

Housing Allocation Scheme for Herefordshire 2020

May 2020

VERSION CONTROL
SUMMARY OF CHANGES MADE TO ORIGINAL DOCUMENT

Version	Paragraph No's	Summary of changes	Date
1		Original document	December 2019
1.1	Below 8.3.2	Clarification of Band E	January 2020
1.2	Appendix C	Clarification of property size eligibility and simplified table	May 2020
1.3	Section 4 legal framework P14 – Footnotes Section 7.7. Section 8.4.2 Appendix B – Banding Criteria	Addition of DA Acts 2021 Addition of DA definition Addition of DA exemption from local connection Reference to DA Act 2021 Explicit inclusion of victims of DA in Band A 'Homeless households who are owed a full housing duty (reasonable preference)'	July 2021

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1. INTRODUCTION

- 1.1 The Housing Act 1996 requires every local authority to develop and publish an allocations scheme for determining the priorities and detailing the procedures to be followed in allocating social housing. Recent legislation has allowed local authorities more freedom to determine policies that best meet local circumstances and priorities, within the constraints set out in the Housing Act 1996, as amended (“the 1996 Act”). This is Herefordshire Council’s Housing Allocation scheme.
- 1.2 Herefordshire Council does not own any housing stock. It works in partnership with housing associations operating in the county to address housing need through the allocation of social housing.
- 1.3 This scheme clarifies the roles and responsibilities of the local authority and the housing associations, and the legal responsibilities of each for delivering the local authority’s statutory duties in relation to the allocation of housing. It details the arrangements for applying to register for social, intermediate and affordable rented housing (hereafter referred to as ‘social housing’), and the process by which it is let in Herefordshire.
- 1.4 Herefordshire Council has nomination agreements with the main housing associations in the county. These are listed in Appendix A. The council addresses housing need through these agreements which specify the percentage of vacant properties that will be offered to applicants on the council’s register who have been assessed and banded by the Home Point Service i.e. those in bands A - D. The percentages vary from 60% to 75%, depending on the association, the property location and type.

1.5 This policy sets out:

- The aims of the policy;
- Who can register;
- Roles and responsibilities of council staff;
- How an applicant's housing needs are assessed;
- How the housing register operates;
- How social rented homes across the county are let.

Acceptance on to the register is not an immediate housing solution and does not guarantee that an offer of accommodation will be made.

2. AIMS

2.1 The key aims of this policy are to:

- ensure that the housing allocation process is transparent to applicants
- meet the legal requirements for the allocation of social housing
- provide choice of social rental homes to meet applicants needs
- support better use of existing housing stock within the county
- help to prevent homelessness and minimise the use of temporary accommodation
- ensure and promote equality of opportunity in accessing the council's
- contribute to the development of sustainable communities

2.2 We will deliver these aims by:

- Operating a housing allocation scheme where applicants are placed in bands according to their level of need;
- Providing support and advice for customers when they need it;
- Providing applicants with information on supply and demand;
- Ensuring that every application for the housing register is dealt with fairly and consistently, so promoting equality of opportunity;
- Supporting and encouraging applications from all applicants who may qualify for the register;
- Facilitating mobility where doing so will meet household needs.

3. SCOPE

This scheme applies to people seeking social, intermediate and affordable rented housing (hereafter referred to as 'social housing') in Herefordshire as their only or principal home, and the process by which it is let in the county.

What is an allocation?

If a council, as is the case in Herefordshire, does not have its own social housing stock, the allocation process occurs when the council 'nominates' a person to be a tenant of housing accommodation held by a housing association.

Where a choice based lettings system is in place, as in Herefordshire, the local authority recognises in principle where an applicant bids for a property, and is successful in obtaining a tenancy, the offer of that property to applicants in shortlist order is a nomination and complies with the nomination agreement.

Individual housing associations have their own lettings policies, including exclusion criteria, and will review the bids against these before making an offer of accommodation. Applicants therefore should read the policies which can be viewed on individual housing association's websites and the Home Point website.

Exempt Allocations

The following are not subject to the banding scheme or the nomination agreements:

- Succession to a tenancy under s.17 of the Housing Act 1988;
- A mutual exchange with another tenant;
- Assignment of a tenancy;
- Transfer of a tenancy in accordance with a court order under Family Law provisions or under the Civil Partnership Act 2004;
- A starter tenant becoming an assured tenant;
- Any provision of temporary accommodation.

4. LEGAL FRAMEWORK

The primary legislation governing the allocation of social housing is Part 6 Housing Act 1996, (as amended), and the associated statutory codes of guidance and statutory instruments.

This legislative framework applies to Herefordshire Council directly and requires housing associations to 'cooperate to such an extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's scheme'.

The Allocation scheme has been developed to be compatible with other relevant legislation and guidance including, but not restricted to:

- The Human Rights Act 1998
- The Data Protection Act 2018

- The Freedom of Information Act 2000
- Children (Leaving Care) Act 2000
- The Equality Act 2010
- The Localism Act 2011
- Armed Forces Covenant
- Public Sector Accessibility Regulations 2018
- Domestic Abuse Act 2021

A summary of this scheme is available free of charge to any person who asks for a copy. It is available on the Council and Home Point websites. This document is the full version of the policy and is also available on Herefordshire Council's website. If requested a hard copy can be provided on payment of a reasonable fee (to be confirmed at time of request).

4.1 Equality statement

Herefordshire Council is committed to equality and dignity for all members of the community, and supports the principles of the council's Equality Policy 2017-19, including promoting acceptable behaviour, making fair and equitable decisions and providing accessible services.

The allocation scheme is designed to ensure that it is compatible with the council's equality duties including the duty to eliminate unlawful discrimination and to promote good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristics are age, race, disability, sex, marriage and civil partnership, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.

The policy ensures that each applicant is assessed on the basis of individual need. In addition, the assessment will seek to identify, and meet, any special requirements and to provide support to vulnerable applicants.

Herefordshire Council expects all housing associations to ensure that they comply with the Equality Act 2010 and have their own Equality policies available.

4.2 Statement on choice and constraint

Herefordshire Council is committed to enabling applicants to play an active role in choosing where and the type of property they want to live in, whilst continuing to house those people in the greatest need. Applicants can indicate their areas of choice through expressing an interest (also known as 'bidding') on advertised properties.

It is important to know, however, that the demand for accommodation is higher for some types of property and is greater in some areas than others. In making a decision about the choices available, applicants need to consider the urgency of their housing need and the availability of properties in any given area.

Whilst the policy offers applicants choice, there will be a number of instances where this may not be possible, for example:

- the applicant does not meet the criteria for the housing scheme or the empty property
- there is a legal agreement restricting who can be offered the property
- there is a local lettings plan in place
- the applicant has been accepted under the full homeless duty
- there are few properties of the size or type in the chosen area

Applicants should note that the decision to make an offer of a property is made by the housing association, **not** Home Point.

4.3 Confidentiality, data protection & information sharing

All information processed by the council in respect of housing applications is done so in accordance with the provisions of the Data Protection Act 2018. Information you provide in support of the application will only be shared with partner agencies who provide social and affordable housing and are part of the data sharing agreement.

Details about how your information will be used can be found on Herefordshire Council's website.

Details relating to a person's application will not be disclosed to any other third party without the express permission of the applicant to do so unless it relates to crime prevention or detection.

An applicant has the right to request details of the information held about them. This can be done via the Access to Information page on the Herefordshire Council website.

5. ROLES OF OFFICERS: DECISION MAKING AND BENEFICIAL INTERESTS

5.1 Officer responsibilities

Home Point administers the housing register. It does not make offers of housing. These are made by the housing associations.

Certain functions within the scheme can only be undertaken by a senior officer or manager and, where this is the case, it has been identified in the allocation scheme.

Whilst the council aims to achieve clarity and transparency for the public, there is discretion to vary qualification, priority and property size rules to provide a degree of flexibility in the implementation of the scheme when considering individual cases. Any use of this flexibility

will be subject to determination and confirmation by the Housing Services Manager (HSM). The HSM will take into account all relevant circumstances when making the decision.

Any officer who is related to, or knows an applicant, personally will not be involved in any aspect of the application.

5.2 Councillors, board members, employees and their close relatives

This scheme is designed to ensure that Herefordshire Council is transparent and equitable. Applicants who work for the council, a housing association, a board member of a housing association or is a member of the council must disclose any such relationship when applying for housing. Failure to disclose so may result in the application being cancelled.

The Allocation scheme is open to any qualifying applicant and there are stringent checks in place that all applicants must follow. Staff, Council or board members and their relatives are treated as any other applicant and must not gain any advantage or any preferential treatment in the course of their application: nor shall they be disadvantaged.

6. ADVICE AND ASSISTANCE

The council acknowledges that this Allocation scheme requires the active participation of housing applicants and to reflect this, the council aims to provide advice and assistance as required by s.166(1) and s.168(1) of the Housing Act 1996.

6.1 General information about the scheme will be made available as follows:

- information about the procedures for applying
- how it works
- information about how applicants are banded

6.2 Applicants will also be provided with information regarding their own application which will include:

- what information they need to supply to complete registration and the **timescales** for providing the information
- if they do not qualify to register, Housing Solutions can provide information on what other options are available
- what band they have been awarded under this policy
- what size properties they are entitled to
- effective date of registration

6.3 Applicants who have difficulty reading or understanding this scheme may benefit from the following services:

- an interpretation service if their first language is not English
- signing if speech or hearing is impaired
- provision of documents in large print if an applicant is visually impaired
- information about where independent advice is available

6.4 Home Point can also provide information about other housing options.

This will include:

- advice on housing associations operating in the county
- assistance in making an application to the housing register

The council's Housing Solutions team can provide:

- advice and help on renting in the private sector.
- advice and assistance if homeless or threatened with homelessness

Advice is also available through the Housing Options Wizard, a self-help tool available online at the Home Point website.

Existing tenants can also contact their own landlords regarding neighbourhood nuisance etc. and Environmental Health re poor condition of property and landlord issues. More information can be found on the Landlord and Tenants responsibilities page on the council's website or through the Housing Options Wizard.

7. WHO CAN APPLY?

Applicants must be eligible and must qualify to be accepted on to the council's register. Home Point undertake the process of eligibility and qualification assessment for acceptance on to bands A- D of the housing register.

7.1 ELIGIBILITY

Parliament sets the criteria for eligibility in respect of access to housing in the UK. Herefordshire council is then required to determine whether applicants are eligible for housing assistance under UK immigration and nationality regulations.

Herefordshire Council will ensure compliance with the statutory provisions for eligibility, as amended from time to time by central government.

7.2 Ineligible households

Certain people are not eligible for admission to the housing register by law.

7.3 Applicants who are currently not eligible to go on the housing register include the following:

- a) People who are subject to immigration control; unless they have refugee status or exceptional leave to remain, or have been in the UK more than five years and their former sponsor is no longer living;
- b) The following are not eligible for inclusion on the housing register even though they are not subject to immigration control:
 - Those who are not habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland;
 - Those whose only right to reside in the UK is derived from their status as a jobseeker or the family member of a jobseeker;
 - Those whose only right to reside is the initial right to reside for a period not exceeding three months under Regulation 13 of the European Economic Area regulations;
 - Those whose only right to reside is as the parent of a UK citizen child who has no other rights to reside in the UK.
- c) Any other person as prescribed by the Secretary of State.

It is not practical to define precisely all the circumstances in which restrictions may apply. The guidance above is an overview of eligibility at the time of approval of the policy. Anyone unsure of their status should seek detailed advice from Home Point.

If there is any uncertainty about an applicant's immigration status the council will contact the UK Border Agency to check the position.

Applicants who are ineligible to be accepted on to the register will be notified in writing of the decision. These applicants are also not eligible for social housing provided by the housing associations.

The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a housing association if considered to have a reasonable preference for an allocation.

7.4 Qualification

All applicants eligible to join the council's housing register will be considered, provided that the application is made in accordance with this policy.

7.5 Local connection

To qualify to join the housing register applicants should have a local connection to the county

Local connection in this context means that the applicant meets at least **one** of the following criteria:

- a) Currently living in the county (in settled accommodation or accommodation of choice) for at least 2 years continuously or for 3 years out of last 5 years at the point of application;
- b) Have close relatives living in the county (parents, adult children, brothers or sisters) who have done so for at least the last 5 years at the point of application;
- c) Be employed and have worked in the county for at least 12 months and the work has been, and is, for more than 16 hours a week, or has an offer of permanent employment for more than 16 hours a week with a confirmed start date and the applicant continues to work in that job while the applicant is on the register;
- d) Is a Herefordshire looked after child or care leaver, or is a care leaver under the age of 21 who has lived in the county for at least two years, including some time before turning 16.
- e) Exceptional circumstances, at the discretion of the Housing Services Manager (HSM) in consultation with statutory agencies e.g. the police, Children's services, Adults and Communities.

For the purposes of determining qualification on residency grounds, living in the county shall not include the following:

- Occupation of a mobile home, caravan, motor caravan or houseboat where it is not their only or principal home;
- Occupation of a holiday letting for the purposes of a holiday;
- Occupation in student accommodation where it is not their principal home;
- Occupation of temporary accommodation when placed there by other local housing authorities;
- In-patient of a hospital or similar settings where the applicant has a connection elsewhere.

Under some exceptional circumstances, such as where there may be an overriding housing need to be met or a duty to a statutorily homeless person, the qualification rules may be waived by the Housing Services Manager.

Applicants without a local connection to the county who have a housing need in one of the reasonable preference categories will be placed in the reduced preference band (i.e. Band D).

7.6 Local Connection for Armed Forces Personnel

Local connection requirements will not apply to the following applicants:

- members of the Armed Forces and former Service personnel, where the application is made within five years of discharge;
- bereaved spouses, unmarried and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;
- serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service;
- divorced or separated spouses, separated unmarried and civil partners of members of the Armed Forces who have lived in Services Family Accommodation for a minimum of two years and are required to vacate the Services Family Accommodation following a relationship breakdown.

Armed Forces personnel should also refer to section 8.3 below.

7.7 Local Connection – Victims of Domestic Abuse

Local connection requirements do not apply to victims of domestic abuse in safe or hostel accommodation in line with statutory guidance.

7.8 Right to Move

The government introduced the Right to Move in 2015. This means that local connection criteria may not be applied to existing social tenants seeking to move from another local authority district in England who:

- have a reasonable preference because of a need to move to the council'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

7.9 Those who do not qualify

An applicant will **not** be accepted on to the council's housing register for social housing if at the point of application: -

- i) They have sufficient financial resources to resolve their own housing need. Applicants without dependents with a **gross** annual **household** income of £35,000 or above or applicants with dependents with a combined **gross** annual **household** income of £45,000 or above will not normally qualify to join the housing register. Gross household income includes any benefits received excluding DLA/PIP or carer's allowance.
- ii) Those with household capital, savings or assets of £50,000 (under 50 years of age) or £100,000 (aged 50 or over) will not normally qualify to join the housing register.
- iii) When making the financial assessment, where capital/savings are available for specific reasons these may be disregarded if there are exceptional circumstances. For example, it is standard practice to disregard any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service.
- iv) Applicants over 60 years of age with capital, savings or assets worth up to £150,000 may be accepted on to the register for older people's housing schemes **only** where they have a need for it. Housing associations generally assess the need for this type of housing scheme prior to an offer being made.

7.9.1 Suspended applications

There are some circumstances where an application may be suspended from bidding for properties for a specified period of times. Suspended applicants will not be eligible for a direct let.

An applicant is likely to be suspended for the following reasons:

- a) the applicant has refused three suitable offers of accommodation in 12 months which were upheld following a review or where no review was requested (see refusal of offers paragraph 12.2 page 34) .
- b) the applicant is offered a property pursuant to s193 full housing duty and refuses the offer of accommodation; their application will be suspended pending a review of suitability if requested.
- c) the applicant has engaged in anti-social behaviour or other housing related conduct which would render her/him an unsuitable tenant
- d) the applicant has a housing related debt
- e) the applicant has deliberately given false or misleading information

7.9.1.1 Unacceptable behaviour

Where Home Point is satisfied that the applicant (or a member of their household) has carried out acts of unacceptable behaviour serious enough to make them unsuitable to be a tenant the applicant will be suspended from

bidding, unless statutory duties in respect of the applicant and their household apply.

Behaviour that is considered to be unacceptable will include instances where the landlord has commenced legal proceedings in respect of the tenancy due to unacceptable behaviour or where the landlord would have been entitled to possession of the property, due to the applicant's, or a member of her/his household's, unacceptable behaviour had the applicant been a social tenant at the time. This may include instances where legal proceedings had been undertaken e.g. Possession Order, Tenancy demotion, Noise Abatement Notice or where the provider has applied for an anti-social behaviour injunction whether or not the applicant has given an undertaking to desist from such conduct. There is no need for the applicant to have been a social tenant. Unacceptable behaviour will include significant rent arrears or other housing debt and serious anti-social behaviour, for example, violence or conviction for the supply of drugs. This list is not exhaustive

7.9.1.2 An applicant may also be suspended if:

- The applicant or a member of the household has engaged in anti-social behaviour that would not be sufficiently serious to entitle the landlord to seek possession of their home or pursue legal proceedings such as an injunction but it has nonetheless caused other people distress or annoyance or has been persistent and there is evidence to support this decision. In instances where tenants are asked to sign an Acceptable Behaviour Contract, applications will be suspended until such time as the Housing Services Manager is satisfied that a tenant has complied with the terms of the contract.

- The applicant has housing related debts and has failed to make or keep to an arrangement to clear the debt.
 - Examples of the type of debt include: outstanding arrears from a current or previous tenancy to a social landlord; outstanding arrears of rent and other charges from stays in temporary accommodation; rechargeable repair debts; 'use and occupation' charges (mesne profits); arrears on repayments due to deposits, loans etc. provided through previous interventions by the council's housing service.
 - Council Tax, Housing Benefit overpayments and any other 'non-property' debt will not be considered under this scheme. This also includes property related debts that are covered by a bankruptcy order.
 - In the case of suspension for arrears the council will take into account any delays in regular payments of Housing Benefit that has resulted in

arrears. Tenants who have accrued arrears solely as a result of the under occupancy charge or benefit cap may not be suspended if they are downsizing to a property which will negate or mitigate the imposition of the under occupancy charge or they are proactive in working with their landlord to resolve the problem.

- Debts of under £200 will not lead to suspension from the register providing there is a repayment plan in place which is being adhered to.
- The applicant has deliberately worsened their housing circumstances, by act or omission.

7.9.2 Each case will be assessed on its own merits.

- An applicant suspended because of housing related debt will be suspended until the debt is reduced to £200 or less, or there is a repayment plan in place that has been maintained for at least 13 consecutive weekly payments or at least 3 consecutive monthly payments. Applicants will be required to sign and keep to a written agreement to repay the debt. If there is compliance with the above requirements and the suspension is lifted, if the debt is still outstanding the applicant will be expected to continue to make repayments. If the repayments cease or the debt increases, the applicant may be suspended from bidding for another 3 month period. This decision will be taken by the Housing Services Manager.
- Applicants will be required to provide proof of payment to Home Point. It is the responsibility of the applicant to request a review of their suspension when the above requirements are met. Applicants have the right to request a review of the decision to suspend their application due to rent arrears. Details of the review procedure are contained in Appendix C (p50) of this scheme.
- An applicant suspended because of their behaviour or that of a member of the household, will remain suspended until such times as they can demonstrate that their behaviour has improved. A suspension from the register is not intended to be permanent. Reinstatement will be sooner if the applicant takes personal responsibility and addresses the reason for suspension. Applicants have the right to request a review of the decision to suspend their application due to anti-social behaviour. Details of the review procedure are contained in Appendix C (p50) of this scheme.

7.9.3. Suspension criteria may be waived when for instance there is an urgent need to move because of a critical medical or welfare need including situations where there are serious safeguarding implications. This decision will be taken by the Housing Services Manager.

7.9.4 These provisions may not apply to those owed a statutory duty as they do not override the council's duties under the Housing Act 1996 Part VII, as amended.

7.10 Young people aged 16- 18 years old

The register is normally open to applicants from the age of 18 and above. In exceptional circumstances such as proven threat of serious harm, applicants from the age of 16 may be accepted on to the register unless they are specifically ineligible or do not meet the qualification requirements and there is a referral and supporting evidence from a known agency.

7.10.1 Applicants under the age of 18 should be aware that tenancies are normally only granted by housing associations to applicants over the age of 18. Most housing associations will only consider granting a tenancy to applicants under the age of 18 where an adult or organisation acts as a trustee to hold the tenancy in trust for the applicant until they reach the age of 18. There may also be a requirement for the applicant to obtain a rent guarantor. The decision on granting a tenancy to an under 18 year old will be taken by the individual housing association.

7.10.2 Applicants may be accepted on to the register where one or more of the following apply:

- where a referral for assistance has been made by Social Services authorities under Section 27 of the Children Act 1989;
- a young person who is deemed a relevant or eligible child or a former relevant or qualifying care leaver under the Children (Leaving Care) Act 2000 as amended.

In each case, an assessment of the applicant's housing, care and support needs will be undertaken by the council's Children's and Families directorate to ensure that adequate support is available to support the applicant to maintain a tenancy.

8. ASSESSMENT OF HOUSING NEED

In order to assess housing needs, applicants must complete an online form which will be assessed by Home Point for those who have a housing need identified in bands A-D of this scheme and this may lead to further enquiries where information is required from a third party to clarify the applicant's circumstances.

Home Point will require applicants to provide supporting documentation for all household members and will check the accuracy of all of the information submitted in support of the application. This is to deter and detect fraud and ensure that housing is allocated to those who are entitled to it.

It is expected that permission will be given by applicants to share or obtain information, relevant to their housing assessment. If permission is refused it is not possible to complete the assessment and will impact on qualification for the register.

8.1 Banding scheme

Home Point operates the banding scheme described below. The table (Appendix B) is arranged to reflect identified housing need in descending order of urgency. Applicants in band A have been assessed as having the most urgent need. Band B also reflects an urgent housing need.

All eligible and qualifying applicants are placed in bands A – D according to their housing application assessment. Band E applicants are those who do not have a housing need identified in this scheme but who wish to apply to the local housing associations for social housing. Further information about each band and the assessment of each criterion is available in Appendix B.

Band E applicants are not assessed by Home Point. These are applicants who do not have a housing need recognised in this scheme. Any assessment will be undertaken by the relevant housing association if the applicant is being considered for an offer of a property for which the council does not have nomination rights.

Applications are assessed by Home Point for bedroom need and prioritised by band, and, within that band, by effective date. For details of bedroom need assessment see Appendix C.

Where an application has more than one housing need which appear in different bands it will always be placed in the higher band, unless subject to the reduced preference criteria.

8.2 Time limited banding

All Band A awards are subject to time-limited banding.

Applicants awarded time limited bands are given a period of time before their application is reviewed. The timescales given reflect the urgency of their situation, both for the applicant and for the council.

Applicants are expected to bid for any suitable properties advertised by the housing associations.

Towards the end of the stated time limit an application will be reviewed and a decision will be made as to whether:

- The applicant should remain in the band until a further review.
- Auto bidding should be organised
- A direct offer of accommodation should be made
- The applicant needs more support to obtain the appropriate housing
- The applicant's banding should be amended as the circumstances under which they were placed in the band no longer apply.

This is not an exhaustive list of potential outcomes

In conducting the review the following will be taken into consideration, where appropriate:

- Have there been any properties advertised that would have met the applicant's need?
- If so, have they bid for them?
- Why have they been unsuccessful?
- Have the applicant's circumstances remained the same?

If the applicants require help with bidding Home Point or the housing association may be able to help.

Applicants must consider bidding for all suitable property types for their household size and composition. This means that applicants may need to compromise on their ideal choice of housing in order to achieve the urgent move they need. It will not always be possible to meet all aspirations.

Applicants will be advised of the outcome of the review in writing. If there has been a change to the banding applicants have the right to review. See Appendix D.

8.3 Reasonable Preference

Herefordshire Council is required to determine the relative priority that housing applicants are awarded.

The law requires that reasonable preference for housing must be given to those in the categories set out in s.166A (3) Housing Act 1996 (as amended). These categories are:

- (a) People who are homeless within the meaning of Part 7 of the 1996 Act, as amended;
- (b) People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3), as amended;
- (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;

- (d) People who need to move on medical or welfare grounds, including grounds relating to a disability;
- (e) People who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others).

This does not mean that households who fall into the reasonable preference categories are necessarily entitled to priority over all other applicants in all circumstances.

8.4 Additional Preference

8.4.1. The award of additional preference must be given to the following applicants who fall within one of the reasonable preference categories and have urgent housing needs:

- Serving members of the regular armed forces who need to move because they are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their military service
- Former members of the regular armed forces
- Bereaved spouses or civil partners of members of the regular forces who have left or will be leaving services accommodation provided by the Ministry of Defence following the death of their spouse or civil partner and whose death was attributable (wholly or partly) to their military service
- Serving or former members of the reserve forces who need to move because they are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their military service.

8.4.2 Applicants who require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping domestic abuse such that the facts and circumstances demonstrate to the council that the threat is immediate and it is not safe for the applicant / household to remain in their present accommodation, may be awarded additional preference by means of backdating the effective date by six calendar months. The assessment will be based upon verification by officers within the police or other agencies in conjunction with an assessment by the councils Housing Solutions Team.

Urgent need is indicated by an award in Bands A and B.

Additional preference will be provided by backdating the effective date by six calendar months.

For example, a qualifying applicant awarded priority within one of the reasonable preference categories on 1st December 2019 will have their effective date backdated to 1st June 2019.

NOTE: The Housing Allocation scheme consists of 4 bands A- D with band E available for applicants who do not qualify under the scheme but may qualify for housing association properties that are not part of the nomination arrangements. For detailed information see Appendix B.

9. HOW TO APPLY TO THE HOUSING REGISTER

Applicants must be eligible and must qualify to make an application to the council's housing register. Applicants should note that this section primarily applies to those applicants with a housing need identified in Bands A to D (See Appendix B).

Applicants who do not have a housing need identified in Bands A-D can apply for Band E. Applicants in Band E will only be considered for properties which are not governed by the nomination agreements or where there are no applicants from the council's housing register for available properties. Band E applicants will not be assessed by Home Point.

9.1 Registration process

The Housing Register (referred to as 'the register' hereafter) is a key part of the allocation scheme.

9.1.1 Applicants are strongly advised to consider whether they have a need for social housing before applying to go on the register. Acceptance on to the register does not guarantee an offer of housing. Other housing options may provide quicker or more appropriate accommodation. The Housing Options Wizard offers personal advice on a range of housing options that might be more appropriate and can be viewed online.

9.1.2 All applicants for Bands A- D must complete the application process to be considered for social housing through the council's housing register. This includes providing the supporting evidence required to assess the application. Failure to provide the supporting documents within the required timescales will prevent the application from becoming 'live' and may lead to closure of the application. Applicants can apply to join the register by completing an on-line form. Paper application forms can be sent to applicants who have no access to the internet, live in a rural area, are unable to read/write and/or are in need of assistance. Band E applicants will be asked for supporting evidence by the relevant housing association at the point an offer is being considered.

9.1.3 Information on how to complete the form is available online as is the list of the evidence that needs to be supplied in support of the application. There is guidance to help complete the form as you follow it through online.

9.2 Joint applications

Joint applications can be made as long as at least one applicant is eligible. However, if only one party is eligible, should an offer be made by a housing association, only the eligible applicant will be offered a tenancy.

If a joint application is received where both are eligible but only one party qualifies under this policy, a sole tenancy should be offered to the qualifying tenant only.

Joint applicants can only make one application. In the case where two sole applicants wish to become joint applicants one of the applications must be withdrawn and the other amended to reflect the joint circumstances.

If both applicants are eligible and qualify then any offer made will usually be for a joint tenancy.

9.3 Multiple applications

Multiple applications are not permitted.

If an applicant is already registered the applicant must decide which application they want to retain. The applicant will need to contact Home Point for assistance to retain the correct application reference. The other application will be closed. This will also apply to people who are registered as a joint applicant on more than one application.

9.4 Applicants currently serving a custodial sentence

Applicants who are offenders, are currently detained and serving a custodial sentence, will have to have satisfied a local connection criterion prior to their sentencing to be accepted on to the register.

Applicants can request and complete a paper application form and can do so up to 2 months before their scheduled release.

Probation services will provide the completed form to Home Point and the application is then assessed and set as suspended until supporting documents are supplied. Supporting documents must be supplied within two weeks of release to retain the original registration date as the effective date for the application.

Applicants may be required to provide additional evidence to support the assessment process.

9.5 Who can be included in the application?

The application can include the following household members:

- a) spouses or civil partners where the applicant lives with and/or intends to live with their spouse or civil partner
- b) partners where the applicant is cohabiting with a member of the same or opposite sex
- c) children who reside with, and are dependent on, the applicant. Children are defined as a young person under the age of 18 or in full time education. In respect of Children's and Families referrals only, children will be included where it has been agreed by the council that they will live with the applicant
- e) adult household members who are currently living with the applicant
- f) any other adult at the discretion of the Home Point Lead and reasons for the decision noted on the application

9.6 Providing information and documentation

9.6.1 During the application process, applicants will be asked to provide supporting evidence to verify their identity and personal circumstances e.g. their National Insurance number, proof of residency for themselves and anyone applying to be housed with them and up to date financial information. A list of documents which can be used to support an application is available online.

Without supporting evidence the application will not be assessed. This means that the applicant will not be able to bid for any properties that are advertised.

Failure to respond to a request for information within 28 calendar days, as part of the registration or verification process, will normally lead to closure of the application.

9.6.2 Additional information and documentation must be provided if requested. It is the responsibility of the applicant to provide the information / documentation within the specified timescale. Failure to do so means that you are unlikely to be considered for an offer of housing through the nomination arrangements with the housing associations and your application may be closed.

9.6.3 Once an application is received, all applicants are assessed for any factors that establish a housing need. A financial assessment will be carried out as part of the assessment.

9.7 Verification and assessment

Home Point will take the necessary steps to verify information provided for the application to ensure an accurate assessment and to prevent fraud.

During any verification/review, additional information may be requested from household members to confirm situations or clarify aspects of the information provided during the registration stage. The additional information requested will need to be provided within 14 days to ensure the initial information does not become out of date.

- 9.7.1 Verification may be carried out at the point of application, at notification of a change of circumstances, during a time limited band review or as part of the annual review process.
- 9.7.2 Applications are held on a computer system which holds all data relating to the application. Data is held in compliance with the Data Protection Act 2018 and the General Data Protection Regulation and will be shared with partners according to the sharing agreement.
- 9.7.3 With exception of Band E applicants, all other applicants are assessed by a member of the Home Point team under the direction of the Home Point Team Lead and the Housing Services Manager (or their successor posts). Band E applications will be assessed by the Housing Association at the point an offer is being considered.
- 9.7.4 The Home Point team carries out all other assessments to ensure the applicant and members of the prospective household are eligible and qualify to be admitted on to the register, ascertain the banding they should receive and to take into consideration any other factors that might affect their application.
- 9.7.5 All applicants and members of their prospective households will be required to disclose any unspent criminal convictions or pending court cases.

9.8 Medical assessment

- 9.8.1 Medical banding will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their housing conditions and the expected benefits of providing suitable alternative settled housing. Medical awards may occur when there are mobility problems arising from a long term condition or illness and the applicant lives above the ground floor.
- 9.8.2 There are many conditions and illnesses for which medical banding is unlikely to be granted because moving house will not lead to a clear improvement in the health of the household member.

- 9.8.3 Where conditions in a property or the behaviour of neighbours are causing a problem the most likely action will be to refer the matter to the landlord for resolution.
- 9.8.4 Medical needs are considered on the basis of information provided to in-house staff and referrals made to independent medical professional services for more in depth review of cases, where appropriate. Any medical or health/welfare condition must be current, ongoing and evidence provided by health professionals if requested.
- 9.8.5 The council will not normally consider information that is more than 12 months old. In cases where information is more than 12 months old, applicants may be required to obtain a review of their health/welfare situation by a health professional. The council will not pay for any reports or other evidence and it is the responsibility of the applicant to provide such evidence in all cases where required.

9.9 Effective date

Position within bands is determined by the length of time the applicant has been placed in the band. This may be either the date of assessment and acceptance on to the register or the date of entry to a higher band than the original assessment band. Applicants remaining in the same band or moving to a lower band after a change of circumstances will retain the date of registration as their effective date for determining time in a band. Applicants moving to a higher band will have as their effective date the date on which the new band has been awarded.

9.10 Giving false information or deliberately withholding information

The council takes its responsibility to make proper use of public resources very seriously. Applications for the register are investigated to ensure assessments and decisions are accurate. The council will therefore be required to verify the information you have provided in your application.

We are required to participate with other councils in the National Fraud Initiative.

This policy falls within the provisions of Part 6 of the Housing Act 1996. Section 171 of the Act states:

- (1) A person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part –
- s/he knowingly or recklessly makes a statement which is false in material particular, or
 - s/he knowingly withholds information which the authority has reasonably required him to give in connection with the exercise of those functions

Where section 171 applies, Herefordshire Council may consider bringing a prosecution in accordance with its prosecution policy.

Ground 17 in Schedule 2 to the Housing Act 1988 enables a housing association to seek possession of a tenancy granted as a result of a false statement by the tenant or a person acting at the tenant's encouragement.

9.11 Confirming registration

Applicants will receive written confirmation from Home Point that their application has been registered together with:

- their confirmation of registration/effective date;
- the band they have been awarded;
- confirmation of their bedroom eligibility;
- if the applicant is only eligible for certain types of properties;
- their unique reference number for use in accessing their application online;
- how to bid;
- right to appeal a decision.

Applicants must check the accuracy of this information as it will impact on their potential to be made an offer of housing.

Confirmation of registration should be supplied to the applicant within 28 calendar days of the provision of all the required information in support of the application. Applicants will be advised by Home Point if an extension of this timescale is required and the reason for the extension.

9.12 Change of Circumstances

Applicants should ensure that their contact details (e.g. mobile number, email address) are kept up to date at all times.

a) Applicants **must** inform Home Point if their personal circumstances change and it may be expected to have an effect on their housing register application. This includes any change to their address or household composition. Other examples include:

- Marriage/ civil partnership
- Pregnancy
- Significant household income changes
- Change in health

This is not an exhaustive list.

- b) Changes in circumstances that lead to re-banding will be dealt with in accordance with this scheme. The Home Point service will re-assess an application where there has been a change of circumstances and the relevant information has been received to confirm the changes. The applicant will be notified of the outcome in writing.
- c) Where this has led to a change in banding applicants will be informed in writing stating the reasons, any time limits in the new banding, any change to the effective date and the right to request a review of the decision.

9.13 Annual Review

- 9.13.1 Home Point undertake an annual review of applicants in Bands A-D. This helps to ensure that those on the register still retain a housing need. It is expected that all active applicants will bid for appropriate properties when advertised.
- 9.13.2 Each applicant will be contacted, in writing, close to the anniversary of their application to ascertain if they still retain a housing need. Should there be no response to this **within 28 calendar days**, the application will be **suspended**. At this point the applicant will be unable to bid for any properties. Further written contact will be sent to the applicant notifying them their application is suspended and if they do not respond **within a further 14 days** their application will be closed.
- 9.13.3 Applicants who subsequently decide they wish to re-join the register will need to apply in the normal way and will have their current circumstances assessed. The application date will not be backdated under these circumstances.
- 9.13.4 Applicants in Band E will be required to confirm they wish to continue with this option on an annual basis. If there is no response within 28 calendar days to the renewal notice on the applicants account the application will be closed.

9.14 Closure of Applications

Applications will be closed where:

- an applicant is housed including into supported accommodation;
- an applicant has failed to provide supporting evidence in the given time period of 28 calendar days (see above) or other time limits specified in correspondence;
- an applicant fails to respond to the annual review within the set timescale above;
- an applicant has moved and failed to notify the team;
- an applicant persistently fails to respond to communication or requests for information over a 42 day period;
- an applicant has made a request for the application to be closed.

Should an applicant subsequently wish to re-join the scheme then they will be required to complete a new application using the original registration number previously provided which will be processed accordingly based on their current circumstances and with a new registration date.

9.15 Right to review

Applicants have the right to request a review of the decision made in the registration process. These include applicants who;

- are not eligible to join the register;
- are not a qualifying applicant;
- have had their application closed;
- have had a banding withdrawn/changed;

The person carrying out the review will have had no prior involvement in the original decision. For further details see Appendix D.

9.16 Existing tenants and general applicants

Existing tenants of housing associations living in Herefordshire or people living in private sector housing who do not have a housing need identified in the bands A- D of the allocation scheme can apply online but their application will not be assessed by Home Point. These are identified in this scheme as Band E applicants.

These applicants will only be considered for properties for which there are no bidders from the main section of the register (Bands A – D) or for the percentage of properties for which the council does not have nomination rights. In these circumstances, the housing association will undertake assessment of the application at the point where the applicant is being considered for an offer and will manage all aspects of the application.

10. PROPERTY SIZE NEED

The table in Appendix C sets out the bedroom size of properties for which applicants will normally be nominated.

Below are circumstances in which the bedroom size may vary from that shown in the table in Appendix C.

10.1 Pregnancy

For applicants who are at least 25 weeks pregnant on receipt of the MAT B1 form by Home Point the unborn child will be classed as an infant for the purposes of property size eligibility only. Where a household already has another dependent child (other children) the unborn child will be classed as the same sex as the youngest child.

10.2 Extra room allowed for non-resident carers

Applicants with a disability or a long term health condition who have a non-resident carer may be entitled to an extra bedroom if they can provide evidence that:

- they reasonably require overnight care and that this care is provided;
- one or more persons regularly stay overnight to provide care;
- there is a need for an extra bedroom that is used by a carer or carers for overnight stays as part of caring for the applicant or a household member.

A 'person who may need overnight care is defined as someone who is:

- receiving Disability Living Allowance middle or higher rate care or who receives the Personal Independence Payment (PIP) daily living component enhanced rate and/or the mobility enhanced rate or Attendance Allowance.

If not in receipt of Disability Living Allowance, PIP or Attendance Allowance evidence must be provided to show that the care is required e.g. letter of confirmation from a medical practitioner.

10.3 Children / access to children

For the purposes of this section of the policy a child is defined as someone who is either under the age of 18 or who is still dependent on the applicant e.g. due to continuing education.

Where parents who do not live together but have shared care of children apply, the children will be treated as living with the parent who provides their principal home and receives child benefit.

10.4 Fostering and adoption

Where a household has formal evidence that, subject to a suitable home becoming available, approval would be given to foster or adopt a child or children, they may be included in the bedroom entitlement calculation. Verification of fostering and/or adoption arrangements may be carried out by Home Point.

10.5 It is normal practice for ALL applicants to be subject to a financial assessment by the landlord housing association prior to being made any offer and, where they are being

considered for a larger property than that to which they would normally be entitled, they will need to provide evidence that rent payments can be maintained over time.

11. HOW PROPERTIES ARE LET

Herefordshire Council operates a choice based lettings system in cooperation with the major housing associations working in the county.

11.1 Overview of system

The council's Choice Based Lettings Scheme process is as follows:

- a. available properties are advertised for a seven day period;
- b. applicants apply for properties that meet their housing need;
- c. applicants can apply for up to two properties at any one time;
- d. when the advertising cycle is complete shortlists are created from those who have expressed an interest ('bid') and sorted into a shortlist in banding and then effective date order (as defined in the allocation scheme – see Appendix B);
- e. the successful applicant is made an offer by the housing association, subject to meeting the association's criteria;
- f. the applicant accepts or rejects the offer;
- g. the results of shortlisting are published on the Home Point website.

11.2 Property Adverts

All properties that are advertised through the Home Point website may be made live and available for 'bidding' on any given weekday.

The first day of advertising will be the day on which an advert goes live, provided it goes live before midday; and will otherwise be the day afterwards. The advert will then remain live for a minimum of seven days, closing at one minute to midnight on the final day.

Applicants should check for property adverts on a regular basis, possibly at least every three days to avoid missing opportunities to bid.

The housing associations endeavour to ensure that all advertisements are as comprehensive as possible to promote informed choice and guide applicants to bid for properties they can realistically expect to be considered for if at or near the top of the shortlist when it closes. Advertisements will include as many of the following as possible:

- location;

- property type, size and floor level;
- nature of tenancy on offer;
- what type of heating it has and whether it has a heating charge payable that is not covered by housing benefit;
- any restrictions such as s.106 schemes where there is a requirement for a local connection to specified parishes or wards;
- whether such things as a garden or parking are available with the property;
- the amount of rent and any other charges that are payable;
- photographs of the property and links to guides about the local area;
- lifts/adaptations e.g. wet room;
- any restrictions on pets;
- whether preference to own tenants.

11.3 What is restrictive advertising and how is it applied under this policy?

This refers to adverts for individual properties which are subject to specific restrictions on the types of households that will be considered for that property.

Restrictions that may apply include the following examples:

- a) Age
Adverts will clearly state where properties are restricted to people over a certain age.
- b) Property type e.g. scheme for older people
Certain types of properties are only available for specific types of households. Where bids will only be accepted from designated household types this will be clearly labelled on the advert. On some occasions the advert will indicate that preference will be given to a specific need e.g. those who need level access facilities.
- c) Section 106 developments/Local Connection
Section 106 agreements are legal agreements between local planning authorities and developers which are linked to a planning approval to enable the development of affordable homes. Where these exist they normally grant priority for affordable housing initially to applicants with a local connection to the ward, parish or village. Applicants with a local connection to the area take precedence over all others on the register for these properties for an initial period. Properties governed by s106 agreements will be advertised as 'Local Connection Required'.
- d) Local lettings plans
Local lettings plans are normally introduced to meet a particular local need or to address an issue affecting the local area. There are a number of these plans throughout the county. To be considered for a property within one of these plan areas the applicant

would have to meet the criteria listed in the advert. For example, applicants may need to have children over a certain age.

e) Existing tenants

Properties withheld as part of the percentage available for existing tenants or Band E applicants will be marked as 'Band E applicants' or 'for existing tenants'.

11.4 Housing Association exclusion criteria or restricted access policies

Under this Allocation Scheme, the council operates qualification rules which suspend from bidding applicants whose prior behaviour has not met the standard required for prospective tenants.

Applicants should also be aware that individual housing associations have their own exclusion criteria which may adversely affect the likelihood that an applicant will receive an offer of accommodation. Exclusion criteria are usually contained within the lettings policy but in some instances there may be a standalone policy. These documents should be available on the individual housing association's website.

While the Council acknowledges the right of their housing association partners to formulate their own lettings policies, it is expected that these will be fair and reasonable, minimising the risk of exclusion from social housing by ensuring that they are applied to reflect the spirit of published allocation policies, including this overarching allocation scheme. If a housing association is excluding an applicant on their criteria, they must inform the applicant of this decision.

The Council expects exclusion criteria to be flexible, with cases being considered on an individual basis. The following criteria should be applied:

- there must be reliable evidence of unacceptable behaviour;
- there should not be inflexible specific time periods as far as possible;
- Housing Associations should communicate effectively with the applicant and Home Point about exclusions;
- there should be provision for discretion;
- there should be a recognition where special circumstance arise e.g. people with learning disabilities, mental ill health issues, statutory homelessness duties arise.

Each case should be considered upon its own merits and subject to the spirit of the Rehabilitation of Offenders Act 1974, as amended, according to individual circumstances.

11.5 Bidding

Once the application is active, an applicant has to place a 'bid' to express an interest in an available property.

Applicants can place bids at any time during the advertising period via the following methods:

- by logging into their account and bidding online;
- by phone or email to the Home Point;
- using a bidding voucher available at Blueschool house

Some housing associations will help tenants place a bid.

Applicants can bid for up to 2 properties at any one time. Depending on their method of bidding, applicants can find out their position on the shortlist at the time they bid, together with the total number of bids already placed against the property. Position on the shortlist can change as additional bids are received. Registered applicants are able to see their queue position on current and historic bids via their online application account.

11.6 Shortlisting

At the end of the advertising period for each individual property the bidders are shortlisted for the respective housing association by band order. The housing association access the shortlist and review the bids, taking into account any specific requirements for the property. The housing association will also review bids in the light of their own lettings policy and exclusion criteria. Properties may not be immediately available for letting so there may be a delay between the shortlist closing and the housing association contacting applicants on the shortlist.

Shortlist position does not guarantee an offer from the housing association. However, in most cases, the property will be offered to the bidder in the highest band who has waited the longest, subject to meeting the housing association's lettings criteria. If this applicant is no longer interested, the property will normally be offered to the bidder in second place and so on.

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

A property may not always be offered to the applicant at the top of the shortlist if there are reasons to 'skip' the applicant. Skipping bids can be done in certain circumstances, such as no local connection, or where the household does not meet age requirements.

Housing associations may require further information from bidders before making a decision to offer the property. The bidder needs to respond to these requests within the required timescale.

Housing associations are entitled to carry out an affordability assessment to ensure that the tenancy is viable. Where the assessment shows that the tenancy would not be sustainable the landlord may withdraw the offer, advising the bidder of the outcome of the assessment. Withdrawal of the offer should only be done where the assessment has included reviewing the options to maximise the prospective tenant's income and to signpost applicants to alternative options.

12. OFFERS

Applicants should note that all offers of housing are made by the relevant housing association not Home Point. Queries about properties that are advertised or offers of properties should be made to the housing association not Home Point.

Further verification of circumstances by the housing association may be undertaken to ensure the applicant still qualifies for the property prior to an offer being made. Applicants will be required to provide information within a specified timescale.

Before offering a property to an applicant the housing association may make checks to ensure e.g.:

- The band award is correct;
- Circumstances have not changed;
- Household composition matches the property size;
- Any other restrictions placed upon the property or applicant would not prevent them from receiving an offer.

Offers may be made in writing (including by email), by phone or in person. Applicants should be made aware of the timescale in which they must respond. This should not be less than 2 working days.

Offers being made to discharge duty to a homeless household will be made in writing or confirmed in writing.

Applicants should be given at least 1 working day to respond to an offer after viewing the property.

Landlords are entitled to carry out an affordability assessment to ensure that the tenancy would be financially viable i.e. that the applicant can pay the rent. Where the assessment shows that the tenancy would not be sustainable the landlord may choose not proceed with an offer, advising the applicant of the outcome of the assessment but may advise on actions to address affordability to enable future potential offers to proceed.

Final decisions are made by the housing association which owns or manages the individual property not Home Point.

12.1 Skipping or overlooking bids

There are circumstances where housing associations will need to, or have the discretion to, skip a bidder.

Potential grounds for overlooking a bid include:

- The applicant does not meet the advertised requirements such as the age restriction, or local connection criteria for property;
- Outstanding housing related debt;
- There is no relevant support package in place, as required.

12.2 Refusals of offers

When an applicant refuses an offer, they will be expected to provide the reasons for the refusal. This information is necessary to identify why the property was not acceptable, whether the refusal was therefore reasonable and to ensure that future offers are more likely to be accepted.

Applicants who refuse more than 3 reasonable offers in a 12 month period may have their application reviewed and suspended for a 12 month period. Landlords should advise applicants at the time if they consider the refusal to be unreasonable and explain why. The review of reasonableness is undertaken by Home Point.

Applicants will be advised in writing of the outcome of the review. If three refusals are found to be unreasonable the application will normally be suspended and the applicant will not be eligible to bid for 12 months from the date the application is suspended. Applicants have the right to request a review of this decision. For further details see Appendix D.

12.3 Withdrawal of Adverts and Offers

Occasionally, a housing association may be required to withdraw a property advert and subsequently any offer already made. Circumstances for this may include if:

- it becomes apparent that the property will be let through a direct offer in accordance with this policy ;
- the current tenant of the property being advertised has withdrawn their notice terminating their tenancy of that property, so the property is no longer available;
- property was advertised incorrectly and is required to be amended and re-advertised

In exceptional circumstances a senior officer of a partner housing association may authorise the withdrawal of an offer although the property remains available for letting. The housing association will contact the bidder to inform them that this has occurred. Circumstances may include, but are not limited to:

- where it is clear that an applicant is not capable of understanding the responsibilities associated with being a tenant or they do not clearly understand what they are signing when asked to sign a tenancy agreement or associated paperwork;
- where an applicant has failed to respond to contact from a partner housing association after 2 working days.

12.4 Publishing feedback on let properties

Home Point will publish lettings results on the website and will include the following information:

- The street address;
- The number of bedrooms in the property;
- The closing date of the bidding cycle;
- The total number of bids made for the property;
- The successful applicant's priority band and date.

This feedback helps applicants understand the likelihood of success in obtaining housing when making future bids.

Individual applicants can view the outcome of their personal bids through the website.

Lettings are monitored by Herefordshire council to ensure that the council's statutory duties are being achieved and to provide information to support the council's strategic housing role.

12.5 Direct offers

Where possible all lets are made through the choice based lettings process. However, a very small number of applicants may meet a reasonable preference but their circumstances mean that they have an overridingly urgent need requiring a direct offer for a property.

The council reserves the right to negotiate a direct offer of accommodation to ensure the best use of the housing stock to meet the needs of an applicant. Examples may include, but are not limited to:

- An urgent move is required because of violence or threat of violence;
- An applicant has been accepted as a homeless household by the council and has failed to bid or been unsuccessful in securing accommodation;

- Move on from supported or specialised accommodation;
- Needs an appropriately adapted property;
- Proven urgent need for an applicant to live close to another person or identified medical/support facility.

13. HOMELESS HOUSEHOLDS WHO ARE OWED THE FULL HOMELESSNESS DUTY

13.1 Homelessness assessments are determined by a Housing Solutions Officer on behalf of Herefordshire Council. Full duty arises where the council accepts a statutory duty to provide secure accommodation, under the Housing Act 1996 (as amended) s. 193(2), s 195(2) or other statutory duties.

13.1.1 Applicants accepted as homeless who are owed the full homelessness duty are expected to bid for suitable advertised properties

13.1.2 The bidding history of applicants accepted for full homelessness duty will be reviewed towards the end of the 12 week period, where the applicant has not secured an offer of accommodation (see Appendix B: Banding criteria). This will ensure that homeless applicants capitalise on their banding to be successful in obtaining an offer.

13.1.3 Applicants should not decline an offer made as a final discharge of the homelessness duty. If they do so Herefordshire Council may decide that its duty has been discharged and the household's banding will be re-assessed. The applicant retains the right to request a review of the suitability whether or not they accept the offer. For information on the review process please see Appendix D.

13.1.4 There are circumstances where households, accepted as homeless, may be made a direct offer. This would end the homeless duty. A direct offer may be arranged where households have failed to bid for properties that were available and suitable for their needs or have been unsuccessful in bidding for suitable properties.

13.3 Discharge of the Full Homelessness Duty to the Private Rented Sector

Where the homelessness duty is discharged to the Private Rented Sector, applicants who are subsequently given a section 21 notice to leave within two years of the offer being accepted, where the applicant is eligible for assistance and not intentionally homeless, any homelessness duty to secure further suitable accommodation is revived. The duty revives even if the applicant no longer has a priority need, but it only applies to the first incidence of homelessness within the two year period.

14. MANAGING CHANGES

The Council wishes to retain flexibility in operational processes and procedures in order to respond to changes arising from case law and regulatory changes, whilst still operating within the principles set out in this policy.

This policy is subject to regular review, and where the policy requires changes which are minor in nature, or where the changes are required urgently for legal reasons or changes in government policy and / or legislation, these changes will be approved by the Director of Economy and Place under the Council's scheme of delegation

All changes to this policy will be noted within the Version Control of this document and an updated document will be uploaded to Home Point web page.

APPENDICES

APPENDIX A: List of housing associations and contact details

Bromford	Citizen(formerly WM Housing)	Platform (formerly Fortis)	Guinness Partnership	Herefordshire Council
1 Exchange Court Brabourne Ave Wolverhampton WV10 6AU 0330 1234 034 www.bromford.co.uk	4040 Lakeside Solihull Parkway Birmingham B37 7YN 0300 790 6531 www.citizen.co.uk	Progress House Midland Road Worcester 0300 123 0700 www.fortisliving.com	 08456 044 529 www.guinnesspartnership.com	Home Point Blueschool House Blueschool St Hereford, HR1 2LX 01432 260300 www.info@home-point.info
Herefordshire Housing aka Connexus	Two Rivers Housing	Stonewater	Sanctuary Housing	SSHA aka Connexus
Legion Way Hereford HR1 1LN 0300 777 4321 www.hhl.org.uk - -	Rivers Meet Cleeve Mill Lane Newent GL18 1DS 0800 316 0897 www.tworivershousing.org.uk - -	Suite C, Lancaster House Grange Business Park Enderby Rd Leicester LE8 6EP 01202 319 119 www.stonewater.org - -	Marylebone House 2 Marylebone Liverpool L3 2BY 0300 123 3511 www.sanctuary-housing.co.uk - -	The Gateway Auction Yard Craven Arms SY7 9BW 0300 303 1190 www.shropshirehousing.org.uk - -

APPENDIX B: Banding criteria detail

	Band A – Time limited
Major adaptations no longer required	<p>Tenants of housing associations who no longer require a property where major adaptations such as a stair lift or level access shower have been installed and this adaptation will remain in the property for use by an incoming tenant.</p> <p style="color: red;">Time limited to 6 months</p>
Statutory or severe overcrowding (reasonable preference)	<p>This is awarded where a household is either, by the room standard of Part X of the Housing Act 1985, severely overcrowded by at least two bed spaces, or fails the bedroom standard of the Housing Health and Safety Ratings System (HHSRS) by at least three bed spaces and has not deliberately worsened their housing situation.</p> <p>Applicants may need to provide bedroom sizes in order for household bedroom space requirements to be assessed.</p> <p>Applicants are expected to use space appropriately and no account is taken of possessions or furniture in the assessment of overcrowding.</p> <p>A room intended for use as a bedroom but used for another purpose will still be classified as a bedroom, subject to it meeting the space standards for bedrooms.</p> <p>Assessment of overcrowding in bedsitting rooms/studio apartments will be based on Herefordshire Council’s Amenity and Facility standards in a HMO, available at: https://www.herefordshire.gov.uk/downloads/file/2075/amenity_and_facility_standards</p> <p>Discretion can be exercised by Home Point staff to adjust the number of bedrooms required if:</p> <ul style="list-style-type: none"> • the bedrooms in the property are particularly large or small; • a couple need separate bedrooms due to disability; • a child requires their own bedroom due to disability. <p style="color: red;">Time limited to 6 months</p>
Serious state of disrepair (reasonable preference)	<p>Households will be placed in this band in the following circumstances:</p> <ul style="list-style-type: none"> • Where the hazard(s) are so severe or numerous that the most appropriate course of action would be to prohibit the property from residential use. <p>There is a process for the assessment of hazards under the HHSRS and applicants will be expected to work with the Council and landlords in complying with, and following, the actions that are required.</p>

	<p>Time limited to 6 months.</p>
Homeless households who are owed a full housing duty (reasonable preference)	<p>Households that have been accepted as homeless by Herefordshire Council under part 7 of the Housing Act 1996 and who are owed the 'full duty' under s. 193 of the Housing Act 1996, as amended. ONE SUITABLE OFFER ONLY</p> <p>Applicants have the right to a review that accommodation offered is suitable, if the accommodation is being offered to meet or end the 'main housing duty'. See Appendix D for more details.</p> <p>Time limited to 12 weeks</p>
Hospital discharge (reasonable preference)	<p>Assessment by the Hospital Discharge Officer where a patient has no appropriate secure housing to return to and/or their housing cannot be made suitable through adaptations due to cost, structural difficulties or within a three month period to meet their needs.</p> <p>Applicants have the right to a review that accommodation offered is suitable, if the accommodation is being offered to meet or end the 'main housing duty'. See Appendix D for more details.</p> <p>Time limited to 6 months</p>
Referral from Herefordshire Council's Adults and Wellbeing or Children's Wellbeing Directorates.	<p>Households who require urgent alternative accommodation on safeguarding grounds.</p> <p>Referrals must be made formally and in writing and be approved by Safeguarding Lead or Operational Service Manager in Adults and Wellbeing or a Head of Service in Children's & Families Directorate. Award of this priority is subject to referral to, and agreement from, Head of Prevention and Support, Adults and Communities Directorate.</p> <p>Time limited to 6 months</p>
BAND B	
Accessible home (reasonable preference)	<p>Current property cannot be made suitable through adaptations due to cost, structural difficulties or tenure issues. Must be assessed by an Occupational Therapist and a report provided.</p> <p>This may include, but is not limited to :</p> <ul style="list-style-type: none"> • Applicants requiring wheelchair accessible accommodation. • Applicant's mobility is severely restricted.
Care Leaver (reasonable preference)	<p>Referrals from Head of Service or Senior Practitioner in Children's and Families Directorate under s.27 Children Act 1989 or where the young person is deemed to be a relevant or eligible child or a former relevant or qualifying care leaver under the Children (Leaving Care) Act 2000, as amended.</p> <p>The applicant will need to be ready for independent living and have an appropriate pathway plan and support package in place, as agreed between relevant organisations.</p>

<p>End of Agricultural or service tied tenancy</p>	<p>The Rent (Agriculture) Act 1976 requires a local housing authority to use their best endeavours to provide accommodation for a qualifying displaced agricultural worker subject to the provisions of s.27. If the authority is satisfied that the applicant's case is substantiated, it is a duty to endeavour to provide suitable alternative accommodation for the displaced worker; Households in council service or related tenancies, or where occupancy of a council property is related to their employment, which is coming to an end.</p>
<p>Lacking facilities (reasonable preference)</p>	<p>Households who do not have access to a bathroom, kitchen or inside WC or whose accommodation lacks hot or cold water supplies, electricity supply or provision of sources of, or for, heating. Checks will be made with the landlord and through other resources to confirm the housing circumstances of the applicant.</p>
<p>Sharing facilities with non-family members (reasonable preference)</p>	<p>Households sharing a kitchen and bathroom/WC with non-family members who are not included on the application. Family members include parents, step parents, children, step-children, siblings and step siblings and grandparents. Checks will be made with the landlord and through other resources to confirm the housing circumstances of the applicant.</p>
<p>Move on from supported/ specialised accommodation (reasonable preference)</p>	<p>Tenants/licensees of supported or specialised housing who have been there for a period of at least six months normally and have been assessed by their support provider as being ready to move into settled or alternative accommodation. Formal assessment and confirmation of that assessment will be required. For the purposes of this assessment, supported housing does NOT include crash pad type accommodation. The agreement between Herefordshire Council and the supported housing provider will require that, where appropriate, arrangements will be made for ongoing support in the new tenancy.</p>
<p>Overcrowding (reasonable preference)</p>	<p>Households where the property is by the room standard of Part X of the Housing Act 1985, overcrowded by at least one bed space, or fails the bedroom standard of the Housing Health and Safety Ratings System (HHSRS) by at least two bed spaces and the household has not deliberately worsened their housing situation. Applicants may need to provide bedroom sizes in order for household bedroom space requirements to be assessed. Applicants are expected to use space appropriately and no account is taken of possessions or furniture in the assessment of overcrowding. A room intended for use as a bedroom but used for another purpose will still be classified as a bedroom, subject to it meeting the space standards for bedrooms. Assessment of overcrowding in bedsitting rooms/studio apartments will be based on Herefordshire Council's Amenity and Facility standards in a HMO, available at: https://www.herefordshire.gov.uk/downloads/file/2075/amenity_and_facility_standards</p>

	<p>Discretion can be exercised by Home Point staff to adjust the number of bedrooms required if:</p> <ul style="list-style-type: none"> • the bedrooms in the property are particularly large or small; • a couple need separate bedrooms due to disability; • a child requires their own bedroom due to disability.
Right to move for social housing tenants	<p>In accordance with the Right to Move guidance 2015, this applies to a social housing tenant who works in the county or has the offer of work in the county but does not currently live in the county. The regulations only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded. A contract of employment that was intended to last for less than 12 months is considered to be short-term. Employment of less than 16 hours a week is too few hours to benefit from the Right to Move regulations.</p> <p>Assessment will follow the 'urgent need to move on hardship grounds' process used for those with a local connection to Herefordshire.</p>
Prevention of homelessness (reasonable preference)	Households where the council has accepted a duty under s.195 Homelessness Reduction Act 2017.
Sharing facilities : three generations (reasonable preference)	<p>Household sharing a kitchen and bathroom/WC with family members who are not on the application for housing where there are at least three generations living in the same home. Family members would include parents, step parents, children, step-children, siblings and step siblings and grandparents. Three generations mean, for example, child, parents and grandparents.</p> <p>Checks will be made with the landlord and through other resources to confirm the housing circumstances of the applicant.</p>
Under-occupation by a social housing tenant	<p>Social housing tenants not in a reasonable preference category but want to downsize and release at least one bedroom.</p> <p>Checks will be made with the relevant landlord to validate the application by reference to the housing association's own lettings criteria and to ensure that the property would be suitable for re-letting.</p>
Verified harassment/ witness intimidation/ domestic abuse	<p>Households where the police, or relevant agency, confirm that there is an urgent need for alternative accommodation to protect witnesses, whose actions in reporting crime led to them becoming unsafe in their own home, or to prevent severe harassment and, normally, where prosecution of the offender is intended. There must be a clear history and alternative solutions must have been explored and exhausted by the landlord.</p> <p>Applicants escaping domestic abuse where the police or relevant agency confirm that there is an urgent need for alternative accommodation to protect the household. Applicants identified through MARAC may be awarded this banding.</p>

<p>Verified urgent medical/welfare need (reasonable preference)</p>	<p>Households where there is an urgent need to move to prevent significant deterioration, or where a move could improve significantly, health or welfare of the household through the provision of a different type of accommodation. Rehousing must achieve a significant health gain. Medical evidence will be required and will be used to assess banding. This banding will not be awarded where the need is temporary as a result of injury or surgery.</p> <p>Welfare need includes moving to build a stable life such as that provided through the foster care or adoption process.</p> <p>Applicants identified through the MAPPA (the Multi Agency Public Protection Panel Arrangements) may be dealt with through this banding criterion, as determined by Herefordshire Council in partnership with West Mercia Probation and/ or West Mercia Police.</p>
<p>Verified urgent need to move to a particular area to avoid hardship (reasonable preference)</p>	<p>Households who need to move due to employment, education or training, or for another verified reason where the household has no access to a private vehicle OR the use of public transport is not available AND the journey, either by private or public transport, would take over 1.5 hours in each direction.</p> <p>Applicants who need to move urgently to give or receive support, such as in the case of elderly parents wishing to move closer to family, will need to provide confirmation of the support provision available, and a health and well-being assessment may be required to determine the most appropriate type of housing for the person's needs. The assessment may include typical travel time.</p>
<p>Band C</p>	
<p>Affordability</p>	<p>This applies to households where 30% or more of gross income is spent on rent, excluding child benefit, attendance allowance, DLA, PIP or carer's allowance (or successor benefits). Applicants will need to provide financial evidence.</p>
<p>Children aged 8 or under living above first floor (reasonable preference)</p>	<p>This applies to households where there is one child (or more) aged 8 or under. Households must live above the ground and first floor. This priority will cease when the youngest child reaches the age of 9.</p>
<p>Verified medical/welfare need (reasonable preference)</p>	<p>Households where there is a need to move to prevent deterioration, or where a move could improve the health or welfare of the household through the provision of a different type of accommodation. Rehousing must achieve a quantifiable health gain. Medical evidence will be required and will be used to assess banding. This banding will not be awarded where the need is temporary as a result of injury or surgery.</p> <p>Welfare need includes moving to build a stable life such as that provided through the foster care or adoption process.</p>

	A recommendation to be placed in this category is only likely to be made when options to improve the current accommodation have been exhausted.
Verified need to move to avoid hardship (reasonable preference)	Households who need to move due to employment, education or training, where the household has no access to a private vehicle OR the use of public transport is not available AND the journey would take over 1 hour in each direction. Applicants who need to move to give or receive support will need to provide confirmation of the support provision available, and a health and well-being assessment may be required to determine the most appropriate type of property for the person's needs. The assessment will include typical travel time and individual circumstances.
Relief of homelessness (reasonable preference)	Households where the council has accepted a duty under s.189B Homelessness Reduction Act 2017.
Proven need for scheme for older people with assets up to £150K	Property owners or those with other assets over the age of 60 who can identify a need for housing for older people's schemes but whose ability to access open market provision is limited due to total capital assets and/or savings of under £150K. Applicants will need to provide evidence of assets, including the value of any property or assets owned or disposed of within the previous 5 year period. <i>There will be an assessment of the need for this type of scheme by housing associations before any offer is made.</i>
Relationship breakdown	This applies to the single partner who is leaving the family home where there are dependent children involved and insufficient financial resources to meet the housing needs of the person who will <u>not</u> be living with the children on a daily basis. Appropriate documentation must be submitted to confirm the arrangements for any children of the relationship and, where appropriate, that divorce or legal separation has been applied for, whether or not the sale or transfer of ownership of the property has been agreed and/ or completed. Any property that is to be sold must be put on sale prior to acceptance on to the register. Both partners will be required to submit financial information for the assessment of their resources and the partner applying to be rehoused will only be eligible for a property meeting their specific needs i.e. bedroom eligibility will normally not include provision for children.
Rural localities /s.106 local connection schemes	In order to promote sustainable communities, households that do not have a housing need under other criteria in this allocation scheme but have a local connection to a specific parish or ward may qualify for section 106 affordable housing developments in the parish or ward to which they have a local connection. Applicants will be required to provide evidence of their local connection to specific settlements and will only qualify for housing in the settlements to which they have the local connection as specified in the relevant s106 agreement. Bids to properties in places to which these applicants have no local connection will be skipped.

	Band D
Intentionally homeless (reasonable preference)	Have been found to be intentionally homeless under Part 7 Housing Act 1996 by the council's Housing Solutions team.
No local connection :	Applicants whose housing need is within the reasonable preference categories, but who do not have a local connection, as defined in this policy, to the county of Herefordshire.
	Band E
Existing housing association tenants	Tenants of a housing association who does not have a housing need identified in the bandings A-D
General applicants	Living in private sector housing who do not have a housing need identified in the bandings A-D

APPENDIX C: Property size

1. Property Size

The number of bedrooms an applicant can be considered for is decided by looking at the size and structure of the household.

The table overleaf shows the size of properties that applicants are eligible for based on their household composition. It is aligned to the current housing benefit, universal credit (housing element) and local housing allowance regulations for bedroom entitlement

. One bedroom is normally allowed for each of the following:

- a single person or any adult couple
- any two children aged under 10
- any two children of the same sex aged 15 or under
- any other person aged 16 or over
- any other child
- a non-resident carer

However, there are very few larger properties in Herefordshire. It may therefore be necessary for two children of the same sex to share a bedroom between the ages of 16 and 21. It will therefore be normal practice for the assessed bedroom eligibility to show the minimum bedroom need in first instance.

By larger we mean those properties that are designed for households needing more than FIVE bed spaces.

Additional bedrooms can also be allowed in certain specific circumstances indicated above in the allocation scheme.

Where an applicant is offered a property that is deemed larger than necessary by the housing benefit or Universal Credit regulations, the housing association will undertake a financial assessment with the applicant to ensure that the rent is affordable to the household.

A number of flats and bungalows are restricted to people over a specified age or on the basis of need /support to help applicants maintain their independence. It is sometimes possible in these schemes to offer a larger property than shown below, subject to an applicant being able to afford the rent.

Pregnant applicants without other children will be eligible primarily for 2 bedroom 2 or 3 person accommodation to enable larger three or four person households requiring to be housed in the larger 2 bedroom 4 person bedroom properties.

In rural areas, where one bedroom general needs housing is very limited, under-occupation may be permitted in two bedroom properties, if the housing association is satisfied that the household can afford the rent.

Larger properties are normally offered to households that are in need of the number of bed spaces provided. Applicants should be aware that although they may be able to register an interest in a property which has more bed spaces than they need, **preference is generally given to those who need the full amount of bedrooms and bed spaces available.**

PROPERTY SIZE ELIGIBILITY								
Household size	Suitable property size							
	Bedsit/ studio	1 Bed	2 Bed 3 Person	2 Bed 4 Person	3 Bed	4 Bed 6 Person	4 Bed Over 6 person	5 Bed
Single person								
Single person or couple without children								
Single person or couple without children- properties for over 55 year old's								
Pregnant applicant (25 weeks onwards)								
Parent(s) and one child								
Parent(s) and 2 children any gender aged 0- 9.								
Parent(s) and 2 children same gender aged 0 -15, less than 10 years age difference.								
Parent(s) with 2 children same gender aged 0-15 with greater than 10 years age difference								
Parent(s) and 2 children different gender one aged 10 or over								
Parent(s) and 2 children one aged over 16								
Parent(s) and 3 children any gender mix aged 0-15								
Parent(s) and 3 children, one child 16 and over								
Parent(s) and 4 children								
Parent(s) with 5+ children								

APPENDIX D: Right to review decisions on applications or offers

All applicants have the right to ask for a review of a decision, if they consider they have been unfairly or unreasonably treated having regard to the provisions of this policy. For example, a decision about:

- suspension or removal from the register;
- any decision taken in relation to their registration;
- information that has been taken into account when assessing the application;
- type of property the applicant is eligible for;
- the band into which they have been placed;
- suitability of accommodation offered to households subject to the full homeless duty.

Initial requests for reviews will be dealt with by the organisation that has been mainly dealing with that part of the application i.e. the organisation that has notified the applicant on the issue they would like reviewed.

For reviews of decisions about the register including banding, property eligibility and decisions in relation to homeless households, requests should be addressed initially to Home Point Lead at Herefordshire Council.

An applicant can appoint an advocate and once appointed the Home Point Lead will deal directly with the advocate. The appeal will initially be dealt with by the Home Point Lead, who was not involved in the original decision.

There are two stages to the appeal process.

Stage 1

The appeal must be made in writing within 21 calendar days of the date of the decision letter, stating the grounds for the appeal. The appeal will be considered and a decision will normally be given within 21 calendar days. In complex cases it may not be possible to give a decision in 21 days and it may take longer. Where this is the case the applicant/advocate will be notified in writing prior to expiry of the 21 day period.

If an applicant is unhappy with the initial review decision they should notify the relevant organisation, in writing, within 21 days of receipt of that decision, requesting a second review.

Stage 2

If the applicant is unhappy with the decision made, they may request that a further review be carried out by the Housing Solutions Reviewing Officer. This request must be made in writing within 14 calendar days of the date of the stage 1 decision. A decision will normally be given in 21 calendar days, subject to extension where necessary.

If the applicant remains unhappy with the outcome of the appeal, the applicant may make a complaint to the Local Government Ombudsman.

Contact details for the Local Government Ombudsman are listed below:

Tel: 0300 061 0614 for help making a complaint.

Lines are open Monday to Friday from 8.30am to 5.00pm (except public holidays)

Fax: 027 7682 0001

Email: advice@lgo.org.uk

Further information is available on the website <https://www.lgo.org.uk/contact-us>

Contact forms are available on the web page

https://www.lgo.org.uk/forms/showForm.asp?nc=QG1E&fm_fid=81

For decisions regarding **offers of accommodation**, unless from an applicant owed the full homelessness duty, the Lettings Manager of the relevant housing association should be contacted. See Appendix A for contact details.

APPENDIX E: Monitoring and review

In order to ensure that the scheme is achieving its aims of being as open and accessible as possible to all members of the community outcomes, including the following may be monitored:

- a) The number of applicants by band each quarter & by age, ethnicity and disability.
 - By household type and size
 - By band
 - By banding criteria

- b) The number of offers made each quarter and in the financial year:
 - By household type and size
 - By position in the shortlist queue
 - By percentage of lets (where available)

- c) The number of lettings in each quarter and in the financial year:
 - By property type and bedroom size;
 - By type of restricted advertising;
 - Lettings by band awarded;
 - Lettings by banding criteria;
 - Local connection to a parish/ward.

- d) Property Feedback for each allocation as follows monthly:
 - Location of property,
 - Number of beds;
 - Type of property;
 - Number of bids.
 - Refusals

- e) Non bidders, customer satisfaction & performance against service standards annually.

Review

The data collected from the monitoring arrangements will be used in an initial review of the policy 12 months after its implementation.

Any decisions on further review timescales will be taken after the initial review.

APPENDIX F: Service standards

The following outlines our intended approach in working with people who use Herefordshire Council services:

We will treat people with dignity and respect, and expect the same consideration in return.

We will respect people's privacy and confidentiality.

We will listen and respond to concerns, and act to resolve queries where we can and have the powers to do so.

We will prioritise our resources to deal with areas of high risk, specifically danger to the public and where the most vulnerable in the community may be affected.

We can provide an interpreting service for customers who do not speak English or where English is not sufficient.

We can provide information in large print, audio and Braille on request.

We will design services so that they are accessible by disabled people and ensure reasonable adjustments are made where needed.

We will evaluate our practices to make sure we are offering the best service possible next to the resources we have available.

We will always wear ID badges and identify ourselves when responding to phone calls and written correspondence.

APPENDIX G: Complaints

If you are not happy

We welcome positive feedback when you are happy with the service provided as it lets us know what we are doing right.

If you are unhappy, we will work with you to resolve your query or issue at a service level, and if you are not happy with the outcome we will explain why we've taken that particular course of action or find an alternative remedy.

If you are still not happy with the outcome the following routes can be taken.

Formal complaint

A formal complaint is an expression of dissatisfaction about the standard of service, action or lack of action by Herefordshire Council, our staff or contractors.

This could be based on stated standards not being met or not what the customer thinks is reasonable:

- We are doing something the customer did not want;
- We carried out duties in an unsatisfactory way or our staff or contractors behaved in an unacceptable way;
- We failed to do something which was asked for;
- We should have taken some action;
- Generally, a complaint has to be made within 12 months from the day the matter occurred or came to the notice of the complainant.

Formal complaints to the Council will be dealt with only through the Information Access team and we will not reinvestigate the same complaint. For further information visit the Council's [make a complaint](#) page.

Complaints about the service provided by partner housing associations

These should be dealt with through the specific housing association's Complaint Policy which is available on their websites. See Appendix A for contact details.

GLOSSARY

Home Point	Based in the council's offices at Blueschool House, this team advises on and administers the housing register.
Accessible housing	This refers to housing which has been constructed or modified to enable independent living for persons with disabilities.
Accommodation of choice	Accommodation of choice is defined through legislation and case law in relation to homelessness decisions. It relates to establishing a local connection. If someone is living in accommodation not of their own choice then residence by virtue of simply living in an area will not count towards having a local connection. See below for definition of settled accommodation
Additional preference	Local housing authorities are able to award additional preference benefits to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs.
Affordable Housing	Housing provided at below market prices and allocated on the basis of need to people who qualify for the housing register in Herefordshire as their only home and/or are unable to purchase or rent properties generally available on the open market without financial assistance.
Affordable rented housing	Rented housing usually owned and managed by housing associations where the total rent charged (including service charges, where applicable) is up to 80% of the open market rent.
Allocation policy	This is the policy document which explains the rules that Herefordshire Council uses to define those who qualify to register for social and affordable rented housing, and to prioritise applications in respect of housing need.
Armed Forces	As detailed in s.374 Armed Forces Act 2006, this means the Royal Navy, the Royal Marines, the regular Army or the Royal Air Force.
Assured shorthold tenancy (AST)	<p>A tenancy can be an AST if all of the following apply:</p> <ul style="list-style-type: none"> • the property you rent is not council owned • your tenancy started on or after 15 January 1989 • the property is your main accommodation • your landlord doesn't live in the property <p>It is a form of assured tenancy with limited security of tenure which can be terminated by a section 21 notice giving a minimum notice period of two months.</p>
Bedroom Standard	<p>The bedroom standard is the commonly used standard to assess whether a household is overcrowded. The standard allocates a separate bedroom to each:</p> <p>Adult couple Person over 21 2 people aged 10-20 of the same sex 1 child under 10 years and 1 young person under 20 of the same sex 2 children under 10 years (any or both sexes)</p>

	Any unpaired person aged 10-20 or unpaired child under 10
Domestic Abuse Definition	<p>Domestic abuse is defined in section 1 of the Domestic Abuse Act 2021, and when referenced throughout the guidance should be interpreted as such. As set out in the Act, Domestic Abuse is defined as:</p> <p>(1) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if</p> <p>a. A and B are each aged 16 or over and are personally connected* to each other, and</p> <p>b. The behaviour is abusive.</p> <p>(2) Behaviour is “abusive” if it consists of any of the following:</p> <p>a. Physical or sexual abuse.</p> <p>b. Violent or threatening behaviour</p> <p>c. Controlling or coercive behaviour.</p> <p>d. Economic abuse (see subsection (4)).</p> <p>e. Psychological, emotional, or other abuse.</p> <p>And it does not matter whether the behaviour consists of a single incident or a course of conduct.</p> <p>(3) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to</p> <p>a. Acquire, use, or maintain money or other property, or</p> <p>b. Obtain goods or services.</p> <p>(4) For the purposes of this Part A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).</p> <p>(5) References in this Part to being abusive towards another person are to be read in accordance with this section.</p> <p>*Please see <u>act</u> for definition of personal connection</p>
Effective date	The date on which an applicant applies to the register or, if the application is awarded a higher banding at a later date, the date on which the higher banding was awarded.
Eligibility	Nationally set requirements that applicants have to comply with as the first stage in the registration process.
Equality Act 2010	<p>This act requires that ‘due regard’ is shown to the needs and rights of members of the community including the ‘protected’ characteristics, which are:</p> <ul style="list-style-type: none"> • Age • Disability • Gender • Gender reassignment • Marriage and civil partnerships • Pregnancy and maternity • Race • Religion or belief • Sexual orientation

Extra care	Extra Care housing is designed with the needs of frailer older people in mind and with varying levels of care and support available on site.
Full housing duty (homeless)	A term that refers to people or families to whom a local housing authority have accepted as homeless, eligible for assistance, in priority need and not intentionally homeless, and acknowledges a duty to ensure that the household is offered settled accommodation.
Homelessness Act 2002	This Act made amendments to the Housing Act 1996 and places a duty on local authorities to review homelessness in their area.
Homelessness Reduction Act 2017	The Homelessness Reduction Act comes into force in April 2018. The Act will modify and extend existing homelessness protection.
Housing Act 1996	This Act makes provisions about housing, including the social rented sector, the conduct of tenants, the allocation of housing accommodation by local housing authorities and homelessness.
Housing Act 2004	Parts 1 and 2 introduced the Housing Health and Safety Rating System to improve standards in accommodation. The Bedroom standard (see above) was introduced as part of this system.
Housing Association	A not-for-profit landlord organisation providing a range of affordable housing. Also known as Registered Social Landlord (RSL) and, more recently, Private Registered Provider (RP) in the legislation. They are regulated by Homes England and the Regulator of Social Housing.
Housing Health and Safety Rating Standard (HHSRS)	The housing health and safety rating system (HHSRS) is a risk-based evaluation tool used to identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It includes a definition of bedroom requirements for households known as the 'bedroom standard'.
Housing Register	The Housing Register is the directory of applicants who have expressed an interest in, and qualified for, social housing in Herefordshire.
HSM	Housing Services Manager who has authority to vary aspects of the allocation policy in exceptional circumstances, as indicated in this policy document.
Local connection criteria	<p>These criteria relate firstly to the county and the level of preference an applicant has for social and affordable rented housing in the county in the Allocation policy.</p> <p>Local connection criteria may also refer to the terms of a section 106 planning agreement which gives priority to applicants with a defined connection to the specific parish.</p>
Local lettings plan	Local lettings plans are agreed for the allocation and letting of properties in specific area to address particular issues in that area.

Localism Act 2011	The Localism Act 2011 gave flexibilities to local authorities in relation to qualification on the housing register.
Looked after children	A child who is being looked after the local authority is known as a child in care. They might be living: with foster parents, at home with their parents under the supervision of social services, or in residential children's homes.
MARAC	Multi-Agency Risk Assessment Conference
MAPPA	Multi Agency Public Protection Panel Arrangements
Mutual exchange	A swap of homes by two social housing tenants moving permanently into the other tenants property. Tenants must be granted permission by both landlords.
Nomination	The term used for applicants who qualify for the register and whose name and details are provided to the landlord as part of the bidding process through Home Point.
Reasonable Preference	The Housing Act 1996 (as amended) requires local authorities to give reasonable preference in their allocation policies to applicants who fall into specified categories of housing need. See section 2.1 of this policy for a full explanation of the categories.
Reduced Preference	The term used for applicants whose application has a lower priority than it would normally have because the applicant does not have a local connection to Herefordshire or has been assessed as intentionally homeless.
Private Registered Provider	Private Registered provider, also known as Registered provider, is the current term for organisations that are registered with the Homes and Communities Agency to provide affordable housing.
Reserve Forces	As detailed in s374 Armed Forces Act 2006, this means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force.
Section 106	This refers to s.106 Town and Country Planning Act 1990 under which developers may provide affordable housing on a specific site, with criteria which grant priority to applicants with a local connection to the parish or ward.
Settled accommodation	Defined through legislation and case law in relation to homelessness decisions. Any accommodation that is precarious, short term or insecure is not considered settled. Examples of settled accommodation include, but are not limited to: <ul style="list-style-type: none"> • Freehold or Leasehold Ownership • A tenancy enjoying security of tenure (assured or assured shorthold tenancy)

	<ul style="list-style-type: none"> • An indefinite Licence or Permission to Occupy (Any occupation implying an indefinite time period) • Returning to long term occupation with parents • An indefinite stay with other relatives • Tied accommodation as a long term employee.
Social Housing	The term used in this policy document to mean social and affordable rented housing
Social Rented housing	Rented housing usually owned or managed by a housing association, let at below market rents, where the changes in rent levels are subject to government policy.
Specialist Housing	Housing that has been specifically designed to meet the requirements of people with particular needs. It can refer to housing that has been purpose designed or designated for a particular client group to assist tenants to live independently.
Space Standard	The space standard is defined in the Housing Act 1985 and refers to the number of people who may sleep in a room based on the size of the room.
Transfer	This is a term used for a permanent move by an existing social housing tenant within social housing stock.