

Appendix 5

South Kesteven District Council

Allocations Policy

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Allocations Policy

Introduction

This policy sets out the Council's scheme for managing allocations of social housing in the South Kesteven district.

Allocations of accommodation will include:

- selection of people to be secure or introductory tenants of the Council
- nominations of people to be an assured or introductory (starter) tenant of a Registered Provider (for example, a housing association).

This policy aims to make the best use of social housing vacancies to meet housing needs and all applications will be assessed based on current housing need. Households who do not have an immediate need for accommodation can join the housing register; however they will have no priority and as a result be unlikely to be offered accommodation. Appropriate advice will be available to all customers seeking housing.

1 Eligibility

Some people are not permitted (eligible) by law to apply for social housing if they are from abroad or are returning from abroad. Applicants who are unsure about their eligibility should seek detailed advice from the Council's Housing Solutions team.

Applicants considered to be ineligible for the housing register will be notified of the decisions and the reasons given in writing. Please read section 17 for more details on decisions.

2 Transfers

Council tenants and tenants of Registered Providers (or Housing Association/Registered Social Landlords (RSL)) are eligible for the housing allocations scheme and their applications will be assessed in accordance with this policy. Tenants of the Council and of Registered providers within South Kesteven are considered to have reasonable preference for accommodation (as defined by the Housing Act 1996, part VI, S166A) and are treated the same as new applicants.

The Council recognises that the 'social sector size criteria' introduced by the Welfare Reform Act in April 2013, which defines the number of bedrooms to be taken into account for Housing Benefit purposes, might introduce affordability challenges for affected tenants. The relative lack of availability of smaller properties limits the extent to which such households might be assisted with a transfer to a smaller home: in such circumstances affected tenants should also seek advice about the possibility of a Mutual Exchange.

3 Disqualifications and reduced priority

The council may decide that some groups of people do not qualify for the scheme, or should be awarded reduced or no priority. These groups of people are listed below.

In such cases the council will decide whether the applicant will be:

- refused access to the housing register
- accepted onto the housing register but placed in the lowest band
- accepted onto the housing register and housing needs assessed

The merits of each application and any exceptional circumstances will be considered and the applicant will be informed in writing of the decision and reasons for the decision. The applicant may request a review of the decision. See section 17 for more details on decisions and reviews.

Households with sufficient resources to meet housing needs

Households with sufficient resources to meet their own housing needs may not be accepted on to the register or awarded priority. Resources may include ownership of a property or assets sufficient to secure suitable housing. The value of property or assets and the household's housing needs will be taken into account in this assessment.

This applies to all homeowners with the following exceptions:

- applicants aged 60 years or over, seeking supported accommodation
- applicants with an identified medical or support need seeking supported housing.

Details of how the assessment is carried out are available from Housing Solutions.

Households guilty of unacceptable behaviour

The Council may decide not to accept an application or to award no priority where the applicant, or a member of their household who is to be re-housed with them, is considered by the council to have been guilty of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant of the Council.

Unacceptable behaviour is defined as behaviour that, if the person were a secure council tenant or living with a council tenant, would constitute sufficient grounds to entitle the council to a possession order.

Rent Arrears and housing related debts

The Council may decide not to accept an application or to award priority where an applicant owes substantial amounts of rent which is/was lawfully due to a private or public sector landlord. 'Substantial' is defined as unpaid rent due exceeding the value of eight weeks rent due.

The Council may decide not to accept an application or to award priority where an applicant owes South Kesteven District Council outstanding debts for repairs, rent in advance loans or rent deposit assistance.

Affordability and adherence to repayment plans will be taken into account when considering applications from those with rent arrears or housing related debts.

Where there is evidence of a history of rent arrears or housing related debts owing to a landlord, the Council may decide not to accept an application or to award priority.

4 Local connection

Applicants who meet the following criteria are considered to have a local connection and will have their housing needs assessed in accordance with the priorities within this policy:

- residence- He/she has been normally resident in the district for a minimum of six months preceding the application or has been resident for three years out of the preceding five years.
- employment- He/she has been in paid employment (not necessarily permanent) in the South Kesteven district for the preceding 6 months, for at least 17 hours per week on average
- family- He/she has a close family member who has normally resided in the district for the preceding five years. Family connection will normally mean that the applicant has a parent, adult child, brother or sister residing in the district.

Exceptions to this:

- homeless households for which SKDC has accepted a main duty to accommodate (Housing Act 1996 Part 7. S193)
- qualifying armed forces personnel (see section 9 below)
- 16/17 year olds and care leavers being looked after by Lincolnshire County Council within the district

Applicants who do not have a local connection as defined above may join the register; however, their application will have no priority awarded and as a result they are unlikely to be offered accommodation.

Applicants who have a local connection, but no housing need, will have no priority awarded and as a result they are unlikely to be offered accommodation.

5 Applicants aged less than 18 years

Young people under the age of 18 may access certain, but not all, housing and may not hold a tenancy.

It is possible for people under the age of 18 years to accept an offer of accommodation provided an adult or organisation is prepared to accept the tenancy in trust (be a trustee) until the young person reaches the age of 18 years.

Applications from young people aged 16- 18 years will be accepted and assessed in the following circumstances:

- SKDC has reasons to believe the young person is homeless or threatened with homelessness (as defined by the Housing Act 1996), and/or;
- Lincolnshire County Council's Children's Services have made a referral for assistance and satisfactory support plans are in place until the person reaches the age of 18

6 Choice

Applicants can express preferred choice of areas in which they would like to be offered accommodation; these choices will be at the level of towns and villages for most of the district and at estate level in Grantham (where there is more housing and estates tend to be larger than elsewhere in the district). The application form lists the areas from which choice/preference can be made.

Extending choice will extend opportunities for housing and so applicants will be encouraged to include a wide range of areas in their choices.

Where SKDC owes a household a main housing duty under the Housing Act 1996, Part 7 (s.193), one 'final offer' of accommodation will be made through the allocations scheme in a location considered to be suitable and appropriate to the household's needs. If the applicant refuses the offer or accommodation and the Council considers the refusal to be unreasonable, the applicant may remain on the housing register and express preference for areas in which they would like to be offered accommodation. However their application will have reduced priority as the Council will no longer have a legal duty to provide accommodation.

Please see section 8 for further details in relation to offers of accommodation to homeless households.

7 Household Members

Normally the following people will be considered to be household members:

- applicant's own children. In determining whether a child can be considered as part of the household, the following will be considered:
 - Does the child have accommodation available to them which it is reasonable for them to continue to occupy?
 - Does the child have a main residence?
 - Who predominantly cares for the child?
 - Existence of any Court order pertaining to the child's residency
 - Which parent receives child benefit for the child
- a partner who is living in a relationship with the applicant and has been doing so for 12 months or more, or is married or in a civil partnership.
- other dependent children to whom the applicant has a legal care responsibility (such as a residence order) amounting to more than 50% of the time may be considered as part of their household.
- where there is shared care with an estranged partner on a 50/50 basis, a decision will be taken by a senior officer based on the merits of the case.
- a resident carer, where the applicant can demonstrate that a resident carer is needed. The council would seek confirmation of the need from the applicant and relevant professionals.

Adult relatives of the applicant would ordinarily be expected to make separate applications. There may be exceptions in cases where household members have care responsibilities.

8 Homeless households

The allocations scheme may be used to make an allocation of accommodation to a person to whom SKDC has accepted a homelessness duty as defined by Housing Act 1996, part 7, s.193.

Where an offer of accommodation is made through the scheme in order to fulfil a homelessness duty, the applicant will be informed that the allocation is regarded as a 'final offer' to end the homelessness duty, regardless of whether the applicant accepts or refuses the offer of accommodation.

In these circumstances the applicant will be advised that the authority considers the offer to be suitable and reasonable for their needs.

If a homeless applicant refuses the offer or accommodation and the Council considers the refusal to be unreasonable, they may remain on the housing register and express preference for areas in which they would like to be offered accommodation. However their application will have reduced priority as the Council will no longer have a legal duty to provide accommodation.

The applicant has a statutory right to seek a review of the suitability of the offer of accommodation. The review procedure is set out in section 17.

9 Armed Forces Personnel

Exemption from local connection criteria

Certain qualifying armed forces personnel and their households are exempt from the local connection criteria as set out at section 4. Their applications will be assessed based on housing needs. The qualifying persons are as follows:

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

Additional preference

Households who meet the following criteria will be placed in the banding above that in which they would ordinarily be placed, based on their needs.

Persons who fall within the defined reasonable preference categories (overcrowding, homeless, unsanitary conditions), have urgent housing needs and who meet one or more of the following criteria:

1. 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;
2. the person formerly served in the regular forces; at any time in the five years preceding their application for an allocation of social housing
3. the person 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;
4. or the person 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.

10 Bedroom and property eligibility

Each household will be eligible for a separate bedroom for the following:

- each adult or couple
- each two children of the same sex under the age of 16
- each two children under 10 years regardless of gender

- any further children in accordance with the preceding two points
- a non resident carer who provides overnight care for a disabled person

Overriding medical and welfare factors will be taken into account when determining any additional bedroom requirement. Guidance will be sought from a medical practitioner or relevant professional.

The Council aims to make best use of available properties to meet housing needs. When allocating housing the Council will do so using the guidelines below.

The guidelines outline the household types which will be prioritised for particular property types, in order of priority.

Where there is low demand for a particular property the Council will use its' discretion in identifying potential suitable tenants.

Property type	Priority to be given to household type in the following order
1 bedroom flat (any floor)	1. Single person or couple
2 bedroom flat (any floor) or house	1. Household with 2 children of same sex, or 2 children of opposite sex aged under 10 2. Household with 1 child 3. Single person or couple
1 or 2 bedroom bungalow	1. Household with recognised need for ground floor accommodation
3 bedroom house	1. Household with 3 or 4 children, subject to the age and sex of the children 2. Household with 2 children of opposite sex where 1 or both children is over 10 years of age
4 bedroom house	1. Household with 4 or more children 2. Household with 3 children, subject to the age and sex of the children

11 Adapted properties

The Council aims to make best use of properties designed or adapted to wheelchair standard or to otherwise meet the needs of disabled persons. The Council will do this by prioritising for such properties applicants with an assessed need for such facilities.

The Council encourages social housing tenants to consider moving to alternative accommodation where their household no longer require the adaptations within their home. Applications from such households will be given high priority.

12 Nomination Agreements with Registered Providers

The Council works in partnership with Registered Providers who may seek nominations for social housing vacancies within their housing stock or who are required to seek nominations in accordance with (s.106) planning requirements. The Council will use this allocations scheme in determining households to nominate to Registered Providers in such circumstances.

13 Worsened circumstances

Applications may not be prioritised in circumstances where an applicant is deemed to have deliberately worsened their housing circumstances in order to increase their priority for housing. For example, this may apply where a person has given up accommodation suitable for their needs, to move into a home which is overcrowded.

The merits of each application and any exceptional circumstances will be considered and the applicant will be informed in writing of the decision and reasons for the decision. The applicant may request a review of the decision. See section 17 for more details on decisions and reviews

14 Administration and Assessment

Making an application

An application pack can be obtained by visiting or telephoning the SKDC Customer Contact points in Grantham, Bourne or Stamford. Normally an applicant will be offered the opportunity of an interview to check or complete their application. Alternatively customers can post or deliver their completed application form to the Council.

The application will be assessed in accordance with this policy and we will notify applicants in writing of the outcome of their housing application.

Regular review

The housing register and each application held on the register will be subject to periodic review. The Council will contact applicants to confirm the data held in relation to their application and whether the applicant wishes to remain on the register.

15 Change in circumstances

Applicants should keep the Council informed of any change in their circumstances which will affect their housing need. For example:

- An increase or reduction in members of the household (such as a child leaving home)
- A change of address (including relevant details of the new home)
- Any change in medical or mobility needs

16 Making an offer of accommodation or nomination

The Council will make offers of accommodation or nominations in a timely manner to minimise the time a property is vacant. This may mean that an offer of accommodation is made to an applicant before the outgoing tenant has vacated the property.

The Council may have particular agreements with Registered Providers (Housing Associations/ RSLs) about how nominations of potential tenants are made. These agreements may include timescales and number of applicants to be nominated. When making nominations to Registered Providers we will have regard to that provider's allocations policy.

Officers will select potential suitable applicants for each property using the housing register database. Applicants' details will be checked as part of this process. Any offer will be subject to validation of the applicant's housing need and eligibility and receipt of satisfactory landlord or other references, where appropriate. Where details emerge after the offer has been made which may affect their housing need or eligibility, the offer may be reviewed or withdrawn and the assessment of their application reviewed.

An offer of accommodation to a current council tenant will be subject to completion of a satisfactory property inspection.

Applicants will be entitled to **two** offers of accommodation. If an applicant refuses a second offer of accommodation the priority of their application will be placed in band 4 for 6 months. Applicants already in the lowest band (band 4) will remain in that band.

Wherever possible the Council will make offers of council accommodation by telephone. If it is not possible to contact the applicant by telephone the Council will write to the applicant. The applicant will be asked whether they wish to accept or refuse the offer, subject to viewing. The applicant will be given five days to provide an initial response and failure to respond will result in the offer being considered a refusal.

The applicant will always be invited to view the property with an officer ('accompanied viewing') before making a final decision whether to refuse or accept an offer.

The Council reserves the right, in the interests of effective housing management, to offer a property to more than one applicant ('multiple offers') at the same time, subject to being clear about the relative priority of each applicant. (For example, if a property is offered to three applicants at the same time, each applicant will know if they have first, second or third priority.)

The Council may withdraw an offer of accommodation prior to the tenancy agreement being signed, where:

- The applicant has made a false declaration or failed to provide up to date information/references and this substantially alters their eligibility for the property offered
- The information available at the time the offer was made was incorrect and it is subsequently discovered that the property is no longer suitable for the applicant

17 Decisions and Reviews

We will notify applicants in writing of the outcome of their housing application. Where a decision has been made that they are not eligible for an allocation or within a class of person qualifying for an allocation, the notification will explain the reasons for the decision.

An applicant has a right to request a review where the following decisions have been made:

- A decision that he or she is not eligible (see section 1 of this policy)
- A decision that he or she does not qualify (see section 3 of this policy)

An applicant may also request a review of a decision concerning the facts of his or her case which are likely to be, or have been, taken into account in considering whether to allocate accommodation. This includes the following decisions:

- The type of property the applicant is considered for
- The applicant's medical condition or welfare needs
- the band to which an application is allocated
- other factors used to determine whether an applicant is entitled to reasonable preference
- the suitability of an offer of accommodation
- A decision to reduce the priority of an application to band 4 following refusal of a second offer of accommodation.

In these circumstances the applicant should explain why they are seeking a review.

All requests for a review of a decision should be made within 21 days of the date of the decision. The request should be made in writing to the Housing Solutions Manager

The review will be carried out by a nominated officer who has not been involved in the original decision and who is senior to the officer who made the decision.

The Council will make a decision within 21 days of receipt of the written review request. If any further information is required to enable the review to be properly carried out, the 21 day period may be extended by agreement between the Council and the applicant.

The officer carrying out the review will consider any written representations made by the applicant or on their behalf and will carry out the review on the basis of the facts known at that time. The officer will endeavour to speak with or meet the applicant in person in order to enable the applicant to express their view.

18 Monitoring

Officer decisions

Regular reviews will be carried out of decisions made by officers in relation to housing applications and offers of accommodation in order to ensure that a quality service and fair access to the service are maintained.

Equalities

The Council will seek to ensure that its policy is operated in a manner that is fair to all sections of the community.

All applicants for housing will be asked to provide equalities information which will be treated confidentially. Provision of this information is not a requirement however it does help the Council monitor access to the service and to ensure that access is fair for all communities.

Notification of decisions will generally be in writing; however where we are aware that an applicant may need information providing in a different way, we will take reasonable steps to communicate in a way that best suits their needs.

19 Prevention and detection of fraud

The Council is keen to ensure that information provided in support of a housing application is truthful and accurate. It is an offence for anyone seeking housing to knowingly or recklessly give false information, or withhold information reasonably required by the Council, such as information on rent arrears or debts owed to South Kesteven District Council or other landlords.

The Council will use sanctions at its disposal to encourage applicants not to give false information or withhold information required in the application process.

The Council will take action against tenants holding a tenancy acquired as a result of providing false information. For example, The Council can seek possession of a tenancy granted as a result of a false statement.

20 Review of policy

The policy will next be reviewed 12 months after implementation.

21 Banding details

Priority within bands is determined by the length of time the application has been within that band.

If an applicant believes they have not been placed into the correct band according to this policy, they may ask for a review of the decision, as set out in part 17 of this policy.

Emergency band

Any case agreed by management to have an exceptional need to move. This includes households in the following situations:

- Applicants awaiting accessible or sheltered housing before they can be discharged from hospital
- Households including someone with a life threatening condition directly linked to unsuitable housing conditions
- Council tenants who need to move urgently as a result of property condition
- Households at serious risk of harm in their current accommodation
- Social housing tenants occupying properties with significant adaptations and the household no longer requires the adaptations

These cases will be reviewed by a manager on a regular basis.

Households where SKDC has accepted a duty to accommodate (s193 duty, commonly referred to as homeless priority cases). Such cases will be eligible for 1 'final offer' of accommodation (part 7; Housing Act 1996). Refusal of an offer will normally result in demotion to band 1.

Band 1

Homeless households where SKDC has discharged a s193 duty to accommodate as a result of the applicant refusing suitable private or public sector accommodation (demoted from Emergency band).

Households living in accommodation considered by the Council's private sector housing team to be unsuitable for habitation due to instability, disrepair etc

Overcrowded households who lack two or more bedrooms. This includes:

- providers of foster care or adopters who need larger accommodation to enable them to provide the care.

Household with an urgent need to move on welfare grounds. This can include households in the following situations:

- Applicants experiencing severe hardship as a result of the costs of getting to work or to an apprenticeship scheme from their current address.
- Separated families living apart as a result of their housing circumstances

Households with an urgent need to move on medical grounds. This will apply to households where there is a need to move to ground floor or adapted accommodation on physical health/mobility grounds <u>and</u> current accommodation does not meet those needs, nor can it be economically adapted.
Households with an urgent need to move on mental health grounds, where it has been identified by a relevant professional that remaining the present accommodation would be harmful to the individual's mental health.
Band 2
Households ready to move on from short term or supported accommodation or care. This includes <ul style="list-style-type: none"> • care leavers supported by Lincolnshire County Council in the district • tenants of short term supported accommodation (this does not include the Council's own temporary accommodation)
Overcrowded households who lack one bedroom
Homeless households who are not in priority need and not homeless intentionally.
Households with an identified need to move to ground floor or adapted accommodation on physical health/mobility grounds <u>and</u> current accommodation does not meet those needs nor can it be economically adapted
Households with an identified need to move on welfare grounds. This includes: <ul style="list-style-type: none"> • Young person with disabilities wishing to live independently • Applicants experiencing or expected to experience hardship as a result of the costs of getting to work or to an apprenticeship scheme from their current address.
Households with an identified need to move on mental health grounds, where it has been identified by a relevant professional that moving to alternative accommodation would significantly improve the individual's mental health.
Band 3
Social housing tenants, where the tenant wishes to move to smaller accommodation.
Households threatened with homelessness as a result of being required to leave accommodation as a result of receiving a notice to leave from a landlord or a possession order from a Court. This includes: <ul style="list-style-type: none"> • Households ready to move on from rehabilitation. Any decision to provide accommodation will be subject to risk assessment • Assured Shorthold tenants who have received a s.21 Notice from their landlord

Households the Council considers are homeless intentionally
Households with no identified housing need but a need to: <ul style="list-style-type: none">• move closer to family in order to give or receive support, or;• gain access to necessary amenities to support their continued independent living.
Band 4
Households who are adequately housed, including those with a local connection
Households with no local connection
Households with reduced priority