards others
- Applicants or household members who permit visitors who cause serious anti-social behaviour
- Where they have assaulted a member of staff (the councils will not tolerate abuse, threats or assaults to staff and will involve the police where appropriate)

### Duration of exclusion or ineligibility for unacceptable behaviour

Where an applicant has been disqualified for inclusion on the housing register the sanction for unacceptable behaviour will normally last for a minimum period of 2 years from the date of conviction or the date of the last known disqualifying offence if not taken through the court process. After this time the applicant must be able to prove that the exclusion is no longer valid by evidencing changed behaviour or the conviction is spent.

If after a minimum period of one year an applicant's circumstances change significantly and there is persuasive evidence that they have successfully changed their behaviour for a satisfactory period of time they may reapply. This is only expected to be in exceptional circumstances due to the serious nature of unacceptable behaviour and the impact and risk to others.

### **iii. Applicants with no local connection to the district**

Applicants will need a local connection to the district to which they are applying to join the housing register.

Applicants who do not have a local connection to the relevant district will not be allowed to join the housing register, unless there are exceptional reasons. This reflects the high demand for housing in the district and this measure will mean that the council is better placed to meet local needs.

For the purposes of inclusion to the housing register, local connection is defined as:

- current and permanent residence of choice, for at least six months
- previous residence of choice for either six months out of the last twelve or three out of the last five years
- current residence of choice of close family member for at least five years. Family members are defined as parent, adult children and siblings
- current, permanent employment within the district that is at least 16 hours per week

Applicants who are employed on a 'zero hours' basis will be eligible to be included on the housing register, however should the applicant make a successful bid, the council will require evidence through wage slips that they have been working in the district for a minimum of six months and that they have been working for that period on an average of 16 hours per week.

A local connection is not established when the residence is not of choice. A local connection through residence is not established in situations that include, where the applicant is:

- In prison, a probation hostel or similar accommodation

- In hospital or detained under the Mental Health Act
- Living in temporary accommodation or supported accommodation where this is their only connection to the district.

The exceptions are certain persons associated with the Armed Forces. There is legislation in place that states the following applicants cannot be excluded from the housing register on the grounds of not having a local connection:

- Persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation
- Bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service

In addition, people who are accepted as statutory homeless under sections 193 or 195 of the Housing Act 1996 Part 7, or are at risk of domestic abuse, violence or harassment will be exempt from the local connection criteria. The councils reserve the right to require evidence of the risk posed before including an applicant on the register in these circumstances.

A further exception are tenants living in social housing outside of the district who need to move to take up an offer of employment within the district. Details of this exemption are provided in appendix 4.

### **Care Leavers**

The definition of local connection under the homelessness legislation for young people leaving care was amended by the Homelessness Reduction Act 2017. This is applicable in relation to local connection under this policy.

Care leavers who have been placed in accommodation under s.22A of the Children's Act 1989 (accommodation arranged for and provided by a local authority) so as to have been normally resident in the council's district for a continuous period of at least 2 years, including some time before they turned 16, will also have a local connection with that district until they turn 21 years of age.

A young person owed leaving care duties under s23C of the Children's Act 1989 will have a local connection with the area of the children's services authority that owes them the duties - if that authority is a county council and not a housing authority, the young person will have a local connection with every housing authority district falling within the area of the children's services authority.

#### **iv. Property owners and Owner-occupiers**

Due to the high demand for affordable housing in the district, those who own a home; freehold, leasehold, mortgaged, owned outright or shared ownership; will normally be excluded from the housing register.

Where there is clear evidence that the applicant is at risk of losing their home, e.g. possession proceedings have been commenced, or they cannot afford to meet mortgage obligations, consideration will be given to the financial circumstances of the applicant. This will be assessed by a full examination of their income and expenditure. The applicant will need to be receiving advice and assistance from one of the council's Housing Needs Officers under the provisions introduced by the Homelessness Reduction Act 2017 to be considered for inclusion on the register.

Owner occupiers in urgent housing need due to health or disability and who reside in a property that cannot be adapted to meet these needs, may be eligible to join the housing register. This will be determined on a case-by-case basis and take into consideration whether there is sufficient equity in the property for the applicant to resolve their own housing situation.

Where there has been a relationship breakdown and the courts have ordered either the sale of the home or ordered that only one of the parties can reside at the owned home, the applicant(s) excluded from the property will be allowed to apply to the housing register.

Where there has been a relationship breakdown, and an applicant is named on the deeds or mortgage of the joint or marital home, they have the same legal rights to the property as their spouse or partner, regardless of who pays the mortgage. They will be considered an applicant who owns their home and will not be eligible to join the housing register unless there are exceptional circumstances, for example in some cases involving domestic abuse considered as part of a homelessness assessment. This will also apply where an applicant is married but they are not named on the deeds or the mortgage of the marital home because they have the same rights to the property as their spouse. These rights exist until the applicant is divorced and have a decree absolute.

Where an applicant jointly owns a home and there has been a relationship breakdown, particularly where the applicant has children, they must ensure that the children are adequately housed.

Applicants who fail to pursue their interest in a jointly owned home or who have deliberately deprived themselves of an interest in a home, are likely to be considered to have 'deliberately worsened their housing circumstances' and if eligible and qualified to be included on the housing register will be awarded Band 4 – adequately housed. Applicants should seek advice from one of the council's Housing Needs Officers at the earliest opportunity.

Applicants who are assessed as requiring extra care housing and who own their home will be eligible to join the housing register but will only be eligible for vacancies in Extra Care schemes. In most cases this will be a shared ownership unit in an Extra Care scheme but in exceptional circumstances, they may be considered for a rental unit at an extra care scheme (see section 15.vii).

**v. Applicants who have sufficient financial resources**

Due to the high demand for social housing in the district, those who have sufficient financial resources, as below, to solve their housing issue will be excluded from the housing register.

Applicants who have a sole or joint annual household income of over £60,000 gross will be excluded from the housing register. Applicants who have an annual household income lower than this but who have savings or other realisable assets which combined with their annual income would mean they had £60,000 gross available to them in that year will also be excluded from the housing register. This includes people with investments and those who have a legal or financial interest in a property that could be sold to resolve their situation.

Applicants who deliberately deprive themselves of resources, in particular savings, will be excluded from the housing register.

The income of household members who are not part of the housing application will not be included as part of this calculation.

Applicants who are assessed as requiring extra care housing and who are considered to have sufficient financial resources will be eligible to join the housing register but will only be eligible for vacancies in Extra Care schemes. In most cases this will be a shared ownership unit in an Extra Care scheme but in exceptional circumstances, they may be considered for a rental unit at an extra care scheme (see section 15.vii).

Whilst many applicants will meet the eligibility and qualification criteria for being included on the housing register, some of our Registered Provider partners apply their own eligibility and qualification criteria in respect of the properties that they own. In particular, an applicant's level of savings and/or investments will be assessed according to their individual policy.

**9. Applications to the housing register**

Applicants to the housing register complete an application form online. Applicants who have difficulties applying online should contact the council by e-mailing [housing@southandvale.gov.uk](mailto:housing@southandvale.gov.uk) or by phoning 01235 422436.

Incomplete applications made on-line will be cancelled after 28 days.



Incomplete paper applications will be returned to the applicant for completion.

Applicants will not normally be asked to provide proof of ID for household members until being considered for an offer of accommodation, unless required to confirm eligibility on immigration grounds; or proof of residence; or if they are the only person with a local connection to the district on the application. However, the councils reserve the right to request such information at any point during the application process, or at any point when the applicant is on the housing register. The councils may require additional documentary evidence depending on the applicant's circumstances.

Applicants who do not provide the necessary proofs when requested may not be permitted to join the housing register, may have their application cancelled or may be skipped for an offer.

Applicants must inform the councils of any changes of address and changes to their circumstances which will affect their application. Examples of a change in circumstance include the following:

- changes in household members including pregnancy and births
- changes in medical conditions or disability
- changes in anything that may affect their priority, e.g. Notice to Quit.

Applicants will be required to re-new their application on an annual basis. It is the applicant's responsibility to keep their application up to date.

#### **i. Inclusion of applicants and household members**

Applicants and household members can only be registered on one application at a time.

The people who can be included on an application must be immediate family members of the applicants who normally reside or could be expected to reside with the applicant. Other family members will not normally be permitted to join an application in circumstances which result in them needing a larger property, unless there are overriding reasons to do so. Lodgers are not allowed to be included on an application.

There may be highly exceptional situations relating to the care of children where individuals are recorded on two applications. Household formation will be determined on the evidence provided - it is the responsibility of applicants to make sure evidence is available.

On receipt of a complete application, including any proofs or additional information requested, the councils will aim to assess an application within 20 working days. In circumstances where the councils are unable to meet these targets, information will be provided on the CBL websites.

The councils will write or e-mail all applicants informing them whether they are eligible and/or qualified to join the housing register. If they are eligible and

qualified the following information will be provided: what band they have been placed in, their registration date, the size of property they can bid for, and information on how to place bids.

Any decision regarding ineligibility or disqualification in joining the housing register will be made within 20 working days of receipt of a completed application. The applicant will be informed by letter setting out the reasons and advising of their right to a review. Section 16 contains further details on the review process.

## **ii. Joint Applicants**

Applications from partners who are cohabiting may be registered as joint applicants giving both parties joint and several rights and responsibilities for any future tenancy. Partners include same sex couples.

Partners who apply together will normally be treated as joint applicants unless there are good reasons not to do so. Dependents, family members or other adults who are not a partner of the applicant cannot usually be a joint applicant.

In some cases one partner may be ineligible due to their immigration status. In this case the other partner will be registered as the sole applicant.

If joint applicants wish to change to sole applicants (for example due to a relationship breakdown) they will need to notify the council and one of the applicants will need to make a sole application. Normally the application will continue in the name of a partner with residency and/or parenting responsibilities (assuming that they are eligible and qualified to be included on the housing register). The remaining applicant will need to make a new application, and assuming that they are eligible and qualified to be included on the housing register, will retain the original registration date.

## **iii. Extended families – minors**

In cases where a minor is to be included in or added to an application, but no parental responsibility exists within the household (e.g. grandchildren, nieces, nephews) proof must be obtained of legal guardianship or confirmation from Children & Family Services that this action is necessary and permanent.

## **iv. Adult household members**

The councils seek to make the best use of the limited amount of family properties that become available and will normally only offer family properties to households with dependent children.

Adults aged 18 or older requesting re-housing will normally be expected to apply separately for inclusion on the housing register and not be included on

another applicant's housing register application as a household member unless they are applying as a joint applicant with their partner. This includes adult students studying and living elsewhere.

Adult households' members that require full-time care provided by another member of the household can be considered for inclusion.

**v. Established household members**

Persons may request to continue to be considered as part of the household after they reach the age of 18, if they still reside with the applicant, and wish to continue to do so, and have continually resided within the household as a child up to that point.

However, the councils reserve the right to exclude adult household members where they are not considered to be a permanent member of the household, are considered to have sufficient financial funds to resolve their own housing situation, have been responsible for unacceptable behaviour or where it is not considered reasonable by the councils for the adult to continue to be included on the applicants housing register application, for example older adult members.

Any adults excluded from an applicant's household will not be counted for the purposes of assessing the size of property they require or when assessing their housing need, such as any overcrowding they may be experiencing.

Persons aged 18 years or older may be required to provide a statement and/or evidence regarding their financial situation on request – failure to do so will result in them being excluded from the applicant's housing application.

**vi. Expectant mothers**

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 that the child has been born.

**10. The priority scheme**

Priority on the councils housing registers is determined by a banding scheme. This scheme takes into account the "reasonable preference" categories of housing need as defined in Section 166A(3) of the 1996 Housing Act (as amended).

Once accepted as eligible and qualified by the councils to join the housing register, applicants will be placed into one of four bands, which have been designed to reflect broad categories of housing need. These bands are:

- Band 1- Exceptional Need for Housing
- Band 2- Urgent Need for Housing
- Band 3- Significant Need for Housing
- Band 4- No Housing Need / Adequately Housed

The banding scheme enables the councils and their partner Registered Providers to meet their legal responsibilities for housing and also provide a fair and easily understood way of selecting applicants to receive offers of accommodation.

Some applicants' circumstances may make them able to be placed in more than one band. In this case, they will normally be placed in the highest band for which they are eligible.

**i. The priority bands and categories**

The following table lists the categories of housing need and what band that places an applicant in. The table also contains explanation of the categories, including where a priority award is time limited and information regarding what evidence may be required.

**Band 1**

<p><b>Exceptional Circumstances</b></p>	<p>This category is intended to be reserved for only the most urgent cases. This includes cases where there is a highly serious and immediate risk to the health and safety of the applicant, or members of their household and rehousing is the only way to protect their health and safety (place of safety cases). It also includes cases where there are complex needs, where there is an exceptional community safety need (e.g. via the Multi-Agency Public Protection Arrangements) or other emergency cases not covered by other categories within the housing allocations policy. The award of exceptional circumstances priority may be time limited to 6 months and priority will be reviewed at the end of the period. This priority will be awarded in accordance with the</p>
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	allocations policy and relevant protocols of the council. This category includes victims of 'modern slavery'.
<b>Under-occupying by two or more bedrooms</b>	Registered Provider tenants in the district with an assured tenancy, who will be giving up permanent accommodation with at least two bedrooms more than they require, where that accommodation will be made available on CBL. Applicants will not qualify for this priority and their position on the shortlist will be affected where they bid for a property with one bedroom more than they require. – they must be downsizing by two or more bedrooms. If they are seeking one bedroom more than they require, this must be done through their RP transfer list or via a mutual exchange
<b>Prohibition / Demolition notices</b>	Households where a statutory notice of prohibition or demolition has been issued by the Environmental Health department and it is not possible to remedy the defects in a reasonable time.
<b>Statutory Overcrowding</b>	Households where the level of overcrowding exceeds the statutory limit
<b>Decants, successions and other management moves</b>	Most partner Registered Providers provide the majority of their voids to the council for applicants on the housing register under lettings and nomination agreements. The councils recognise that there are situations where an existing Registered Provider tenant will need to move as a result of decants, successions and other management moves. Where the landlord identifies a suitable void within their stock to offer that tenant, they can submit a request to the council for permission to make a direct offer. Unless there are good reasons not to do so, the council will confirm its permission. However, where it is unlikely that a void will become available within a reasonable

	<p>timescale, applicants can apply to the housing register to be considered under this priority.</p> <p>Where a Registered Provider retains its own transfer list, the council would normally expect them to deal with their own decants, successions and management moves and so priority will not be awarded to tenants in these circumstances.</p> <p><b>Decants:</b> Registered Provider tenants in the district who need to move because refurbishment or repairs are due to be carried out, which cannot be done with the tenant living there or the property is due for sale or demolition.</p> <p><b>Succession:</b> Legal successors, other than spouses or civil partners, and Registered Provider policy successors, i.e. applicants who do not have the legal right to succeed but the landlord wishes to give them that right, will be awarded priority where:</p> <ul style="list-style-type: none"> <li>-they are occupying a property with adaptations for a disabled person which they do not need, or</li> <li>- they are occupying a property larger than they would qualify for under the allocation policy, or</li> <li>- where occupying the property gives the benefit of facilities and or services for which they would otherwise not qualify.</li> </ul> <p><b>Management Moves:</b> Situations when a move is needed for a management reason, e.g. to address ASB. Awards of this priority will be time limited. Priority may be granted six months before they are required to vacate the property. At the end of the six months the councils may decide to make a direct offer if the applicant has not been successful in bidding</p>
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	<p>for a suitable property. If this is refused the priority award may be removed. This would not prevent an applicant from registering for a transfer at any time before this and being assessed on their current circumstances. If there is only a need to move temporarily, the applicant will be granted an assured shorthold tenancy or a licence. Only applicants who have been awarded the highest priority through their landlord's transfer list may be awarded Band 1 priority – it is not sufficient to be on the transfer list only.</p>
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## Band 2

<p><b>Urgent Health or Disability needs</b></p>	<p>Applicants assessed as having an urgent need to move on health or disability grounds. Awarded in accordance with the allocations policy. Section 10.ii provides more detail and the matrix for assessing needs is contained in Appendix 2.</p> <p>Award will normally be time limited for 6 months. Priority will be reviewed at the end of the period and may be removed if the applicant has failed to bid.</p>
<p><b>Urgent Social or Welfare needs</b></p>	<p>Applicants assessed as having an urgent need to move on social or welfare grounds. Awarded in accordance with the allocations policy. Section 10.ii provides more detail and the matrix for assessing needs is contained in Appendix 3.</p> <p>Award will normally be time limited for 6 months. Priority will be reviewed at the end of the period and may be removed if the applicant has failed to bid.</p>
<p><b>Under-occupation by one bedroom</b></p>	<p>Registered Provider assured tenants in the district, who will be giving up permanent general needs accommodation with one bedroom more than they require.</p>
<p><b>Applicants accepted for 'Move On'</b></p>	<p>Applicants who have been assessed as ready to move on from supported accommodation, including:</p> <ul style="list-style-type: none"> <li>- applicants from hostels, foyers and</li> </ul>

	<p>supported lodgings</p> <ul style="list-style-type: none"> <li>- Care leavers aged 18, who are defined as former "relevant children" by the Children (Leaving Care) Act 2002 and are assessed as being ready to leave care through the move-on scheme.</li> <li>- Applicants who have been placed into temporary accommodation following assistance as either a prevention or relief case under the provisions introduced by the Homelessness Reduction Act 2017 and who have completed 6 months in temporary accommodation will qualify for Move On priority where there are no rent arrears or other tenancy related issues.</li> <li>- Applicants who have fled domestic abuse and have lived in temporary accommodation provided by the Domestic Abuse service in the district for 6 months and who have fully engaged with the support provided, are considered ready to move to independent accommodation and have kept to their licence agreement (are not in rent arrears and have no other tenancy issues).</li> </ul> <p>Applicants will be awarded this band category when the councils are satisfied that the applicant is ready to move to secure independent housing and that on-going support will be in place where this is needed to sustain the tenancy. If they are assessed as meeting the move-on criteria they will be placed in band 2.</p>
<p><b>Overcrowded by two or more bedrooms short</b></p>	<p>Household assessed as being two or more bedrooms short of their needs. Section 10 provides details of bedroom standard used to assess overcrowding</p>
<p><b>Unsatisfactory Housing: Level 1</b></p>	<p>Where possible, disrepair and unfitness in an applicant's home should be remedied, rather than additional priority being awarded for poor housing conditions. No priority will be awarded for poor decoration or where the applicant has caused or</p>



	<p>contributed to the problems, or can remedy the situation by taking reasonable measures.</p> <p>Applicants whose housing is of a low standard will have their need assessed against the Housing Health and Safety Rating System (HHSRS). In the most urgent cases, or where an inspection is needed, the assessment will be carried out by an Environmental Health Officer or other qualified officer. Where a Category 1 hazard is identified that cannot be resolved by the landlord or resident within a reasonable timescale, Band 2 will be awarded.</p> <p>A Category 1 Hazard is a defect where the consequences could include serious harm to applicants. For example: accommodation lacking any bathroom facilities, cooking facilities, an electrical supply or a water supply. The band category will not be awarded, if it is possible for repairs or other remedial action to be carried out within a reasonable timescale. Where a landlord has been served with an improvement notice but remedial work has not been carried out, the councils may decide to award priority at its discretion if there are exceptional reasons why the work could not be completed.</p>
<p><b>Urgent need to move due to Domestic Abuse</b></p>	<p>The applicant has been identified through the MARAC arrangements as being at high risk of domestic abuse in their current accommodation and all agencies agree that the applicant needs to urgently move to alternative accommodation because the risk cannot be safely managed in the applicant's current accommodation.</p>
<p><b>Statutory Homeless</b></p>	<p>This category is given when a section 184 letter has been issued under the relevant homeless legislation and where a full duty to offer housing has been accepted by the council under sections 193 or</p>

	195 of Part 7 of the Housing Act 1996(as amended).
<b>Compound needs</b>	Any applicant who qualifies for two or more compoundable categories in band 3.

### **Band 3**

<b>Significant health or disability needs</b>	Applicants assessed as having a significant level of health or disability need arising from their housing situation. Awarded in accordance with the allocations policy. Section 10.ii provides more detail and the matrix for assessing needs is contained in Appendix 2. This award may be time-limited and subject to review and possible removal if the applicant doesn't bid.
<b>Significant social or welfare needs</b>	Applicants assessed as having a significant need to move on social or welfare grounds. Awarded in accordance with the allocations policy. Section 10.ii provides more detail and the matrix for assessing needs is contained in Appendix 3. This award may be time-limited and subject to review and removal if the applicant isn't bidding.
<b>Unsatisfactory Housing: Level 2</b>	Where possible, disrepair and unfitness in an applicant's homes should be remedied, rather than additional priority being awarded for poor housing conditions. No priority will be awarded for poor decoration or where the applicant has caused or contributed to the problems, or can remedy the situation by taking reasonable measures. Applicants whose housing is of a low standard will have their need assessed against the Housing Health and Safety Rating System (HHSRS). In the most urgent cases, or where an inspection is needed, the assessment will be carried out by an Environmental Health Officer or other qualified officer. Where a Category 2 hazard is identified that cannot be resolved by the landlord or resident within a reasonable timescale, Band 3 will be awarded.

	<p>The band category will not be awarded if it is possible for repairs or other remedial action to be carried out within a reasonable timescale. Where a landlord has been served with an improvement notice but remedial work has not been carried out, the district scheme may decide to award priority at its discretion if there are exceptional reasons why the work could not be completed.</p>
<p><b>Overcrowding by one bedroom short</b></p>	<p>Household assessed as being one bedroom short of their needs. Section 10 provides details of bedroom standard used to assess overcrowding.</p>
<p><b>Significant need to move due to Domestic Abuse</b></p>	<p>The applicant has been identified by the Oxfordshire Domestic Abuse Service as being at significant risk of domestic abuse in their current accommodation and all agencies agree that that the applicant needs to move to alternative accommodation and all alternative options have been explored and exhausted.</p>
<p><b>Insecure tied accommodation</b></p>	<p>Applicants who are living in accommodation tied to their employment and who have received a valid notice to quit from their employer and where the loss of employment is through no fault of the applicant. This category includes members of the armed forces in married quarters and agricultural workers, where a Notice has been issued. Priority category will only be given where there is clear documentary evidence that the employer is terminating the employment and the use of the accommodation in the near future. In order to be given priority for insecure tied accommodation there must be less than three months to the date of discharge/end of employment.</p> <p>Evidence of a Court Order may be required.</p>

<p><b>Insecure privately rented accommodation</b></p>	<p>Tenants of private landlords where the landlord has served a valid notice of possession and has demonstrated a real intention to recover possession. Evidence of the notice seeking possession will be required. Evidence of a Court Order may also be required. Where Notice is served on a defendable ground and/ or the tenant can avoid eviction by complying with their tenancy agreement, priority will not be awarded.</p>
<p><b>Insecure owner-occupied accommodation</b></p>	<p>Owner-occupiers where the mortgage company has secured an outright Possession Order. Before priority for insecure accommodation can be given documentary evidence of the date of eviction will be needed by the councils.</p>
<p><b>Homeless and not in a priority group</b></p>	<p>Applicants who have No Fixed Abode (NFA) or who are given a Non-Priority Homeless decision. Sofa surfers are not included in this category; they are dealt with under the overcrowding priority. This category is given where a formal assessment has been carried out under the homelessness legislation and the applicant is found to be homeless but not in priority need. The category will also be given without a formal assessment, where the council is satisfied that the applicant is NFA. This includes those living in projects providing temporary accommodation for single homeless people within 3 months of their key worker stating they are ready to move on. This does include projects in other areas of Oxfordshire where there is clear evidence that immediately prior to residence in the hostel the applicant had a local connection with the district. This category is not compoundable with other factors.</p>
<p><b>Applicants owed a duty under the provisions of the Homelessness Reduction Act 2017</b></p>	<p>Applicants who have been formally assessed by the councils as being owed either a prevention or relief duty under the Homelessness Reduction Act. (this priority is time</p>

	limited). This priority is not compoundable with other categories.
<b>Social housing tenants from outside of the district who need to move into the district for employment</b>	Social housing tenants from outside the district who have been accepted onto the housing register because they have a need to move into the district for employment or to take up employment in the district. All assessments will be made in line with the criteria set out in appendix 4 – Right to Move.

#### Band 4

<b>No housing need / adequately housed</b>	<ul style="list-style-type: none"> <li>• Applicants who do not qualify for priority under any other category.</li> <li>• Applicants who are adequately housed.</li> <li>• Applicants with no immediate need for rehousing.</li> <li>• Applicants sharing where the accommodation is of sufficient quality and there is no overcrowding.</li> <li>• Applicants who may have a low level of housing need but where the circumstances do not give rise to any significant problems. This includes: <ul style="list-style-type: none"> <li>-formal and informal house-sharing arrangements where the size and standard of the accommodation is adequate for the needs of those living there.</li> <li>-those living with family or friends where the size and standard of the accommodation is adequate for the needs of those living there.</li> <li>-families living in flats where the internal accommodation is adequate for the family's needs but where there is no private garden.</li> </ul> </li> </ul>
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	<p>- some health or social needs but of such a low level that can manage in current accommodation.</p> <ul style="list-style-type: none"> <li>• Applicants who would normally qualify for a higher band who have been assessed as deliberately worsening their housing circumstances.</li> </ul> <p>No priority is given for parental or friends/family exclusion or eviction unless it is established that the applicant is owed a homelessness duty.</p> <p>Separated Families - No priority is given where applicants who could reasonably be expected to live together are not doing so.</p>
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**ii. Social, welfare, health and disability priority**

Applicants to the housing register can apply to be awarded additional priority on health or social grounds. It is important to be flexible and sensitive to the needs of people who are in very difficult situations, but it is also necessary to ensure equality of treatment with others who are waiting on the housing register in unsatisfactory accommodation and who are also under stress.

Decisions about health and social priority will be made objectively in relation to applicants' housing circumstances and where appropriate the councils will seek information and advice from health professionals and other relevant agencies. The award of this priority is an assessment of housing needs as they relate to medical and social aspects and as such the councils will make the final decision.

Serious disability or terminal illness does not in itself justify priority on health grounds. The health problem must be seen in the context of whether a move to different housing would make a significant difference to the applicant's quality of life.

Due to the high demand for housing in the district, priority on health and social grounds will only be awarded where there is an exceptional, urgent or significant need for the applicant to be re-housed due to these issues.

Assessments will take account of:

- the degree to which the existing housing exacerbates the problems being experienced
- the extent to which these problems could be alleviated by re-housing
- the extent to which the applicant(s) has in any way contributed to the situation
- whether any other options are available to the applicant, for example, adaptation of the existing property, or a court order against a perpetrator of violence.

Account will also be taken of whether the housing problem has already been dealt with elsewhere in the allocations policy, for example where additional priority has been awarded already for overcrowding and this is the source of the issue.

Where more than one household member applies for health or social priority, a composite assessment of the needs of the household will be made. It is not possible for two or more awards of medical priority to compound an application to a higher band.

Health or social priority may be reduced or withdrawn if there is evidence that the circumstances leading to the award of priority no longer apply, such as a change of address or the provision of a Disabled Facilities Grant.

#### Health & Disability Needs

For an applicant to qualify for priority on health grounds, there must be evidence that the applicant's current property has a direct and serious impact on their physical and/or mental health, and that a move to alternative accommodation will alleviate the problem. Priority on health grounds will also be awarded in cases where an applicant has a serious disability, their home is unsuitable for their needs and cannot be easily adapted or improved.

Short-term illnesses or injuries, or convalescence from surgery where a good recovery is expected, will not qualify for health priority. Where an applicant is contributing to health problems, for example health priority is requested on the grounds of breathing difficulties such as asthma but the applicant or a member of their household smokes, then they may be awarded a lower level of health priority or no priority.

In most cases, applicants applying for priority on health grounds must complete a Health Assessment Form. They need to give the form to their GP or other health professional to add supporting information. The council will not pay any fees related to the provision of advice or information supporting a housing application.

Circumstances that can be considered include:

- where someone cannot be discharged from hospital because of the unsuitability of their home and this cannot be resolved in any other way

- where an applicant cannot access the home, parts of it or essential amenities within it, such as bathroom and kitchen
- where the home is having a significant detrimental effect on someone's mental health and well-being
- where the property is having a significant detrimental effect on the physical health of the applicant.

The following categories of priority on health grounds can be awarded:

Band 1	Exceptional circumstances	Immediate or imminent risk of serious physical or mental harm
Band 2	Urgent Health Needs	Urgent and serious effect on physical or mental health
Band 3	Significant health needs	Significant effect on physical or mental health
Band 4	No housing need on health and disability grounds	No impact/ Low risk of harm

Guidance on the assessment criteria is given in Appendix 2: Health and Disability Needs.

Applicants will not normally be eligible for an offer of housing if they need institutional care. However, if they are leaving institutional care, and appropriate support will be available to help them live independently, they may apply. They will need to have a health assessment completed.

#### Social and Welfare Needs

In order for an applicant to qualify for priority on social and welfare grounds, there must be evidence that the applicant's current property has a direct and serious impact on the stated issue, and that a move to alternative accommodation will alleviate the problem.

Most issues considered under this category will tend to be long-term. However, occasionally people will have issues which are short-term only; these will not qualify for social or welfare priority. Where an applicant is contributing to the issue then they may be awarded a lower level of priority or no priority.

Social and welfare needs priority will be assessed in consultation with appropriate agencies, e.g. Social Services, Probation Service, Police.

Circumstances that can be considered include:

- Need to recover from violence or the threat of violence
- Harassment or ASB
- Need to safeguard children
- Need to move to independent living



- The effects of isolation/ Need for social inclusion
- Need to be near health or other facilities
- Other factors related to the environment around a home
- The need to give or receive care and /or support.
- Separated families (unless they have been awarded homeless priority)
- For community safety reasons

The following categories of priority on social and welfare grounds can be awarded:

Band 1	Exceptional circumstances	Immediate or imminent need to move on social and welfare grounds
Band 2	Urgent social and welfare needs	Urgent need to move on social and welfare grounds
Band 3	Significant social and welfare needs	Significant need to move on social and welfare grounds
Band 4	No housing need on social and welfare grounds	No impact/ Low risk of harm

Further guidance on the assessment criteria is given in Appendix 3: Social and Welfare Needs.

### iii. **The Bedroom Standard - calculation of overcrowding and Under-occupation**

The councils will adopt the bedroom standard set out in the Allocation of Accommodation: guidance for local housing authorities in England (June 2012) along with Universal Credit and housing benefit rules to determine what constitutes overcrowding. This will also be used to determine under occupation levels for existing social rented tenants in the district.

The following rules will be used to decide whether a household has either too many or too few bedrooms available for use when assessing priority:

- Each couple or a single parent will require their own bedroom.
- Each additional adult (aged 16) will require their own bedroom.
- Two children may share a bedroom unless:
- Children of opposite sex have to share and the oldest child is aged ten or more.
- Where the household includes a pregnant woman the baby will only count in the bedroom need calculation once it has been born.

The rules will assume the optimum use of the accommodation available, even if this is different from actual use. Spare rooms not in use as bedrooms may be counted as bedrooms for the purposes of the calculation. The council will

provide advice to applicants on the best use of the accommodation, when appropriate.

Priority for any level of overcrowding will not be awarded where the applicant has created the situation by inviting additional people to live in a home which was previously suitable, or where the applicant is allowing lodgers to live in the home which contributes to the overcrowding.

#### Definition of bedroom usage

Assessing bedroom usage is a major element in determining an applicant's current circumstances and determines what the situation could be, rather than how resources are currently being used.

An award of priority is given for each bedroom lacking in the applicant's current accommodation, based on this assessment.

The two key aspects that must always be considered are:

**The best use principle** – the best use should be made of the bedroom resources available so that, for example, a bedroom used for storage should be counted as a bedroom available for use by this principle.

**The Control principle** – there may be sufficient bedrooms in a property but the applicant cannot control how they are actually used. They may, for instance, be lodgers or living with family who control how the bedrooms are used.

#### **iv. Armed forces personnel**

The government has issued regulations which require councils to give "additional preference" in their housing allocations policy to the following groups of people where they fall within one of the existing "reasonable preference" categories and are assessed as being in urgent housing need:

- serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- former members of the regular forces (those who have served within the last 5 years).
- bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
- existing or former members (those who have served in the last 5 years) of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

The councils will therefore prioritise applicants who are in one of the above categories, where they have a "reasonable preference" as determined by the

Housing Act and who are in Band 2 because they have an urgent housing need ahead of applicants in Band 2 who do not fall within the above criteria at the shortlisting stage.

Applicants who fall within the above categories who have an urgent housing need due to under-occupation will not be prioritised ahead of applicants who do not fall within the above categories.

**v. Time limited priority**

In certain cases priority will be time limited. For example, a decision to grant a high band on the grounds of an urgent social or welfare need might be for a limited period. This will normally be six months. In all cases the applicant will be given a reasonable amount of time to bid for alternative accommodation, and the length of time may be adjusted according to the availability of suitable accommodation. Priority will be re-assessed at the end of the period.

Applicants awarded exceptional status will be reviewed regularly. Applicants who do not bid when there are properties available for them may have their award of exceptional status removed.

The councils will expect applicants to be realistic when making choices about available properties that they can bid on.

**vi. Compound needs**

Where applicants in band 3 have compound needs (that is, they qualify for more than one category in the band) they will usually be upgraded to the next band. Compounding is not available for those placed in band 2. The reason is that band 1 is reserved only for exceptional reasons.

Those applicants in band 3 with a category of 'Homeless and not in a Priority Group' cannot compound to band 2 because the assessment of their homelessness takes into account all other relevant circumstances. If they have additional needs then this would be reflected in a decision to award either an exceptional need category (band 1) or a priority homeless category (band 2).

**vii. Deliberate worsening of circumstances**

Applicants have a responsibility not to deliberately worsen their housing circumstances to progress to a higher band. They have the responsibility to make best use of accommodation they have and will be assessed as if this is the case.

Should an applicant give up more suitable accommodation, or where a deliberate act or omission to act, results in worsening of housing circumstances without good reason, the council may assess the application

based on the applicants housing need in their previous accommodation prior to the deliberate act or omission to act.

If an applicant is not using accommodation that they could reasonably be expected to use to improve their housing situation their housing need and priority will be assessed as if they are occupying this accommodation.

The purpose of this policy is to provide a disincentive for households to worsen their housing circumstances to achieve a higher priority.

## **11. The priority order**

Once the advertising period has closed the database will automatically create a shortlist of applicants for each property in priority order. The successful applicant for each property will normally be the one who is eligible for the size and type of property being offered and who is in the highest band. Where there is more than one applicant in that band, priority will normally be by date

However, the council and their Registered Provider partners reserve the right not to offer the property to the person highest on the short-list, if the property offers a better match with the needs of another high priority applicant. Short-lists will be created with the following priority order below:

**Priority Order:**

- 1. Applicants with a local connection to the district**
- 2. Oxford city applicants – only if a preference for Oxford City residents are specified in the advert**
- 3. Parish/Village connection (only if a parish connection preference is specified for property)**
- 4. Mobility Level (only if a mobility level preference is specified for the property)**
- 5. Band – Band priority order is: 1, 2, 3, and 4**
- 6. Armed Forces personnel in Band 2**
- 7. Working household - only if a preference for a working household is specified in the advert**
- 8. Size of household - only if a preference to larger families is specified for the property**
- 9. Effective Date (when Band 1 applicants are compared)**
- 10. Registration Date (when Bands 2 to 4 are compared)**

**i. Priority within bands / date order**

Applicants within each band will be put in date order as follows:  
When an applicant is placed in band 1, they will usually be ordered according to the date they were put into that band, called the 'effective date'. This will ensure that those with urgent needs will have those needs met in the order in which they arose.

Where two applicants with the same effective date in band 1 bid for the same property the applicant with the earliest registration date will be given priority for an offer of accommodation.

When an applicant is placed in bands 2 to 4 on the housing register, they will usually be ordered according to the date they originally applied to go on the housing register, called the 'registration date'. This will ensure that those who have had a need for housing over a longer period will have their waiting time taken into account.

If an applicant is moved into a different priority group due to a change in circumstances, their application will retain its registration date unless they are placed into band 1, in which case the date used will be the date that they

were placed in that band. This is to ensure that those with immediate housing priority are considered in the order in which they were placed into band 1.

## **ii. Priority for adapted properties**

Properties that have been designed or adapted for use by people with physical disabilities are in short supply. When an adapted property becomes available for letting, the council will aim to ensure those who will benefit most from the adaptations are given priority.

To ensure that this happens, the councils may choose to direct match suitable properties to an applicant. This may be essential when a property has been identified on a new development to allow the adaptation to be part of the “build” process rather than install costly adaptations in an existing property. In this circumstance, a direct match will be required to ensure the suitable applicant is offered the property that has been adapted for them. See section 15.v.

In most cases disabled adapted properties will be let through the CBL scheme. The council believes that it is important that disabled people can access this scheme along with other applicants and in so doing exercise choice over their housing.

We will achieve this by identifying four levels of access and mobility. Each accessible property will be identified on a scale of one to four. When applicants are awarded priority on grounds of their disability they will be told which of these levels of access and mobility they can apply for.

When shortlisting, priority will be given to applicants whose mobility level match that of the property.

Level 1: Level access into and throughout property, e.g. ground floor flat or bungalow

Level 2: Built to Mobility Standards as defined within Building Regulations, i.e. level threshold, wider doorways, and convenient socket and switch heights

Level 3 Some adaptations for disabled people included, e.g. walk in shower, stairlift, ramps, adapted kitchen etc

Level 4 Built or adapted to meet full wheelchair standard

## **12. Local priorities for the allocation of housing**

### **i. Priority for working households**

The councils wish to use its allocations policy to encourage people back into employment.

The councils will therefore adopt a target that aims to ensure that circa 20% of general needs lettings are advertised with a preference to working households.

Property adverts will be clearly defined to show where this preference is being given. Where adverts are marked with this preference, priority will normally be determined first by Band, then by whether the applicant is defined as a working household and then by date of application.

The number of properties that are offered to working households will be monitored on a quarterly basis.

#### Definition of work

The applicant or joint applicant must be in current, permanent employment that is at least 16 hours per week.

Permanent is defined as;

- An open contract. For open contracts the applicant must have completed either 6 months or a probationary period whichever is the longer. Where an applicant is employed on a zero hours contract the councils will require evidence (from the employer and wage slips) that this arrangement has continued over a 6-month period and that the applicant has worked at least 16 hours per week.
- A fixed term contract. The councils recognise that often work is of a fixed term nature. For fixed term contracts the applicant will be expected to demonstrate that they have completed any probationary period. In addition, the councils will look for a history of employment that leads the councils to conclude that it is reasonable to expect that employment will continue into the future.

Applicants will be required to provide documentary evidence specified by the councils to confirm they meet the criteria before a nomination will be made.

#### **ii. New build developments and applicants with a strong local connection**

The councils will endeavour to enable local people to access developments in their parish whilst still giving due weight to the requirement to allocate housing in accordance with the reasonable preference categories.

To facilitate this, the councils will adopt a target that aims to ensure that 20% of new build lettings, that are not rural exception sites or developed for a particular client group, are offered in the first instance to people with a strong local connection to that parish and who have a housing need as defined by the allocations policy. If there is more than one applicant who meets the criteria, band and date of application will be the determining factor.

If no applicants meet the strong local connection criteria, the property will be offered to other applicants in housing need with a connection to the relevant district.

Applicants will be asked on their application to list up to six parishes that they have a strong local connection to so that they can be considered for these properties. They will still be required to bid when the properties are advertised. Applicants will be required to provide proof of their local connection when requested. If they do not do so, they will not be made an offer.

Where a new development is located across more than one parish, applicants with a strong local connection to either parish will be able to bid. Where the number of eligible bidders exceeds the number of units, priority will be determined by band and date of application.

#### Definition of Strong Local Connection for Purposes of Determining Priority for New Build Schemes

For these purposes, a strong local connection is:

- where the applicant(s) have lived in the parish for five years out of the last 8 and are currently resident there
- where the applicant(s) had previously lived in the parish for at least 5 years and their parents or children still live there and have done for at least 10 years

#### **iii. Rural exception sites**

For some parish/village housing schemes there are planning restrictions requiring that vacancies should go in the first instance to people who have a local connection with the village or parish.

Applicants must meet the eligibility and qualification criteria to join the housing register and have a strong connection with the village/parish where these properties are located.

Some schemes have distinct agreements setting out what the local connection requirements are for that scheme. These rules are written into the Section 106 agreement.

#### **iv. Properties located in Great Western Park, Didcot**

South Oxfordshire and Vale of White Horse District Councils recognise that Great Western Park, Didcot is divided by the boundary line between the two districts.

The councils want to offer the opportunity for housing register applicants from both South Oxfordshire and Vale of White Horse to bid for properties located across Great Western Park.

Properties will continue to be advertised first to housing register applicants in the district where the property is located. However, if no eligible applicant in



housing need makes a successful bid, it will then be advertised for applicants of the bordering council. This is a reciprocal arrangement.

### **13. Oxford's unmet housing need**

#### **i. Vale of White Horse District Council**

##### **Proposed Planning Policy**

Vale of White Horse District Council has proposed in its Local Plan to help address Oxford City's unmet housing need. The proposal includes a provision of affordable housing. The sites identified to contribute towards meeting this requirement are located within the Abingdon-on-Thames and Oxford fringe sub-area. Further details can be viewed on the council's website.

##### **Proposed approach to addressing Oxford's unmet housing needs through the housing allocations policy.**

These proposals are subject to the adoption of Vale of White Horse District Council's Local Plan.

Oxford City residents interested in bidding for selected properties in the Abingdon-on-Thames and Oxford fringe sub-area will be required to join Vale of White Horse District Council's housing register. The applicant will be assessed and nominated for properties in accordance with the council's allocations policy, except the local connection requirement. This includes 20% of lettings given a preference to working households.

Registered Oxford City residents will be able to bid for selected properties in the Abingdon-on-Thames and Oxford fringe sub-area and will receive a bidding preference only for these selected properties. The preference is necessary to demonstrate that the letting is intended to address Oxford's unmet housing need. However, if no eligible Oxford City resident bids for the selected property, it will be offered to other bidders in the district.

Oxford City residents bidding for properties outside of the Abingdon-on-Thames and Oxford fringe sub-area will only be considered if there are no other eligible bidders. In this unlikely event, the letting will count towards meeting Oxford's unmet housing need.

The allocations team at Vale of White Horse District Council will advise Oxford City Council of successful nominations to Oxford City residents.

The allocations team will provide quarterly monitoring updates on the number of lets to Oxford City residents.

This arrangement will be kept under regular review.

## ii. South Oxfordshire District Council

South Oxfordshire District Council's Local Plan is currently under review. Any decision regarding addressing Oxford's unmet housing need will be taken as part of this process. This decision may lead to an amendment to the housing allocations policy.

## 14. Property size eligibility

### i. The eligibility matrix

The table below shows the size of property that different sizes of household may place bids for.

Applicants will be able to apply for properties with the following sizes dependent on the size and make-up of the family.

Household Size	Number of bedrooms eligible for
Single person	studio or 1 bedroom
Couple with no children	1 bedroom
household with one child	2 bedrooms
Household with two children of the same sex or children of opposite sex where both children are under 10	2 bedrooms
Household with two children of opposite sex and the oldest is over 10	3 bedrooms
Household with three children	3 bedrooms
Household with 4 children all of the same sex, or where different sexes, all the children are under 10	3 bedrooms
Household with 4 children who are opposite sex and one or more of the children are over 10	4 bedrooms
Household with 5 or more children	4 bedrooms

Note 1. There are exceptions to these criteria in circumstances where the Universal Credit and Housing Benefit rules on under-occupation in social housing (introduced in April 2013) do not apply. This will cover the following cases:

- where the applicant is an approved long-term foster carer
- where a member of the Armed Forces normally lives with the applicant but is currently on deployment
- where an extra bedroom is required due to a child or adult in the household suffering a serious disability.

Note 2. Universal Credit / Housing Benefit will only pay up to a maximum of 4 bedrooms

Note 3. Under occupation and the new HB under occupation rules.

Applicants given priority for under occupation may bid for properties one bedroom larger than they are entitled to in the above table, provided they will be moving to a smaller property than the one they currently occupy and provided that they are exempt from Universal Credit and Housing Benefit under-occupation rules (i.e. over pension age or see note 1 above for other reasons).

Note 4. Where a woman is pregnant, the baby will only be counted for the purpose of the bedroom eligibility table, once it is born.

Note 5. Where an applicant has adult children who are away at university they will be discounted for purposes of assessing eligibility unless they live in Halls of Residence, or term-time only student lets that require them to vacate during holiday periods.

**ii. Applicants who require an additional bedroom for carer**

Where an applicant can only live in independent accommodation if they have a full-time carer they will be eligible for an additional bedroom. Applicants will need to provide documentary evidence of the need for a full-time carer. Applicants who require non-resident carers may qualify for an extra bedroom. There must be evidence that the applicant needs overnight care and that this is being provided, i.e. the carer regularly stays overnight to provide such care. Such a person will normally be in receipt of Disability Living Allowance or Personal Independence Payments at the higher rate, or Attendance Allowance.

**iii. Households who require a separate / additional bedroom on health or disability grounds**

Applicants who require a separate or additional bedroom on health or disability grounds will be assessed by the councils.

The final decision as to whether a nomination can proceed for an applicant awarded an additional bedroom will be decided by the Registered Provider that owns the property. Their assessment will take into account whether the applicant can afford the additional bedroom which may not be covered by Universal Credit or housing benefit.

**iv. Foster carers**

If an applicant is an approved foster parent (fostering for 3 years or more; different children can be fostered) or adoptive parent, their application may be considered for additional priority on Social and Welfare grounds. This assessment will also consider whether they should be able to bid for accommodation that is larger than their immediate needs. Only in exceptional

circumstances will consideration be given to award extra priority and/ or larger property size eligibility for short-term fosterers. Written confirmation of fostering arrangements will be required from Social Services before any decision is taken.

When deciding whether to award extra bedroom entitlement consideration will be given to the impact of the HB under occupation rules which state that foster children cannot be taken into account when considering the size of property applicants are eligible for, and the ability of the applicant to afford accommodation larger than their immediate needs.

**v. Relationship breakdown and child care/child access arrangements**

The HAP defines a child as someone who is under 16 or someone under 18 where they are still dependent, e.g. still in education.

Due to the high demand for housing in the district, it is not possible to provide family homes to both parents where they have separated and do not live together but share childcare responsibilities and/or have regular access or visits from children from a former relationship.

Where separated parents share childcare responsibilities and/or have regular access visits, those children will be treated as living with the parent who they are dependent on for the provision of their main home. This means they will not be included on the application of the other parent for the purposes of assessing priority and property size eligibility. The separated parent on whom the children are not dependant will only be eligible for smaller accommodation based on their needs and not the children's needs.

In making these decisions the councils will assess the actuality of the situation. Receipt of child benefit will only be one aspect of this decision, and not necessarily the determining factor. The councils will seek supporting evidence from other relevant agencies such as schools, medical professionals, and Social & Health Care.

The councils recognise that in very rare cases, there may be exceptional reasons where parental care is shared and both parents require a bedroom for that child. In these cases, a child or children may be included on two housing applications and each parent will be entitled to family sized accommodation. In such cases, the councils will require detailed and clear evidence to support such a need.

**vi. Sheltered / elderly designated housing and applicants over pensionable age**

Sheltered housing is normally restricted to applicants who are over pension age and who need the support available in a sheltered scheme. Occasionally applicants below retirement age who are vulnerable and who would benefit from sheltered housing will also be considered.

In some cases, applicants applying for this type of accommodation will be able to bid for one bedroom more than they need. This will be at the discretion of the Registered Provider in circumstances where the applicant(s) is above pension age.

## **15. The Choice Based Lettings Scheme**

The councils do not own any permanent housing stock. For the purposes of the HAP, an allocation of accommodation is the nomination of a person to be an assured or an assured shorthold tenant (AST) of housing accommodation held by a Registered Provider. This happens through the councils nominations and lettings agreements with its Registered Provider partners.

Most landlords offer a 'starter tenancy' at the point of nomination whereby they grant an AST for a set 'probationary' period (usually 12 months) after which an assured tenancy will be granted subject to successful completion of the starter period. Some landlords will use fixed-term tenancies; in this case they usually offer a fixed term AST of five years after successful completion of the starter tenancy.

There are some applicants who are eligible to join the housing register but who will not be allowed to participate in CBL. This will usually be for reasons of public protection and community safety. Where appropriate, such decisions will be made in consultation with the relevant agencies, including Thames Valley Police, Probation, MAPP, MARAC, etc. Such applicants will remain eligible for an offer of accommodation based on their relevant priority but its location will be restricted and subject to advice from the above agencies.

### **i. Applying for properties**

Once an applicant is accepted onto the housing register, they can start applying for properties.

Most properties are advertised on the CBL websites. A weekly newsletter is available for those who cannot access the internet by any means.

Properties are advertised on a weekly basis. Applicants can submit up to three bids for properties for which they are eligible. Applicants can withdraw bids and submit new bids during each advertising cycle up to the maximum number of bids.

Applicants can bid on the CBL website or by telephone. Where appropriate, the councils can place an applicant on automatic bidding. This is where the CBL scheme uses information it holds on the application, and where the client has specified area preferences, to make up to 3 automatic bids on behalf of the applicant. The properties selected will be those where the applicant would have the best chance of re-housing.

Some properties will be advertised with preferences to a certain category. Where an applicant bids who does not meet the criteria specified in the preference they will be skipped for an offer of accommodation. This labelling

is used to meet local priorities. Examples where preferences may be stated are:

- where a Local Lettings Plan (LLP) is in place
- Rural Exception sites
- where a property has adaptations
- where preference is to be given for working households
- where an identified property has a preference to an Oxford City resident

## ii. Selection and verification

At the end of the advertising period, the councils will produce a shortlist of all bidders. An applicant will be selected, (normally the person at the top of the list unless preferences have been stated in the advert or there is a LLP) and the councils will carry out checks to verify their situation.

Where an applicant comes top on more than one shortlist they can only be nominated for one property and will be asked to specify a preference. Where the properties are the same type, size and in the immediate location, the councils will select which one the applicant is nominated to.

At this point the councils will require the applicant to provide documentary proofs and information in support of their application. If this information is not provided within 24 hours they may be skipped for an offer.

Registered Providers may require up to one-months' rent-in-advance to secure the tenancy. The nominee will be responsible for funding this payment.

The councils reserve the right to visit housing applicants to verify their circumstances. Where an applicant will not allow the councils to visit they may be skipped for an offer of accommodation and their application suspended or cancelled.

Where a visit or any other checks identify that an applicant's housing situation is not as declared on their application, their application will be suspended pending further checks. Their case may be referred to the council's fraud department.

**It is an offence under Section 171 of the 1996 Housing Act for anyone seeking assistance under Part 6 to knowingly or recklessly give false information to the councils or to knowingly withhold information which the councils have reasonably required them to provide. It is also an offence if the applicant allows a third party to provide false information on their behalf or at their instigation.**

**This applies at all stages of the application. If there is a change in the applicant's housing circumstances there is an obligation on them to inform the Housing Needs team at the councils.**

An applicant who either omits to provide information that is requested or gives false or misleading information will be treated as behaving unacceptably.

Consequently, they will either:

- not qualify for inclusion on the housing register; or
- will be removed from the housing register, and
- will lose any waiting time they have already accrued from being included on the housing register

**Tenancies obtained as a result of false or misleading statements may be terminated by the Registered Provider and the applicant may be liable for prosecution.** If an applicant reapplies and is eligible to be included on the housing register they will be issued with a new registration date.

**iii. Homeless households – offers to homeless applicants to whom the council has accepted a duty and placed in temporary accommodation**

The councils will take all reasonable steps to prevent homelessness.

Those households to whom the councils have accepted a duty under sections 193(2) and 195(2) of the Housing Act Part 7 (as amended) will have their housing needs assessed in accordance with the HAP and will be placed in band 2. They will be eligible to submit bids under the CBL scheme.

The councils recognise that it is not desirable for households, particularly the vulnerable and families, to spend long periods of time in temporary accommodation. Therefore households to whom the councils have accepted a homeless duty are offered secure accommodation as quickly as possible, which also ensures that temporary accommodation is available for other homeless families.

Temporary accommodation is accommodation made available to households to whom the councils have a duty under homeless legislation. It includes council-owned accommodation; designated Registered Provider properties and hotels in an emergency or when no other suitable temporary accommodation is available. This accommodation is let in accordance with the homeless legislation and so does not fall within the scope of the housing allocations policy.

Applicants who have been accepted as homeless will be given a time-limited priority to bid for properties through the Choice Based Lettings Scheme. During this time they could also be made a suitable Private Rented Sector Offer.

Homeless applicants will normally be given three bidding cycles to successfully bid for a property through the Choice Based Lettings Scheme, or longer, if for example a household requires a very large property, an adapted property or the Council accepts that the applicant is unable to consider certain locations within the district.

If a homeless applicant has not successfully bid for a property through the Choice Based Lettings Scheme or been offered a suitable property in the private rented sector they may have bids placed for them automatically on all suitable properties becoming available (all suitable property types and in all locations within the district) by the Housing Needs team and the applicant will be offered the first property that they are shortlisted for regardless of whether they have bid for the property.

Furthermore, if a homeless applicant is not considered to be bidding realistically, bids may be withdrawn and placed for them and access to bidding may be removed altogether.

Applicants who have been accepted as homeless will normally be made one suitable offer of accommodation – this could be an allocation of affordable housing through the Choice Based Lettings Scheme following a successful bid or an offer of suitable accommodation within the private rented sector by the Council's White Horse Lettings Scheme – known as a Private Rented Sector Offer (PRSO).

#### **Sanctions for an unreasonable refusal**

If a homeless applicant refuses a suitable offer of accommodation without good reason (either through the Choice Based Lettings Scheme or in the private rented sector) the councils will no longer have a duty to accommodate them. They will be asked to leave any temporary accommodation that has been provided and to resolve their housing situation themselves. If the applicant does not move out of the temporary accommodation that has been provided the councils will act to take possession of the property.

Homeless applicants who are considered to have unreasonably refused an offer of accommodation by the councils because they consider that the property is not suitable for them or a member of their household will have the right to request a review.

#### **iv. Local Lettings plans**

The councils are committed to support and sustain communities through the allocation of housing. The councils retain discretion to develop local lettings plans to address identified issues in particular locations. The councils and the relevant Registered Provider will agree the details of such schemes. The scheme will normally only be applied to locations already experiencing identified issues and will be subject to annual reviews.

Where a property is advertised with a LLP, the letting will be made to an applicant with the highest priority who meets the requirements of the LLP. This means that the person at the top of the shortlist may be skipped if they do not meet these requirements.



**v. Direct Match**

It is not always appropriate for applicants to be allowed to make bids. In some cases direct matches will be made by the councils. The properties will still be shown on adverts but will be marked as already let by direct match.

Examples of circumstances where direct matches will be made are:

- properties built or designated as being suitable for certain groups only, such as applicants with a disability
- homes which are particularly suitable for an applicant with special needs, and where alternative homes are unlikely to become available
- when the councils need to discharge a legal duty to house an applicant;
- where there are community safety considerations and there needs to be sensitivity in letting a property to a particular applicant.
- where the councils wish to make an allocation to an applicant who has been awarded Exceptional Status, e.g. an applicant who is ready to leave hospital and has nowhere to live.
- where an applicant is a recent rough sleeper who has been accepted into a Housing First project and will receive focussed support to maintain their tenancy.

**vi. Reciprocal nominations**

Very occasionally there will be circumstances where the councils can only assist an applicant by requesting help from another council. This will usually be where there is a risk to the applicant from housing within district.

In such cases it is established practice for councils to agree to a reciprocal nomination, where the council who responds positively to a request for help by making one of their properties available will expect the other to commit to helping in the same way at a later date. Such nominations will be outside the CBL scheme.

**vii. Extra Care Housing**

Extra care housing is for people aged 55 or over who have an identified care need, although someone below this age with a long term disability may also be considered if there is this evidence that they would benefit from the services provided at the scheme.

To be considered for such housing, applicants should be assessed as having a housing need in line with the council's housing allocations policy and be on the housing register. They should also qualify for domiciliary care needs as assessed through Oxfordshire County Council's needs assessment process.

Applicants for these units are considered by a panel which is usually made up of representatives from the district council, county council and the landlord.

Applicants who own their home or who are considered to have sufficient financial resources will usually only be considered for shared ownership units at an Extra Care scheme. They may be considered for a rental vacancy at an extra care scheme if there are exceptional circumstances and the Extra Care panel agrees.

#### **viii. Supported Housing**

There is a limited supply of supported housing in the district. Vacancies that arise in supported housing schemes will usually be offered directly to those at risk of being homeless as part of the homelessness prevention initiatives.

When an applicant lacks skills to live independently without support, they can participate in CBL but will be expected to engage with support agencies in order to be offered a tenancy. This support will be provided by statutory agencies, such as Probation, Social & Health Care or the CMHT; floating support agencies or the landlord.

Applicants who need support but refuse to engage with support services may be skipped for an offer of accommodation or rejected by a landlord. The councils will work with landlords, other agencies and floating support providers to ensure applicants have appropriate support to manage and sustain their tenancy. The actual assessment of whether an applicant needs support will be made by the councils, in conjunction with those agencies and the applicant.

This category includes young adults in the care of Social Services who need to move on from foster care or other accommodation provided for them.

### **16. Operational Management of the Choice Based Lettings Scheme**

#### **i. Applicants responsibilities**

##### Supplying information

- Applicants are responsible for giving full and accurate details on all applications to the housing register - including change of circumstances.
- Applicants must inform the council of any change in their circumstances straight away, especially those that may affect whether they remain eligible to be included on the housing register, the priority awarded and/or bedroom eligibility
- Applicants should provide up to date contact details and respond to any correspondence or requests which needs a reply within the specified timescales
- Applicants who are made an offer of housing should let the council and the Registered Provider know their decision within the specified timescales

- If requested information is not supplied within the stated timescale the council may close an application, suspend an application until the information is provided, or withdraw a nomination/offer of accommodation

## **ii. Adding adults to an application**

Adults should not be added to an application where this results in the need for larger accommodation than for which the applicant's household was originally eligible, unless an over-riding need such as ill health or disability can be shown (for example where an applicant needs to look after an elderly parent and live with the parent to provide full-time care, or where a new partner requires a separate bedroom). Such cases must be thoroughly investigated and the final decision sits with the councils. The desire to be part of the household is not sufficient reason for inclusion on the application in these circumstances.

## **iii. Refusal of offers and sanctions**

The councils want people to have as much choice as possible in choosing properties to bid for. However, the councils are also aware that refusals represent an inefficient use of resources for both the councils and landlords.

All applicants who bid and subsequently come top for a property will be contacted by the council before nomination to confirm they wish to be nominated and the type and location of the property.

Where an applicant confirms they want to be nominated but then refuses the offer without even viewing the property they will be suspended from the housing register for twelve months.

Applicants who view properties and then refuse them will be asked to specify their reasons for refusal. If these reasons are deemed as unreasonable it will count as an unreasonable refusal. Applicants who refuse one property on grounds that are unreasonable will be suspended from the housing register for 12 months.

For households accepted as homeless different rules apply. Please see section on statutory homelessness.

Applicants who have a time limited priority who refuse a suitable offer on unreasonable grounds may have their priority removed.

## **iv. Area preference**

Applicants for housing may express as many or as few area preferences as they so choose. The councils will seek to provide advice and information on the availability of stock in a particular area in the previous year to inform

applicant choices. The wider a person's choice of areas, the greater will be their prospects of re-housing.

#### **v. Removal and suspensions**

Applicants may be removed from the housing register if they:

- are or become ineligible or disqualified
- ask to be removed
- do not renew an application when they are asked or do not contact us when requested. The council will contact applicants on an annual basis asking them to renew their application.
- are re-housed from the housing register
- change their address and do not tell us.

Applications removed from the register may be reinstated in cases where they did not respond to a renewal or a request for contact or where they change address and do not tell the councils. However, this will only happen if they make contact within three months of their removal from the register; in such cases they will retain their original application date. After this period has elapsed, applicants will need to make a fresh application.

In some circumstances, the councils will suspend an application for housing. Applicants will be informed of the reason for this and given an indication for how long the suspension will last and what actions they need to take, where appropriate.

Situations where this will happen include:

- where applicants have been asked for information and this has not yet been provided. In most cases, where information is not provided within 20 days, the applicant will be removed from the housing register
- where a visit or other information means the councils have reason to believe that the applicant's circumstances are not as stated by them on their application. Further investigations will be conducted. Where an applicant is found to have given false information in order to access housing, they will be suspended from the register for 12 months.
- where information has been received that suggests an applicant may be ineligible or no longer qualifies to join the register further enquiries will be made. Where an applicant is excluded as a result of those enquiries they will have the right to request a review.
- pending the outcome of an event or meeting that will have a bearing on the assessment of their application.

**vi. Rent arrears and housing debt**

Applicants who have not been excluded from the register for housing related debts will be allowed to participate in Choice Based Lettings.

However, applicants will be informed that the existence of arrears, or other housing related debts, that will normally mean that a landlord may not be prepared to offer them a tenancy. Applicants will be encouraged to address the situation by paying off the arrears where possible and/or making an arrangement with the landlord to pay the arrears or reduce them to an agreed level. The details of such arrangements will be determined by negotiation between the applicant and the landlord. Where appropriate, the councils will refer applicants to debt advice agencies.

Nomination procedure for applicants with current or former housing related debts

In cases where an applicant has not been excluded but owes more than £500 housing related debt and they have not maintained an agreed repayment plan, the landlord is entitled to refuse the applicant for the nomination.

Where an applicant with housing debts comes top of a shortlist for the first time, they will be advised that arrears may lead to a rejected nomination. They will be given the opportunity to pay the housing debts in full within 24 hours of the cycle end for the nomination to proceed. The councils and landlord will require proof that the arrears have been paid.

Where a third party has cleared the debt, the applicant will be treated as not having arrears for the purpose of a nomination.

Where an applicant with rent arrears makes a successful bid and a landlord rejects that nomination due to arrears in excess of £500, the applicant will normally be suspended from bidding until they have reduced the arrears to a level where the landlord would accept a nomination. The applicant will be advised of what action they need to take to be considered for a future nomination.

It is the applicant's responsibility to inform the councils and provide evidence that they have satisfactorily addressed their housing debt so that the suspension can be lifted.

Applicants will not normally be refused an offer, where there is evidence that they were not responsible for the debts accruing in the first place; where a financial assessment has concluded that they genuinely could not afford to meet the rent/ mortgage; or the landlord to whom the debt is owed is not pursuing the debt or the debt has been written off.

#### **vii. Decision making**

All decisions in relation to the allocations policy will be made by staff within the Housing Needs team at the councils. The councils will ensure that staff are suitably trained and competent to carry out these functions.

These decisions will include inclusion or exclusion from the housing register; banding priority; sanctions or suspensions and activity outside the CBL system, such as direct match or the decision to suspend CBL.

Unless there are exceptional reasons not to do so, a record of every decision and contact with the councils by the applicant will be held on the Abritas database and in accordance with General Data Protection Regulations.

The final decision on whether to offer a tenancy will rest with the relevant landlord, in line with the allocations policy and any prevailing nominations or lettings agreements and after discussion with a housing team leader or manager at the councils if necessary.

Any decision to sanction an applicant, for example by refusing an offer, or deliberately worsening their circumstances, will be made by an officer at Team Leader level or above.

Where quota percentages are used to give preference to working households and people with a strong local connection, the percentages will be reviewed every six months.

#### **viii. Reviews**

An applicant has the right to request a review of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation and the further right to request a review of the subsequent decision. The applicant also has a right to request a review of a decision to either exclude or remove them from the housing register.

The review will be made by a senior officer not involved in the original decision. Requests for reviews should be made within 21 days of being notified of the decision. The council will respond to the request for a review within 56 days and will inform the applicant of the decision in writing, with full reasons. If the applicant may have difficulty in understanding the decision letter, arrangements will be made for further explanation.

Homeless applicants have rights to review set out under homelessness legislation. These reviews will be conducted according to the relevant legislation.

**ix. Complaints procedure**

The councils operate a complaints procedure, which can be used by any applicant who is not satisfied with how their application has been dealt with. Full details are available on the council's websites or by contacting the councils.

**x. Protection of Personal Information**

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.

Information provided will be used to process their application and may be passed to third parties involved in assessing their application and offering them accommodation.

Personal information provided to the councils as part of an application for housing will be processed and held in accordance with the General Data Protection Regulations.

Further details of the councils policy on General Data Protection Regulations can be viewed on the councils websites.

**xi. Suspending Choice Based Lettings**

In exceptional circumstances it may become necessary to suspend the CBL scheme as a means of allocating social housing. This could happen if:

- there is a failure of computer or telephone systems and the properties cannot be displayed on the website and/ or the telephone bidding line is not working
- there is a local or national emergency which requires a large number of people to be housed quickly.

In such circumstances the councils reserve the right to make direct offers from the housing register. The councils will publicise the suspension, the reason for it, and the estimated period of time.

## Appendix 1 – Definition of Terms

Allocation	The selection process by which a person becomes a secure or introductory tenant of housing accommodation held by a housing authority; or the nomination process by which a person becomes an assured or assured shorthold tenant of housing accommodation held by a Registered Provider.
Application to the Housing Register	This is an application made by an applicant to join the housing register. This includes new applications, change of circumstances and renewals. This includes applications made online, on paper form, by phone or in person.
Bidding	Applicants expressing an interest in a property where they would like to be housed. An applicant must be eligible for the size and type of property.
Children	Children are defined as dependants, in a household, aged under 18.
Choice Based Lettings	The advert based system that the District Councils use to let properties in its district. Applicants are assessed, properties are advertised and applicants bid for them.
Compound Need	This is when an applicant qualifies for more than one category in the same housing need band that results in being placed a in higher need band.
Disabled Adapted Properties	Properties that have been specially built or adapted for people with disabilities.
Elderly or Sheltered Properties	These are properties designated by the landlord as being for people over a certain age. This will usually be pension age, but in some circumstances may be lower. In many cases, applicants will also need to have a support need to be considered for such accommodation. Most accommodation of this type is flats, bedsits or bungalows. Some will have a visiting warden scheme.
Extra Care Housing	Housing for people over 55 that has care services provided.



General Needs Properties	This term is used to describe properties that are suitable for families and single applicants under pension age without a need for any adaptations. This includes houses, flats, bedsits, maisonettes, bungalows of any size. This includes both new build and existing properties.
Housing Need	This is a category of housing need as defined by the housing allocations policy.
The Housing Register	The housing register is the list of eligible and qualified applicants who have applied to be considered for an offer of affordable housing.
Indictable offence	A serious criminal offence that is triable only on indictment (trial by jury) in the Crown Court (examples include: murder, manslaughter, rape and robbery).
Joint Applicants	Joint applicants may be: <ul style="list-style-type: none"> <li>• married couples</li> <li>• partners living together</li> </ul>
PRP (Private Registered Provider)	A private registered provider of social housing. The official name for housing associations, housing cooperatives and housing companies that are registered with the Homes & Community Agency.
Registration date	The date on which an applicant applies to be included on the housing register.
Social Housing	Low cost housing that you rent from a PRP.
Shared Ownership	This is housing that applicants part buy and rent from a council, Registered Provider, charity or faith organisation.
Transfer Applicant	A tenant with a Registered Provider living in the district who has successfully completed their introductory tenancy and is therefore eligible to be included on the housing register.

## Appendix 2 – Health & Disability Assessment Matrix

This matrix sets out the guidelines for assessing the housing need of an applicant, or a member of their household, where there is reason to believe their health is being adversely affected by their current housing circumstances. In all cases the assessment will focus on the extent to which existing housing exacerbates the problems being experienced and the extent to which these problems could be alleviated by a move to alternative more suitable accommodation. The assessment criteria will consider the overall impact of health and disability considerations upon the applicant.

The assessment will be made based on the evidence gathered from the applicant, occupational therapists and other health and social care professionals. Account will also be taken of whether the resultant housing problem has already been dealt with elsewhere in the allocations policy, for example where additional priority has already been awarded for overcrowding and this is the source of the medical issues.

Band 1 – Exceptional Housing Need	This category is intended to be reserved for only the most urgent cases. This includes cases where there is a clear and immediate risk to the health of the applicant(s) and rehousing is the only solution.
Band 2 – Urgent Housing Needs	<p>There is a high risk of serious harm to an applicant or member of their household while their housing circumstances remain the same.</p> <p>The accommodation is totally unsuitable to meet the needs of the household and it is assessed as being unreasonable for them to continue to live in the property on a permanent basis.</p> <p>Only an urgent move to alternative accommodation will significantly reduce the risk and meet the households housing requirements.</p> <p>There is a risk to the safety of others living in the home, or in the vicinity, resulting from the mental illness of the applicant</p>
Band 3 – Significant Housing Need	<p>There is a significant effect on the health or well-being of an applicant or a member of their household while they continue to live in their current accommodation (or their housing circumstances remain the same).</p> <p>The accommodation is only considered reasonable to occupy in the short term because there is a significant risk to the health or safety of the applicant or a household member while their circumstances remain the same and they continue to live in the property.</p> <p>A move in the near future to more suitable accommodation will have a significant impact on resolving the health issues identified.</p> <p>The mental health of the applicant or household member could be significantly improved by a move to alternative accommodation</p>
Band 4 – No Housing Need	There is some impact on the health or well-being of the applicant from living in the existing accommodation but it would be reasonable for the applicant to take steps to remedy the problem themselves without the need to be rehoused.

	<p>There is some identified impact on the health and well-being of the applicant, but there would be no significant improvement made by moving to alternative housing.</p> <p>The health or well-being of the applicant would not be improved by a move to alternative accommodation.</p> <p>There is no identified impact on the health or well-being of the applicant.</p>
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#### EXAMPLES:

Some typical scenarios are listed below. These are for illustration only and the list is not exhaustive.

#### URGENT NEED: BAND 2

- Someone cannot be discharged from hospital because of the unsuitability of their home circumstances
- Someone cannot manage the stairs in the property and has to sleep downstairs in a room with a gas appliance
- Someone cannot get access to toilet or bathing facilities in the home
- The home cannot be adapted to provide safe access or internal mobility for a wheelchair
- It is not possible to adapt the home at reasonable cost to facilitate the provision of necessary care and support
- A consultant psychiatrist has assessed that the existing home has a major detrimental effect on the mental health of someone and they cannot return there
- Features of, or the condition of the property have a severe detrimental effect on the physical health of someone and they cannot live there

#### SIGNIFICANT NEED: BAND 3

- Someone has significant difficulty in managing stairs in their current property (even after adaptations) and has difficulty in accessing toilet and bathing facilities
- Someone has difficulty in using bathing facilities in the home, which cannot be improved at reasonable cost with adaptations
- Someone cannot manage stairs in the home and has to sleep in an unsuitable downstairs room
- The current home is a significant contributory factor in someone's poor mental health
- Features of, or the condition of the property, have a significant detrimental effect on the physical health of someone

#### NO NEED: BAND 4

- The impact of the home on the health or mobility of someone can be sufficiently alleviated by alteration to the property at reasonable cost or with the help of grants

- The condition or layout of the home is not a factor in someone's health or mobility problems

### Appendix 3 - Social and Welfare Assessment Matrix

This matrix sets out the guidelines for assessing an applicant, or a member of their household's, housing need where there is reason to believe they have exceptional social and welfare circumstances, not covered elsewhere in the allocations policy, where it would be considered appropriate to recognise additional priority for an applicant to move. Where an applicant's circumstances are considered exceptional and a social and welfare assessment is undertaken priority can be awarded in order to recognise housing needs that arise as a result of (but not exclusively):

- Violence or the threat of violence
- Harassment by neighbours or others
- The need to safeguard children
- The need to move to independent living
- The effects of isolation
- Other factors related to the environment around a home

Account will be taken of whether the resultant housing problem has already been dealt with elsewhere in the allocations policy. Where a priority category has already been awarded for the same factors, then no additional priority will be given under this category. For example, if the applicant has already been assessed as statutorily homeless or has been given priority under the health and disability category for the same problem.

Band 1 – Exceptional Housing Need	This category is intended to be reserved for only the most urgent cases. This includes cases where there is a clear and immediate risk to the welfare of the applicant(s) and re-housing is the only solution. This category will include applicants who have been assessed as victims of Modern Slavery
Band 2 – Urgent Housing Need	<p>There is a need to move to avoid further violence.</p> <p>The applicant is a victim of serious harassment and is considered to be at serious risk of harm and moving is the only realistic remedy to prevent this.</p> <p>There is a need to safeguard children and moving is the only realistic remedy.</p> <p>There is an urgent need to move to independent accommodation and clear evidence of this need.</p> <p>There is an urgent need to move in order to receive or give essential care and support from or to a relative.</p> <p>The applicant or a member of their household is incapable of living independently and needs supported housing.</p> <p>The environment around the home has a serious detrimental effect on the quality of life of the household.</p>

<p>Band 3 – significant housing need</p>	<p>There is a need to move to recover from the effects of violence.</p> <p>The applicant is a victim of significant level of harassment and a move in the near future is considered the best remedy.</p> <p>There is evidence that the applicant would benefit from a move to independent accommodation in the near future.</p> <p>The existing home limits the care and support that can be provided to the applicant or someone in their household.</p> <p>The applicant or a member of their household experiences significant difficulty in living independently and needs to move to supported housing.</p> <p>The lack of amenities and facilities in the area has a significant impact upon the welfare of the applicant.</p> <p>The environment around the home has some detrimental effect on the quality of life of the household</p>
<p>Band 4 – no housing need / adequately housed</p>	<p>A move to other accommodation would have no impact on the threat of violence</p> <p>A move to other accommodation would have no impact upon the level of harassment being experienced</p> <p>The existing home has no impact on the ability of relatives or services to give or receive care</p> <p>Environmental factors have no significant impact upon the quality of life of the household</p>

## **Appendix 4 – Right to Move Legislation**

This guidance on Right to Move relates to existing social housing tenants seeking to move for work and who are assessed as needing to move to the district and need this taken into account in the assessment of their housing need.

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) (“the qualifications regulations 2015”) provides that local authorities must not disqualify certain persons on the grounds that they do not have a local connection with the local authority’s district. Specifically, a local connection must not be applied to existing social tenants seeking to transfer from another local authority district in England who:

- Have reasonable preference under s.166(3)(e) because of a need to move to the local authority’s district to avoid hardship, and
- Need to move because the tenant works in the district, or
- Need to move to take up an offer of work

### Need to Move

The Qualification Regulations 2015 apply to transferring tenants who have reasonable preference under s.166(A)(3)(e); that is to say that the local authority is satisfied that they need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship to themselves (or others).

The local authority must ensure, therefore, not simply that the tenants needs to move for work, but that, if they were unable to do so, it would cause them hardship.

Local authorities must be satisfied that the tenants needs, rather than wishes, to move for work related reasons.

Factors to be taken into account in determining whether a tenant needs to move to be closer to work or take up a job offer include:

- The distance and/or time taken to travel between home and work;
- The availability and affordability of transport, taking into account the level of earnings;
- The nature of the work and whether similar opportunities are available closer to home;
- Other personal factors such as medical conditions and child care, which would be affected if the tenant could not move;
- The length of the work contract; and
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion or an apprenticeship.

### Work

The Qualification Regulations 2015 only apply if the work is not short-term or marginal in nature, or ancillary to work in another district. Voluntary work is also excluded.

### Short-term

In determining whether work is short-term, factors considered will include:

- Whether work is regular or intermittent (particularly if a person is self-employed); and

- The period of employment and whether or not the work was intended to be short-term or long-term (if a contract of employment is a zero hours contract or is intended to last for less than 12 months this will normally be considered short-term)

### Marginal

In determining whether the work is marginal or not consideration will include both:

- The number of hours worked (employment of less than 16 hours per week could be considered to be marginal in nature). This is the threshold below which a person may be eligible to claim income support and the threshold for a single person's entitlement to Working Tax Credit. However, the level of earnings will also be considered; and
- The level of earnings (and whether it is regular)

### Ancillary

Work must not be ancillary to work in another local authority's district. This means that, if the person works occasionally in the local authority's district, even if the work pattern is regular, but their main place of work is in a different local authority's district, the work will not meet the qualification criteria for the Right to Work regulations.

A further relevant consideration would be whether the tenant is expected to eventually return to work in the original local authority district. If the Council has reason to believe this is the case further verification will be sought from the tenant's employer.

A person who seeks to move into a local authority to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority's area – is also excluded from these regulations.

### Voluntary Work

The regulations exclude voluntary work. Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred.

### Apprenticeship

The term work includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service). A copy will be requested in such instances.

### Genuine Intention to take up an offer of work

Where a tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the Council's satisfaction that they have a genuine intention to take up the offer. A letter of acceptance may be requested and the employer will normally be contacted to verify the circumstances. Additional information may also be required, including:

- A contract of employment;
- Wage/salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero hours contracts);
- Tax and benefits information – for example proof that the applicant is in receipt of working tax credit (if eligible); and
- A formal offer letter



## **Appendix 5 – Low-cost home ownership**

The councils do not advertise shared ownership or other low-cost homeownership vacancies through Choice Based Lettings. All vacancies are advertised through a zone agent. Help to Buy South is the zone agent for the South and Vale districts. All shared ownership and affordable homes available to purchase in the South Oxfordshire and Vale of White Horse districts are advertised through the Help to Buy portal.

Applicants are required to register with Help to Buy South by completing an application form in addition to completing an application to join the housing register. Some applicants will not be eligible to be included on the housing register, due to income and/or savings levels but they should still register (by completing an application form) with Help to Buy South. The Help to Buy South website explains who is eligible for vacancies and advertises available properties.

The councils are responsible for prioritising the list of applicants who have expressed an interest in a vacancy in its district through the Help to Buy Portal, unless the scheme is completed after 7 January 2016 and fully funded by Homes England. These schemes are not subject to local connection or council prioritisation in accordance with Government regulations.

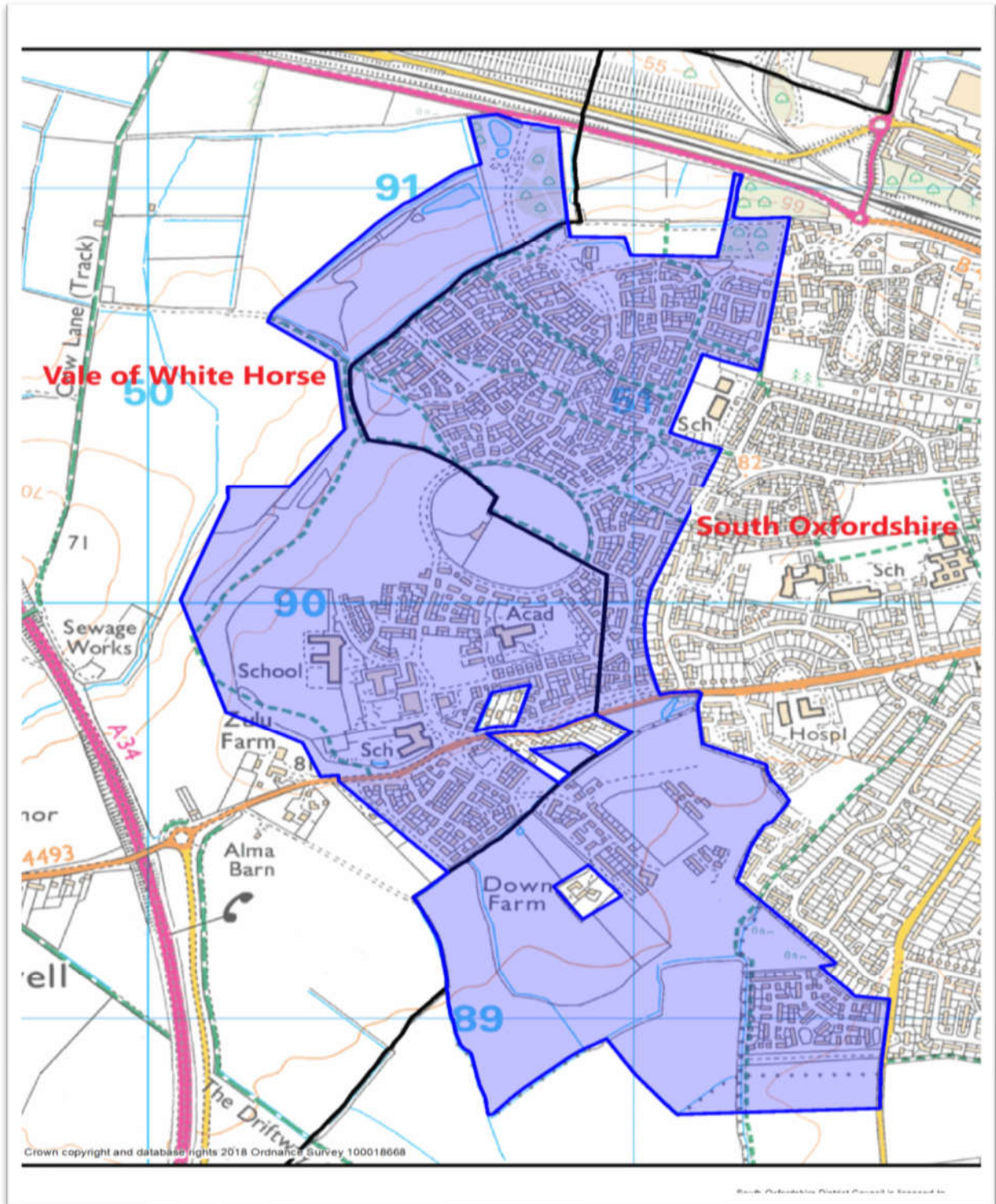
Only applicants who have a local connection to the district or are exempt from the local connection criteria, as defined by the housing allocations policy, will be eligible.

## **How the Councils prioritise shared ownership and other low-cost home ownership vacancies in its districts**

Applicants who have expressed an interest in a vacancy in the councils districts will be 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. On the housing register and eligible for the size of property available (priority will be by band and then registration date)
3. On the housing register but not eligible for the size of property available (priority will be by band and then registration date)
4. Not on the housing register, has a local connection or are exempt from the local connection criteria, as defined by the council's housing allocations policy and eligible for the size property available
5. Not on the housing register, has a local connection or are exempt from the local connection criteria, as defined by the councils housing allocations policy but not eligible for the size of property being advertised
6. The councils are not able to consider applicants who are not eligible to be included on the housing register and do not have a local connection to the district as defined by the councils housing allocations policy.

**Appendix 6 – Political boundaries map of Great Western Park, Didcot**



Blue shaded area is Great Western Park

The black line is the boundary line between South Oxfordshire and Vale of White Horse