

# Housing Allocations Scheme 2016



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## 1. Introduction

The Allocations Policy outlines how the London Borough of Bexley will allocate the social housing it has nomination rights to. The basis of the scheme is to make sure that priority is given to those most in need, as defined in legislation and also according to local priorities, to ensure that the best use is made of the housing stock within the borough.

## 2. Legal Framework

This Allocations Policy is produced in accordance with our statutory duty arising under s168 of the Housing Act 1996 and has been developed to reflect changes to Part 6 of the 1996 Act contained in the Homelessness Act 2002, the Localism Act 2011 and The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012.

The Housing Act 1996, as amended, states that it is the duty of every local housing authority to publish a summary of its policy for the allocation of its housing accommodation.

The Allocation of Accommodation Code Guidance published in June 2012 has been considered in the development of this policy.

The Housing Act 1996, as amended, requires local authorities to give reasonable preference to certain categories of people once placed on the housing register, these are:

- a) people who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need)
- 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).
- 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, and
- e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others).

Applicants should not be given reasonable preference under paragraph a) or b) of s.166A(3) if they would only qualify for reasonable preference by taking into account a 'restricted person' within the meaning of Part 7 (s.166A(4)). A restricted person is a person subject to immigration control who is not eligible for homelessness assistance because he or she does not have leave to enter or remain in the UK or has leave which is subject to a 'no recourse to public funds' condition (s.184(7) of the 1996 Act).

### 3. Summary of Scheme

The basis of the scheme is to have a priority system based on need. In order to achieve this, a definition of priority has been broken down into various categories of need and these are then grouped into one of four bands, with band 1 being the highest priority and band 4 the lowest.

It may be the case that applicants have more than one category of need. In these circumstances they will be placed in the category which is in the highest priority band.

The allocation policy will look to provide choice to applicants through the operation of a choice based lettings approach, referred to as Bexley HomeChoice. This will operate by the Council advertising the availability of properties to let. Applicants who have been approved in one of the priority groups will then be invited to register an interest in a property by bidding through Bexley HomeChoice. Once the bidding period is over then a shortlist of applicants will be drawn up. The shortlist will be produced by placing the applications in priority band order and then those with the same priority band will be placed in order according to their priority in the band; this is usually by date order from the date of approval in that priority band.

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

There are also occasions where the council will make direct offers to applicants rather than advertising on Bexley HomeChoice. This option will be used for applicants who are assessed as being homeless, those assessed as having a social need and other exceptional cases as assessed by a senior officer.

The council will also look to give priority to certain categories of need where it is considered that this is necessary in order to achieve broader council priorities. This can be through a local lettings plan for new build properties and on an individual case by case basis.

This scheme gives additional priority to homeless clients making a community contribution and those in emergency accommodation.

The Council will look to make greater use of out of borough private rented and social rented accommodation from other boroughs where landlords are more likely to accept nominations.

The criterion which covers the circumstances when this offer will not be made is outlined below;

- If the applicant (or their partner) is in employment (usually taken to be at least 16/24 hours per week), then the location must be within a reasonable travel to work area of that employment, and have transport links frequent enough to enable this.
- If the applicant is verified as the carer for another person, who cannot readily withdraw this care without serious detriment to the well-being of the other party, then the location will need to be of sufficient proximity to enable this, although

this may require public transport. Although sometimes inconvenient it is not always unreasonable to rely on public transport.

- If any members of the household are undertaking GCSEs or other public examinations at school (Years 10 & 13 – children aged 14 to 18), or other proven vital examinations, then they should not be required to change schools.

#### **4. Eligibility**

A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. There are two categories for the purposes of s.160ZA:

(i) *a person subject to immigration control* - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and

(ii) *a person from abroad other than a person subject to immigration control* - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

#### **5. Qualifying Person**

The legislation requires that Housing authorities may only allocate accommodation to people who are defined as 'qualifying persons'. Subject to the requirement not to allocate to persons from abroad who are ineligible and the exception for members of the Armed and Reserve Forces, a housing authority may decide the classes of people who are, or are not, qualifying persons.

The London Borough of Bexley has restricted qualification to those who have lived in the borough continuously for the last five years and do so at the point of application.

This five year prior residency rule will not apply to the following:

- a) members of the Armed Forces and former Service personnel, where the application is made within five years of discharge.
- b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.
- c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- d) other categories of applicants i.e. those classed as exceptional cases, those who are referred as social needs cases and those who are accepted as homeless.

## **6. Exclusion from the Housing Register**

The Council reserves the right to exclude someone guilty of serious unacceptable behaviour from the register.

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

- failing to pay the rent
- breaching a condition of the tenancy agreement
- causing nuisance or annoyance to neighbours
- assaulting a member of staff
- being convicted of an arrestable offence committed in, or in the vicinity, of their home
- causing the condition of the property to deteriorate by a deliberate act or by neglect
- making a false statement to obtain a tenancy

They will also be excluded for unacceptable behaviour. This includes behaviour where there is persistent abusive or racist language directed at Council staff or other partner associations.

Anyone who is excluded from joining the Housing Register will be given reasons for the exclusion, the circumstances in which a new application can be considered and they will also be advised of their right to appeal against the decision.

## **7. Removal from Housing Register**

An applicant will be removed from the Housing Register in the following circumstances:

- They were found never to have been or have ceased to have been an eligible person.
- They fail to renew their application following a review of the register.
- Unacceptable behaviour including; persistent abusive or racist language directed at Council staff or other partner associations.

The applicant will be notified in writing if the Allocations Service is intending to remove them from the Housing Register and will be given the reasons for removal. If the applicant subsequently gives reasons why they should not be removed from the Register a formal review of their case will be undertaken. Details of the process for reviewing decisions are described on page 19.

## **8. Deferral on Housing Register**

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

- Where an applicant does not provide information requested to enable their application to be considered.

## **9. Review of the Housing Register**

The Council may review the register from time to time and will send a letter to the applicants last known address giving 28 days in which to reply. Applicants are asked to confirm that they wish to remain on the Register and to provide details of any change in circumstances. If applicants fail to reply within the 28-day period their application will be cancelled. However if further contact is made within a 12 month period following the cancellation the application may be re-instated.

## **10. Registration Process**

All applicants who want a housing association home or who are tenants of housing associations operating in Bexley will be required to complete a Housing Register application form.

The Allocations Service aims to register applications within 28 days. A letter of confirmation will be sent to the applicant giving details of:

- Registration number
- Band
- Band date
- Size of home for which the household will be considered

## **11. Assessment of Need**

The London Borough of Bexley is required by law to determine the relative priority that housing applicants are awarded.

The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996, namely:

- People who are homeless (within the meaning of Part VII of the Act).
- People who are owed a duty by any local housing authority.
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds (including grounds relating to disability).
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

In addition to these statutory groups Bexley has also decided to give priority to the following groups;

- Social Housing Tenants who are considered to be under-occupying their property.

- Those who are considered to be making a community contribution, being defined as those who are working, undertaking voluntary work or undertaking vocational training.
- Social Housing Tenants who are required to move as a consequence of redevelopment proposals for the building.
- Former members of the armed forces and bereaved spouses who are required to move from provided accommodation.

Section 166A(3) of the Housing Act 1996 gives housing authorities the power to frame their allocation scheme to give additional preference to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs.

The London Borough of Bexley has decided to give additional preference to the following groups:

- Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge.
- Bereaved spouses 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 a serious injury, medical condition or disability sustained as a result of their service.
- Those applicants who are considered by the appropriate senior manager in Housing to have exceptional circumstances. Examples of exceptional circumstances are when applicants have life-threatening situations where there is an overriding priority on medical or social grounds.

The Table below identifies the relative priority of the various groups. Definitions for each of these are considered further in the next section.

<b>Band</b>	<b>Category of Need</b>	<b>Criteria</b>
<b>1</b>	• Under Occupiers	Social housing tenants who are under occupying their property.
	• Overcrowded	Those who are statutorily overcrowded
	• Exceptional Cases (including Social Needs)	Life threatening situations where there is an overriding priority on medical or social grounds. Very serious social needs supported by Social Services and requiring urgent assistance.
	• Prohibition or Demolition Order	The property has a legal order enforced requiring it cannot be used.

<b>2</b>	• Homeless people making a Community Contribution	Applicants accepted for housing under the Housing Act 1996 who are who are making a Community Contribution
	• Medical	Cases with a medical priority.
	• Redevelopment & regeneration	Residents who are required to move due to a regeneration scheme.
	• Homeless people in emergency accommodation	Applicants accepted for housing under the Housing Act 1996 who are currently within emergency accommodation
<b>3</b>	• Overcrowded	Residents who are overcrowded according to the bedroom standard.
	• Homeless People	Applicants accepted for housing under the Housing Act 1996 who are not currently occupying emergency accommodation and are not making a Community Contribution.
	• Young People Leaving Care	Young people leaving care at the age of 18 or over
<b>4</b>	• Applicants for Sheltered Housing	Applicants who are applying for sheltered housing who have no other priority need.
	• Community Contribution	Those who are in employment, volunteering or vocational training and do not have any other priority
	• Armed Forces	Those who have left the armed forces in the past five years and other categories relating to service in the armed forces.
	• Transfer Tenants	Social Housing Tenants in the borough who do not have any other priority
	• Homeless People	Homeless people who are not eligible for housing under the Housing Act 1996.

## 12. Bands and Definitions of Categories

### Band 1

#### a) Under Occupiers

Social Housing tenants who are under occupying their current property in accordance with the Housing Benefit Size Criteria (Welfare Reform Act 2012).

#### b) Overcrowded

Households who are statutorily overcrowded as assessed by the bedroom or space standard.

#### c) Exceptional cases (including Social Needs)

The Council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. In the interests of fairness to all applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:

- Threat to life
- Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
- Households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community.
- Cases nominated under the Police Witness Protection Scheme or other similar schemes that the Council has agreed to be part of.
- An applicant who has an exceptional need that is not covered in the Allocations Scheme. For example, where child or public protection issues require re-housing or for severe domestic abuse where all other options to remain in the home have been considered.
- Those clients who have been approved as having very serious social needs and whose cases are supported by Social Services as requiring urgent assistance.

Applicants are considered to have a social need if this has been established following an appropriate assessment by social services and approved by the appropriate Head of Service in Social Services.

This would include, but not limited to, the need to:

- provide a secure base from which a care leaver, or a person who is moving on from a drug or alcohol recovery programme, can build a stable life.
- provide accommodation, with appropriate care and support, for those who could not be expected to find their own accommodation, such as young adults with learning disabilities who wish to live independently in the community.
- provide or receive care or support. This would include foster carers, those approved to adopt, or those being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority. It would

also include special guardians, holders of a residence order and family and friends carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care.

There will normally be only one offer of accommodation under these arrangements that will as far as practically possible, take account of the needs and requirements specified in the referral.

- Other exceptional circumstances as authorised by an appropriate senior manager for Housing.

d) Prohibition or Demolition Order

Applicants who occupy a private property which is in disrepair or is not suitable for occupation and is subject to a Prohibition Order or Demolition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004.

## **Band 2**

a) Homeless Clients making a Community Contribution

People who are homeless within the meaning of Part 7 of the 1996 Act who are owed a duty under section 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985).

And are making a Community Contribution

b) Priority Medical Cases

An applicant will be awarded a medical priority where the housing is unsuitable for severe medical reasons or due to their disability and where the environment presents critical or substantial difficulties to the person or directly contributes to causing serious ill health. Medical priority is not awarded solely on the existence of a health problem. It is only awarded where the health of an applicant or a member of their household is made significantly worse or prevented from improving by their accommodation and would be demonstrably improved by a move to alternative accommodation.

Applicants are assessed against the criteria outlined in Appendix A:

c) Redevelopment & Regeneration

Where a social housing tenant has to move either temporarily or permanently whilst major works are proposed or where their home is due to be demolished.

d) Priority Homeless Cases

People who are homeless within the meaning of Part 7 of the 1996 Act, are owed a duty under section 193(2) or 195(2) of the 1996 Act (or under Section 65(2) or 68(2) of the Housing Act 1985).

and are in emergency accommodation provided by the Council.

### **Band 3**

#### a) Overcrowded

The Council uses the bedroom standard as measure of overcrowding for allocation purposes.

A separate bedroom will be allocated to:

- married or cohabiting couple
- person aged 16 years or more
- pair of children less than 16 years of the same gender
- pair of children aged under 10 years regardless of gender

For the purpose of this definition a bedroom will be classed as a room that would normally be used as a bedroom.

Rooms of a size of less than 50 square feet (4.65m<sup>2</sup>) are disregarded.

#### b) Homeless cases

People who are homeless within the meaning of Part 7 of the 1996 Act who are:

owed a duty under section 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985). This means households who are homeless or threatened with homelessness and are not in emergency accommodation or making a community contribution.

#### c) Leaving Care applicants

### **Band 4**

#### a) Sheltered Housing

Those clients who wish to move from general needs accommodation to sheltered/older persons housing, but do not have any other priority need. In order to qualify applicants will need to be over the age of 55 years . Those who are considered to have a medical need including suffering from social isolation in the current accommodation, will be considered under the medical priority criteria.

#### b) Community Contribution

Applicants are considered to be making a community contribution if at the time of applying they meet one of the following criteria:

- The applicant is in employment under a written contract which requires work of at least 16 hours a week, and has been for 12 months from the date of application.
- Applicants with temporary contracts who can demonstrate that they have been in continuous employment for 12 months from the date of application with no more than one month's gap between contracts.

- An applicant who is self-employed and can demonstrate that they have been so for at least 12 months the applicant must provide proof of their self-employed status. The Council will usually consider as satisfactory evidence a minimum of 12 months continuous documented tax returns containing reference to the self-employed activity.
- Are in full-time education, leading to vocational training or a qualification and have been for at least 12 months from the date of application.
- Perform regular voluntary work of at least 16 hours a week. The applicants 'employer' must be able to demonstrate that this work is of significant contribution to the community and that they have carried out this role on a regular basis for 12 months from the date of application.
- An applicant who is providing full time care (minimum of 35 hours per week) to an elderly person or disabled child and is in receipt of full carers' allowance (except where carers' allowance is not payable because of the age of the carer or other benefit restriction, in which case, evidence will be required to prove the applicant's status); and
- A disabled applicant under retiring age who has been assessed as eligible for the support element of Employment and Support Allowance due to a permanent disability which prevents them from participating in work related activities.

c) Armed Forces

Should an applicant satisfy the following definition of armed forces then they will be eligible to be included on the register even without any other priority need.

- Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge.
- Bereaved spouses 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 a serious injury, medical condition or disability sustained as a result of their service.

d) Transfer Tenants

All existing social housing tenants who live within the borough are eligible to be included on the register, even if they do not have any other priority need. The residential criteria will need to be met.

- e) People who are homeless within the meaning of part 7 of the 1996 Housing Act and are not owed a housing duty by the local authority.

### 13. Band Date

Position within bands will be by band date.

- **Moving up a band**

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

- **Moving down a band**

Where someone moves down a band because their priority has reduced their original band date will determine where they are placed in the lower band.

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

## **14. Size of Property**

The size of property for which an applicant will be eligible will be determined by the number of people in the household. Details as follows:

A separate bedroom will be allocated to:

- Married or co-habiting couple
- Person aged 16 years or more
- Pair of children less than 16 years of the same gender
- Pair of children aged less than 10 years regardless of gender

## **15. Accessible Homes**

Bexley HomeChoice will advertise homes that have adaptations or are suitable for adaptations in order to ensure that people needing adapted homes have as much choice as possible about where they might like to live.

In order to ensure that accessible homes are let to the people who most need them, Bexley HomeChoice will use three categories to identify the needs of those people who require a home with adaptations and as a guide to how accessible a property is likely to be.

The categories used by Bexley HomeChoice are in line with the categories described by the London Accessible Housing Register (LAHR). The LAHR has been developed to help make better use of accessible homes and to enhance the choice of homes for people with mobility needs. Whilst the categories used by Bexley HomeChoice are not currently identical to those set out in the LAHR, Bexley HomeChoice will use the good practice guidance developed by the LAHR.

## Mobility Categories

### Assessment of Mobility Need

Bexley Allocations Service will assess a household's mobility need and will advise qualifying applicants of their mobility category in writing. A housing need band may be given before a mobility category, to enable bidding for homes while mobility need is assessed.

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

Bexley Home Choice Mobility Category	Description of Person Category	Example of Adaptations (Not exhaustive)
Mobility A  	The household has a member with significant mobility needs and who uses a wheelchair indoors and outdoors at all times	<ul style="list-style-type: none"> <li>• Level access</li> <li>• No stairs</li> <li>• Property adapted to a wheelchair standard</li> <li>• Level platform at main entrance</li> <li>• No changes in level throughout (inside and outside), or adapted to include lift/ramp access</li> </ul>
Mobility B  	The household has a member with mobility needs who mainly uses a wheelchair outside and cannot manage steps or steep gradients	<ul style="list-style-type: none"> <li>• With level access throughout (inside and outside), or adapted to include lift/ramp access</li> <li>• Wide Main/Communal door/s</li> <li>• Bathroom containing toilet, basin and accessible bath/shower</li> </ul>
Mobility C  	The household has a member with some mobility needs who is able to manage up to two steps to access the home	<ul style="list-style-type: none"> <li>• On the ground floor with up to 2 steps access</li> <li>• Pathway/driveway/ramp from pavement level or parking space, no steep gradients</li> <li>• Bathroom suitable size to be adapted</li> </ul>

## **16. Local Lettings Schemes**

Local lettings schemes will be designated by the housing associations following detailed consultation with the Council and an assessment of the impact. Once agreed these schemes will have their own allocations criteria.

Local lettings schemes will be put in place for a specific area or estate and will be set up in response to particular local circumstances. They will include a clear commitment to equality of opportunity, the provision of clear and accurate information to applicants and an appeals mechanism.

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

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

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

The precise approach to be adopted will reflect the particular problems of an area or estate.

## **17. Pilot Schemes**

From time to time the Council in conjunction with housing association partners will wish to pilot certain schemes to make best use of the social housing stock. Full details of any current scheme will be published on the Council's website.

## **18. Reciprocal**

Other housing associations and local authorities sometimes request rehousing on a reciprocal basis. The following criteria will be applied:

- The nominated person would be at risk in their present property, and who need to move due to exceptional circumstances.
- The referring organisation is unable to intervene to mitigate the risk or to house the nominated people themselves.

Once accepted for housing assistance will be on the following basis:

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

The offer of accommodation will be at a safe distance to the present accommodation.

## 19. Direct Lets

Most properties will be advertised through Bexley HomeChoice. However in certain circumstances the Council may allocate some properties directly to applicants.

The list below gives some examples of where the Council might make a Direct Let. This list is not exhaustive.

- Homeless households: Households will be placed in Band 2 if they are in emergency accommodation or making a community contribution and Band 3 if they are not in emergency accommodation or not making a community contribution. They are allowed to bid as well as being considered for a direct offer of accommodation.
- Urgent transfers. Social Housing tenants will be placed in the exceptional category of Band 1 and made a direct offer. If appropriate they may be able to bid for a limited period of time prior to an offer being made.
- Young people leaving care will be placed in Band 3 and made a direct offer. If appropriate they may be able to bid for a limited period of time prior to an offer being made.
- Reciprocal. Social housing tenants agreed on a reciprocal basis will be placed in the exceptional category of Band 1 and made a direct offer. If appropriate they may be able to bid for a limited period of time prior to an offer being made.
- Medical. Where an applicant and their household require a very specific size, type or adapted property or location and the applicant has not been able to find suitable accommodation through Bexley HomeChoice or the need is so urgent that it is anticipated they will not be successful if they did bid.

## 20. One Offer Policy

A one reasonable offer policy will apply to the following groups where a direct offer has been made:

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

For these groups an offer that is rejected will usually only be accepted as a reasonable refusal where acceptance would:

- Put the applicant or a member of his/her household at risk.
- Result in medical problems (agreed by one of the medical advisers)<sup>1</sup>
- Cause overwhelming social/welfare problems for the applicant or a member of his/her household.

There an offer has been unreasonably refused, the applicant's priority will be removed. The applicant will however be able to remain on the Housing Register if they fulfil any other criteria for inclusion.

## **21. Owners**

Owner/Occupiers will be considered if:

- They are aged 55+ and wish to move to sheltered accommodation.
- Their owned accommodation is unsuitable for them on medical grounds when assessed against the Council's medical criteria and they do not have the financial resources available to them to meet their housing costs.

## **22. Rent arrears and tenancy policy**

Social housing tenants being considered for a transfer will normally be expected to have a clear rent account before an offer is made. However this requirement may not apply in the case of urgent transfers or in cases where the tenant or a member of the household would be put at risk by withholding an offer, this will be at the discretion of the receiving landlord.

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

## **23. Sharing information**

All information held by the Council, which has been obtained for the purpose of, placing applicants on the Housing Register is made available to housing associations upon request. Applicants are made aware when they complete an application form that this information is held jointly between the Council and housing associations All homeless applicants being considered for a housing association home are asked in writing to give their consent to the sharing of information.. Any particularly sensitive information will be passed to an officer nominated by the association who will be responsible for ensuring confidentiality and onward communication of the information. Specific agreement to share third party information will have to be obtained first and can only be done with the consent of the third party except for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders.

## **24. Refusal of applicant on a shortlist**

The Association may reasonably refuse a nomination by the Council in the circumstances described below:

- a) Where there is a mismatch between the requirements of the Nominee and the size of the home for which they have been nominated;
- b) Where the nominee has previously been evicted by the Association for a serious breach of the tenancy conditions and the Association considers it unreasonable to grant a tenancy;
- c) Where a particular home has been designated for use by a particular category of applicant and the Nominee does not fall within such category (e.g. elderly people or those with a physical disability);
- d) Where it is known that the Nominee has been convicted of a serious criminal offence of an anti-social nature.

- e) Where a social housing tenant has not completed their 12 month probationary tenancy the receiving landlord has the discretion to refuse.

The above is not an exhaustive list of reasons for refusal and there may be other circumstances in which the association has good reason to consider refusal of the shortlisted applicant for a particular vacancy.

## **25. Review arrangements**

Housing legislation provides applicants with the right to an internal review of any decision of the local housing authority. Section 202 of the Housing Act 1996 provides the right to request a review of decision. The Associations have their own internal appeal arrangements

## **APPENDIX A : MEDICAL CRITERIA**

### Sheltered Housing

To be considered for sheltered housing an applicant must normally be over 55 years of age.

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

ii) Where unsuitable housing environment may cause a breakdown in care arrangements and/or the person being placed in Residential Care

iii) The person is living in accommodation or an environment that is having a serious affect on their mental, physical or emotional well being. a). Where the older person is confined to their home due to inadequate access facilities;

iv). Where the older person is unable to or is having difficulty accessing essential amenities and this is causing problems with essential functioning such as preparing meals, sleeping, toileting, washing and bathing;

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

- A current substance misuse dependency
- A recent and sustained history of aggression, violence or threatened violence where this may represent a risk to other tenants, staff or neighbours
- A history of premeditated arson or regular arson attempts where this may represent a risk to other tenants, staff of neighbours
- Support needs over and above that provided by the sheltered provider and relevant agencies for a particular scheme.

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

### Physical Disability

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

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

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

- The disabled person will have a recognised medical diagnosis
- Evidence of this needs to be confirmed by a consultant with details of treatment received
- To have severe mobility problems as assessed by the SNHT following a full functional assessment.

### Mental Health

All applicants will be expected to have a severe and enduring mental illness, be subject to a CPA and/or currently having or recently have used Bexley Mental Health Services. Their current accommodation should be presenting an evidenced high risk to their mental well being.

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

### Other medical problems

- Where a person's medical condition makes it more difficult for them to share essential facilities with others who are not members of their immediate household such as Crohns Disease or a similar type of condition, a skin condition which requires regular bathing, diabetics requiring injections therefore storage of insulin and needles
- Where an unsuitable housing environment may cause a breakdown in care arrangements and/or a person being placed in residential care.
- Where the person's medical condition requires treatment at home and space is not available for equipment or storage of equipment, e.g. kidney dialysis

### Request for separate bedrooms

- Where a 24 hour carer is required where the level of functioning has been assessed and funding agreed.

- Specialist equipment is required in the bedroom and this is impossible due to the lack of space.

The management of a person with behaviour problems, due to a recognised medical condition where there is a confirmed diagnosis, is made more difficult due to the present accommodation, such as a child with ADHD, Autism or similar requiring their own bedroom. The criteria is as follows: Where a child has a confirmed diagnosis of ADHD or Autism and their behaviour is such that another person within the family would be at risk if a bedroom was shared and there are no other arrangements that can be reasonably made within the accommodation.

#### Currently occupying adapted accommodation

Where a social housing tenant occupies a property that has substantial adaptations that are no longer required by a member of the household consideration will be given to awarding a medical priority for a move to alternative accommodation to free up the vacancy. This will depend upon the level of adaptations within the property and the demand for that type of housing. The decision will be made in conjunction with the Special Needs Housing Team.