

# **PROPERTY POOL PLUS**

**Sub Regional**

**Choice Based Lettings**

**Allocations Scheme**

FINAL VERSION

June 2014

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# CHAPTER 1

## 1.1 Introduction

- 1.1.1 The following Councils are members of a Sub Regional Choice Based Lettings Scheme, known as Property Pool Plus, and have adopted this common allocations scheme (as required by the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011).

Halton Borough Council  
Knowsley Metropolitan Borough Council  
Liverpool City Council  
Sefton Metropolitan Borough Council  
Wirral Council

The five Councils are known as the Scheme Councils.

- 1.1.2 The scheme applies to all properties available to the Scheme Councils for nomination purposes.
- 1.1.3 The Scheme Councils also endorse the use of this policy by Housing Associations for lettings for which the Scheme Councils do not have nomination rights.
- 1.1.4 The Housing Associations, known as the Scheme Landlords, who have agreed to participate as of this date are listed below.

|  |                                      |
|--|--------------------------------------|
| Adactus Housing Group                                  | Magenta Living                       |
| Beechwood and Ballantyne Community Housing Association | Muir Housing Group                   |
| Cobalt Housing   | One Vision Housing                   |
| Contour Housing  | Pierhead Housing Association         |
| Crosby Housing Association                             | Pine Court Housing Association       |
| Family Housing Association                             | Plus Dane Group                      |
| Guinness Northern Counties                             | Regenda Group                        |
| Habinteg Housing Association                           | Riverside/ECHG                       |
| Halton Housing Trust                                   | Sanctuary Housing                    |
| Housing 21 (Liverpool area only)                       | Venture Housing Association          |
| Jephson Housing Association                            | Villages Housing                     |
| Johnny Johnson Housing Association                     | Wirral Methodist Housing Association |
| Knowsley Housing Trust                                 | Your Housing Group                   |
| Leasowe Community Homes                                |                                      |
| Liverpool Mutual Homes                                 |                                      |
| Liverpool Housing Trust                                |                                      |
|  |                                      |

- 1.1.5 The Scheme Councils and Scheme Landlords are collectively known as the Scheme Partners who operate in the Scheme Area.

1.1.6 The Councils of Halton, Knowsley and Sefton have each agreed to contract out the function to administer the scheme to Scheme Landlords. In Wirral the scheme will be administered through the Council and in Liverpool the scheme will be administered through the City Council in partnership with the Scheme Landlords in their area. The organisation which administers the Scheme in a particular Scheme Council area is known as the Administering Scheme Partner.

1.1.7 The Administering Scheme Partners for each Council area are as follows:

Halton: Halton Housing Trust  
Knowsley: Knowsley Housing Trust  
Liverpool: Liverpool City Council and Scheme Landlords  
Sefton: One Vision Housing  
Wirral: Wirral Council

Should any of the Scheme Councils change their Scheme Partner advance notification will be provided to all parties affected.

## **1.2 Aims and principles of the Property Pool Plus Scheme**

1.2.1 The Scheme seeks to ensure that social housing in the Scheme Area is allocated fairly and objectively to those most in need, having regard to any law, official guidance and good practice.

1.2.2 The aims of the Property Pool Plus Scheme are to:

- Contribute to the development of balanced communities and sustainable regeneration, including encouraging current and future social housing tenants into employment;
- Stimulate new markets and interest in social housing in the Scheme Area;
- Contribute to the strategic objectives outlined in the Scheme Councils' housing strategies and homelessness and tenancy strategies;
- Improve the quality of service to customers and ensure that applicants have ready access to information on their prospects of housing through the scheme;
- Increase customer choice and broaden housing options by facilitating cross boundary movement within the constraints of the availability of accommodation throughout the Scheme Area;
- Reduce under-occupation of social housing and therefore assist with re-housing of those in need;
- Deliver efficiencies and extend opportunities to meet people's housing needs and aspirations by working in partnership;
- Ensure that every application is dealt with fairly and consistently in accordance with equality of opportunity.

1.2.3 The principles of the Scheme are to:

- Operate a lettings policy based on housing need, which is transparent, open and fair reflecting local needs;
- Give priority to people who fall within the statutory 'Reasonable Preference' categories;
- Prevent homelessness and give adequate priority to homeless people to reduce the use of temporary accommodation, whilst maintaining a balance between the needs of the homeless and other applicants ;
- Empower applicants by giving them opportunity to express choice and preferences about where they want to live, whilst having regard to the availability of and high demand for housing;
- Make best use of housing stock;
- Ensure that supported housing goes to those for whom this type of housing is most suitable and who are in the greatest need of the support;
- Make best use of public funds.

1.2.4 The scheme will be subject to periodic review. Where this results in a significant change it will be approved through each Scheme Council approval process.

### **1.3 Statement on Choice**

1.3.1 The Scheme Partners are committed to enabling applicants to play an active role in choosing where they live, whilst continuing to house those people in the greatest need, making the best use of the available housing stock and complying with all relevant legislation.

1.3.2 It is important to realise that the demand for accommodation is higher for some types of property and for some areas than others. In making a decision about the options available, applicants need to consider their housing need priority against the availability of properties in any given area.

1.3.3 Applicants can determine whether they are likely to be successful when placing a bid as they will be informed of their position on the shortlist for that vacancy at the time of making the bid. This enables an applicant to make an informed choice when deciding which property to apply for and whether social housing is a realistic option in their circumstances.

### **1.4 The Legal Framework**

1.4.1 The law requires that local authority allocation schemes must afford reasonable preference to certain categories of person over those with no reasonable preference. These reasonable preference categories include:

- People who are homeless (within the meaning of Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002);
- People owed a duty by any local 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 such authority under section 192(3). These sections relate to people who are homeless or threatened with homelessness;

- 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 to others).
- 1.4.2 However, there is no requirement to give equal weight to each of the reasonable preference groups, and Councils may identify additional preference groups providing they do not dominate the Scheme at the expense of those in the statutory reasonable preference groups. The prioritisation scheme set out at 5.1.1 reflects this approach.
- 1.4.3 Local Authorities are also required to give additional preference to:
- Serving or former members of the Armed Forces or Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service; and
  - Bereaved spouses or civil partners of members of the Armed Forces leaving their Services Family Accommodation following the death of their spouse or partner.
- 1.4.4 This Scheme has been framed to address these requirements, and with due regard to the requirements of the 'Allocation of accommodation: Guidance for local housing authorities in England' June 2012.
- 1.4.5 The Localism Act 2011 provides Local Authorities with the power to determine what classes of persons are deemed as non-qualifying thereby giving discretion to exclude certain categories of households.
- 1.4.6 There will be occasions when social landlords will let a tenancy to a household who legally qualify to "succession" of a tenancy. Social landlords may also have their own Tenancy Management Policies which allow for a tenancy to be granted to other non-secure households who may be left in occupation of a property.

## **1.5 Equality and Diversity**

- 1.5.1 The Scheme Partners are committed to promoting equality of opportunity within the housing allocation process and to eliminate unfair and unlawful discrimination in their policies, procedures and practices. All Scheme Partners have in place corporate policies and action plans aimed at eliminating discrimination and valuing diversity.
- 1.5.2 The Scheme will deliver a quality service without prejudice and discrimination to all its customers, by preventing and eliminating discrimination on the grounds of Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and



Sexual Orientation. The scheme will be accessible, responsive and sensitive to the diverse needs of all individuals.

- 1.5.3 The Scheme Partners will continue to improve the service to all their customers including addressing the needs of disadvantaged and under-represented groups. In order to achieve this, all customers will be asked to supply monitoring information about themselves and their household when they apply. This information will not be taken into account when assessing the application but will be used for monitoring of the Scheme Register, routine analysis of letting outcomes and regular consultative meetings with stakeholders to ensure that the operation of the Scheme meets the needs of all customers.

## **1.6 Information Sharing, Confidentiality and Data Protection**

- 1.6.1 The Scheme Partners will share information in accordance with their existing protocols which will be further developed across the sub region to ensure consistency in sharing information with other statutory and voluntary organisations.
- 1.6.2 The information which an applicant provides relating to their housing application will be treated as confidential in accordance with guidelines on handling personal data. These guidelines relate to the Data Protection Act 1998 that covers both electronic and manual records and governs what can be done with the data, including collecting, storing, using and disposing of it.
- 1.6.3 Requests for personal information may be subject to charges please refer to your Local Authority policy.

## **CHAPTER 2**

### **2.1 Allocations and nominations**

- 2.1.1 This Scheme constitutes the nominations agreement between the Scheme Councils and the Scheme Landlords. The Scheme Landlords will be required to allocate at least 50% of their lettings through the Scheme. However, the Scheme Landlords will be encouraged to exceed this proportion in agreement with their Scheme Council.
- 2.1.2 All properties owned by Scheme Landlords that become vacant will be recorded on the Property Pool Plus Scheme. Those properties that the Scheme Landlord wishes to allocate as Direct Lets (2.3 below) will not be advertised through the Scheme. However, information concerning these properties will be made available through the Property Pool Plus customer feedback mechanism.
- 2.1.3 The Scheme represents the Allocations Policy of each individual participating Council. Lettings made via the scheme will be treated as Nominations made by each Council to social landlord properties in its area. When lettings are made by scheme landlords either outside of this policy or by applying different or extra lettings criteria, they will not be considered to be Nominations. If social landlords make lettings outside of the PPP scheme, they should have their own, published policy.

### **2.2 Local Letting Plans**

- 2.2.1 There may be occasions when Scheme Landlords will want to adopt Local Letting Plans to address issues in particular neighbourhoods such as but not exclusively, severe anti-social behaviour. This would involve the use of revised allocations criteria for the affected area, which would normally be temporary, but which should at least be reviewed on an annual basis. Such plans will be developed and agreed with the relevant Scheme Council to ensure they do not unduly disadvantage those in reasonable preference groups. Local Lettings Plans will be published by the Scheme Partners and properties affected by such plans will be clearly identified when they are advertised.

### **2.3 Housing Association Direct Lets**

- 2.3.1 In certain circumstances and where it is supported by the Scheme Landlord's policies and procedures properties may be allocated directly to applicants outside the Choice Based Letting Scheme. Illustrative examples of such Direct Lets are as follows:
- Where an allocation is required to ensure protection of the public for example following a decision made by a Multi Agency Public Protection Arrangements meeting (see paragraph 3.2.2.2);

- Where a customer has been referred as part of the Witness Protection Scheme;
- Where a sensitive let is required for a particular property because of issues such as drug dealing, violence, public protection or anti-social behaviour;
- Where a Scheme Landlord tenant's home is being repaired and they need to be moved from the property on a temporary or permanent basis;
- Where an applicant from outside the Scheme Area needs to move due to extenuating circumstances e.g. where life is at risk. In this instance, the applicant may be considered for a direct let even when there is no local connection with the area;
- Where accommodation is required following emergencies, such as fire, flood, serious harassment or other major incidents;
- Where a targeted offer is made to an applicant who is statutory homeless;
- Where a targeted offer is made to a young person leaving the Care of the local authority;
- Where a targeted offer is made to an applicant living in a Scheme Council clearance area;
- Where a targeted offer is made to an applicant for an adapted property following an assessment by Social Services and Occupational Therapy;
- Any other reason as supported by the Scheme Landlord's policies and procedures.

## **2.4 Sheltered Accommodation**

2.4.1 Sheltered housing is designed for older applicants, generally those over the age of 55 years, as a way of providing independent living with added security and support. Scheme Landlords may have differing eligibility criteria for this type of accommodation and this will be made clear in the labelling of properties when advertised.

## **2.5 Extra Care Housing**

2.5.1 Extra Care Housing offers accommodation for older applicants who may need additional care and support services and there are specific assessment criteria to ensure an appropriate balance of residents with high/medium/low care needs.

2.5.2 Places allocated in extra-care housing require an assessment to be carried out by adult care services to determine eligibility and the level of care for this type of accommodation by considering the support each person may need. Priority for extra-care housing is awarded initially on the basis of the care and support need, with housing need as a secondary factor.

2.5.3 Extra Care housing vacancies may be advertised as part of the Property Pool Plus scheme. Scheme Landlords will directly match vacant properties to applicants where required following a detailed assessment of their need

for this type of accommodation. Applicants are advised to contact their Administering Scheme Partner for more information.

- 2.5.4 Individual scheme council's may adopt a further allocations policy for extra care housing. Where this is the case the Extra Care Allocation Policy evaluation, allocation and appeals processes which differ from the main Allocation Scheme will have precedence.

## **2.6 Adapted Properties**

- 2.6.1 Some properties are adapted, for example there may be a stair lift or level access shower. To meet the needs of disabled applicants, preference for adapted vacancies will be given to those applicants whose needs best match the particular adaptations. In such circumstances bypassing may take place, for the reasons set out in 6.4.2.
- 2.6.2 Adapted accommodation will be included in the Property Pool Plus scheme with the exception of the Liverpool City Council area where there are separate arrangements using the Access Liverpool Service.

## **2.7 Target Setting and Quotas**

- 2.7.1 It is important that priority for accommodation goes to those in greatest housing need. However, this does not mean that, in operating a choice based lettings scheme, every property which is advertised will be open to bids from households in all Bands. An allocation scheme may include other objectives, such as:
- Ensuring a balance between meeting the housing needs of existing tenants and new applicants;
  - Promoting more sustainable and balanced communities;
  - The need to meet a Scheme Council's legal responsibilities to homeless and vulnerable applicants, people living in overcrowded and unsanitary conditions and people with an urgent need to move for reasons such as harassment, domestic violence etc;
  - The need to meet strategic responsibilities, for example in relation to applicants being displaced through the clearance scheme;
  - Building economically active communities.
- 2.7.2 To achieve these objectives, Scheme Councils and Scheme landlords may choose to target a percentages of lettings to applicants in particular Bands or Sub Bands. Bands and Sub Bands are described in Section 5.1.1.
- 2.7.3 Where such percentage targets are set, they will be published annually on the Property Pool Plus website and at Scheme Partners' offices so that applicants may see what proportion of properties will be allocated to different Bands, helping them to identify how long they might expect to wait before making a successful bid.

## CHAPTER 3

### 3.1 Registration on the Property Pool Plus Scheme

- 3.1.1 To join the Scheme an applicant must be both 'eligible' and a 'qualifying person'. Section 3.2 below, together with Appendix 1, describes those who are not eligible. Non-qualifying persons are described in section 3.2.
- 3.1.2 Every application for housing received will be considered according to the facts unique to that application, as every applicant's individual circumstances will vary. Details of how to apply follow in Chapter 4.

### 3.2 Non-Qualifying Applications

#### 3.2.1 Submission of false information

- 3.2.1.1 Under section 171 of the Housing Act 1996 it is an offence, punishable by a fine of up to £5,000, to:

- Deliberately provide false information;
- Deliberately withhold information which should have been given.

- 3.2.1.2 Applicants who deliberately provide false information, or who withhold information which should be given, in an effort to gain advantage will be excluded from the Scheme for 12 months from the date the deception is discovered. Legal action may be pursued to repossess any property secured as a result of deception.

#### 3.2.2 Eligibility and qualification

- 3.2.2.1 Under section 160ZA of the Housing Act 1996 the Secretary of State has determined that certain persons from abroad, who may or may not be subject to immigration controls, are ineligible for an allocation of accommodation. Full details of the categories of person affected by these provisions are set out in Appendix 1.

- 3.2.2.2 Subject to being 'eligible', an applicant must also meet additional qualifying criteria which have been decided locally. The following classes of person are 'non-qualifying' and will not be allowed to join the Scheme, or will be removed from the Scheme, as applicable:

- Applicants under 16 years of age.
- Existing tenants who have been housed under the Scheme or by a participating Scheme Landlord within the past 12 months, where their circumstances have not materially changed and the property is still suitable.
- Applicants where they, or a member of their household, have been guilty of unacceptable behaviour deemed serious enough to make them unsuitable to be a tenant, where at the time the application is

considered, they are still deemed unsuitable to be a tenant by virtue of that behaviour.

- Offenders/ex-offenders who are subject to level 2 and level 3 Multi Agency Public Protection Arrangements (MAPPA). Rehousing of this group will be made by direct matching outside the Scheme, but only by request of the MAPPA lead Agency.

3.2.2.3 Where a Scheme Council has a legal duty under Part VII of the Housing Act 1996 or the Homelessness Act 2002 to secure accommodation for someone who is homeless, this duty will take precedence over these 'qualification' provisions.

3.2.2.4 The next section considers in more detail the type of behaviour that may be considered unacceptable.

### 3.2.3 Unacceptable behaviour

3.2.3.1 The aim of this qualification criterion is to project a clear message to applicants (including members of their household or any other person who would reasonably be expected to live and be re-housed with them) that partners of the Scheme are committed to achieving stable, balanced and sustainable neighbourhoods, and to tackling crime and anti-social behaviour and promoting good tenancy conduct.

3.2.3.2 Whilst not exhaustive, the following list illustrates the types of serious unacceptable behaviour which may make an applicant unsuitable to be a tenant hence will lead to exclusion from the Scheme.

- Rent arrears and/or a housing related debt equivalent to or greater than 8 weeks gross rent.
- Eviction from a social housing tenancy.
- Abandonment of a social housing tenancy.
- Applicant or a member of their household has displayed conduct likely to cause significant nuisance or annoyance within the locality (anti-social behaviour).
- Applicants or anyone included on the application form who has been convicted of a serious assault on an individual.
- Applicants or anyone included on the application form who have been convicted of the use or possession of offensive weapons (e.g. gun crime/knife crime)
- Applicants or a member of their household who have been convicted for using the premises or allowing the use of the premises for immoral or illegal purposes e.g. the manufacture or sale or supply of drugs.
- Abusive or threatening behaviour toward members of staff.
- Failure to maintain existing social housing tenancy in a reasonable condition.

3.2.3.3 When making the decision to disqualify an application the following will be taken into consideration:

- When the unacceptable behaviour took place.
- The length of time that has elapsed.
- What subsequent steps the applicant has taken to mitigate the unacceptable behaviour.
- Whether there has been any change in circumstances including health, dependents and the individual circumstances of the applicant.

3.2.3.4 Each application will be considered on its individual merit and any extenuating circumstances will be taken into account. Administering Scheme Partners will give necessary credence to balancing the individual's housing needs with the unacceptable behaviour.

3.2.3.5 Where in exceptional circumstances the individual needs of an applicant or their household are deemed to outweigh the unacceptable behaviour being considered, then the application may be allowed. However the Administering Scheme Partner may still rely on setting relevant conditions to ensure the unacceptable behaviour is addressed. The application will be awarded the appropriate priority according to the housing need.

3.2.3.6 In the case of criminal acts the length of time an application is held to be non-qualifying due to unacceptable behaviour will initially be for a 12 month period. The period will start from the date of the offence or the date of conviction or the date of release from prison whichever is the later. A fresh application may be submitted after 12 months provided the applicant can provide satisfactory evidence to demonstrate that they have modified their behaviour. In all other cases the non-qualifying period will start from the date the application was submitted.

### 3.2.4 Housing related debt

3.2.4.1 Housing related debts owed to a landlord equivalent to 8 weeks gross rent or greater will lead to a new or already registered application being disqualified from the Scheme. The application will be disqualified until such time as the applicant can provide evidence of having adhered to a repayment plan for a minimum of 52 weeks or having reduced the debt to below the equivalent of 8 weeks gross rent. Account will be taken of arrears arising due to delays in payment of Housing Benefit or Universal Credit.

3.2.4.2 This qualification may be waived if the rent arrears have accrued solely as a consequence of the Housing Benefit change introduced in April 2013 (the 'under occupation reduction') and the applicant actively bids for smaller properties and/or is seeking alternative cheaper accommodation to reduce expenditure. However, arrangements must still be made to reduce and clear these arrears.

### 3.2.5 Notification of ineligibility or non-qualification

3.2.5.1 The assessment of an application as ineligible or non-qualifying will normally occur at initial registration. However, this may be applied at any stage during

the application and lettings process if tenancy breaches occur, or any of the non-qualifying grounds are later identified.

3.2.5.2 All applicants will be notified in writing of a decision to assess their application as ineligible or non-qualifying. This notification will include:

- Reasons for the decision; and
- The length of time for which the application will be assessed as non-qualifying; and
- Steps they must take to address the grounds that deem them as non-qualifying; and
- Information about the right to request a review of the decision.

3.2.5.3 If on review the applicant successfully appeals the ineligible or non-qualification decision, then their application will be registered from the original date of registration and placed in the appropriate Band. The Band effective date is set out in section 5.3

### 3.2.6 Mitigation

3.2.6.1 If an applicant is deemed non-qualifying for any of the reasons set out in section 3.2.3, then they will be required to provide evidence that they have taken the necessary steps to modify their behaviour, so that offering them a tenancy will not create problems for the community in which they live. The applicant will be required to reach agreement with the Administering Scheme Partner as to what is acceptable to enable them to re-apply.

3.2.6.2 In all instances, the applicant will be required to demonstrate good behaviour and the ability to satisfactorily maintain a tenancy. This may include:

- Signed authority under the Data Protection Act to allow supporting information to be gathered.
- Evidence of co-operation with professional support agencies, (where applicable);
- Evidence of treatment for any substance dependency issues (where applicable);
- Co-operation in any multi-agency risk assessment process (where applicable);
- Applicant is able to demonstrate they have been able to satisfactorily maintain a tenancy (where applicable).
- No further tenancy breaches or further relevant criminal or anti-social behaviour breaches.

3.2.6.3 The applications of those who are unable to demonstrate changed behaviour will remain disqualified until they can satisfactorily meet this requirement.



### 3.2.7 Re-application

3.2.7.1 Subsequent successful applications made by persons who were previously deemed to be ineligible or non-qualifying will be treated as new applications, with no accrued waiting time from any previous application, unless the application is reinstated as a result of a request for a review (Chapter 8).

## 3.3 **Reduced Priority Status**

### 3.3.1 Housing related debt

3.3.1.1 Applicants with a housing related debt equivalent to 4 weeks gross rent but less than 8 weeks gross rent will be awarded Reduced Priority status (Band F), thus reducing their priority for housing. Each application will be considered on its individual merit and any extenuating circumstances will be taken into account.

3.3.1.2 This qualification may be waived if the rent arrears have accrued solely as a consequence of the Housing Benefit change introduced in April 2013 (the 'under occupation reduction') and the applicant actively bids for smaller properties and/or is seeking alternative cheaper accommodation to reduce expenditure. However, arrangements must still be made to reduce and clear these arrears.

3.3.1.3 Applicants with Reduced Priority status will remain in Band F until such time as the debt is reduced to below the equivalent of 4 weeks gross rent.

### 3.3.2 Deliberate worsening of housing circumstances

3.3.2.1 Applicants who have been deemed to have deliberately worsened their housing circumstances in order to gain a priority band will be placed in Reduced Priority status Band F for a period of 12 months from date of decision.

## 3.4 **Additional Criteria**

### 3.4.1 16/17 year olds

3.4.1.1 Applicants aged 16 or 17 years may join the Scheme but will not normally be offered a tenancy before they reach 18 years of age. If a pressing need to house such individuals is established by either the Housing Options Service or Children and Young People's Service, the Scheme Landlord may require a rent guarantor and a support plan.

### 3.4.2 Offenders and ex-offenders

3.4.2.1 The existence of criminal convictions will not prevent an applicant joining the Scheme unless the offence is deemed to be unacceptable behaviour sufficiently serious enough for them to be considered unsuitable to be a

tenant or the individual is subject to Level 2 or Level 3 MAPPA (see 3.2.2.2 and 3.2.3.6 above).

3.4.2.2 Applicants who are in custody will be unable to bid for vacancies until two weeks prior to their release date. Ex-offenders will be offered advice and assistance by the relevant Council's Housing Options Service when released from custody or whilst in custody if it is sought.

### 3.4.3 Income Levels and Home Owners

3.4.3.1 The Government believes that authorities should avoid allocating social housing to people who already own their own homes unless there are extenuating circumstances. The Scheme Councils do not intend to restrict access to the Scheme on the basis of financial means. However some Scheme Landlords, depending on their status (e.g. charitable) may take the financial circumstances of applicants into account and bypass a bid (see section 6.4) if they consider that the applicant has the financial means to secure their own accommodation.

3.4.3.2 In deciding whether someone has sufficient resources to meet their own housing needs, Scheme Landlords may look at income, equity, savings and investments, and the price of buying or privately renting a suitable home in the locality, according to their published policies.

3.4.3.3 Applicants who own a property will have the equity of their property considered as one of the resources available to them, unless there is good reason why it should not. Landlords may make use of their powers to offer a fixed term tenancy which can be terminated if housed applicants are not actively marketing their property for sale. Landlords should have published tenancy policies.

3.4.3.4 Applicants who own a property will be required to provide evidence that their current home is for sale and is not permitted for property owners to sub-let their home and de allocated a tenancy by a Scheme landlord for any property allocated via the Scheme.

## CHAPTER 4

### 4.1 How to Apply

4.1.1 There are several ways to apply to join Property Pool Plus:

- On line by visiting the Property Pool Plus website;
- By submitting an application form which can be requested by telephone;
- In person by visiting a Scheme Partner office or Scheme Council One Stop Shop.

The full list of access points and phone numbers is available on the Property Pool Plus website.

4.1.2 The Scheme Partner with whom the applicant is registered is known as the Administering Scheme Partner for that application. The Administering Scheme Partner will be the point of contact responsible for registering, amending, renewing and assessing that application, and dealing with any requests for review of a decision.

4.1.3 Applicants will be asked to provide current information to confirm the circumstances of all household members before the application can be checked and assessed. See Appendix 2 for further information on types of evidence required.

4.1.4 Applicants may be asked to provide references at initial registration by some Administering Scheme Partners. These may be from a current or previous landlord or someone who knows the applicant in an official capacity such as a local community representative, advice worker, health visitor, social worker or probation officer. It is appreciated that some applicants have difficulty in providing a reference and these will be considered on an individual basis. In addition Scheme Landlords will normally request updated references if an applicant is being considered for an offer (see section 6.3.3)

4.1.5 The information that an applicant has provided may be verified before an applicant can apply for properties. Following verification, some applicants may be classed as ineligible or non-qualifying as explained in Chapter 3.

### 4.2 Assistance for Vulnerable Applicants

4.2.1 Applicants indicating the need for support to take part in the Property Pool Plus Scheme will be offered help and assistance by the Administering Scheme Partners. This need may be due to a physical disability, learning disability, illness, language difficulty or for any other reason that may make it harder for someone to participate in the Scheme.

4.2.2 The support may include

- Access to automated bidding;

- Proxy bidding on behalf of applicants who are unable to access the scheme;
- Mailing copies of the advert to those people who are housebound and have no internet access;
- Adverts and other documents in large print and other languages and formats.

### **4.3 Assessment of an application**

- 4.3.1 Applications will be assessed to ensure that people with the greatest housing need are given the greatest opportunity to move to more suitable accommodation. The assessment will be undertaken by authorised officers of the Administering Scheme Partner.
- 4.3.2 The assessment will be based on the household's current circumstances and the type of accommodation they currently live in. Assessments of need will be carried out initially at registration but also later if there is a change in circumstances. Applicants may be required to provide supporting evidence from appropriate agencies such as Health or Social Services, Police or Probation.
- 4.3.3 For some assessments, the views of Scheme Partners assessment panels will be taken into consideration. Such panels may contain representatives from relevant organisations including other Housing Associations, support agencies, Social Services and Probation who are in a position to provide a broader understanding of the circumstances relating to a particular applicant.
- 4.3.4 The assessment will take into account the applicant's recent housing history and, if it is considered that they have moved in order to deliberately worsen their housing situation, then they may be placed in Band F Reduced Priority Status). Examples could include, but are not limited to
- A family giving up an affordable and suitable private rented tenancy which they are able to maintain, to move in with other relatives, creating a situation of overcrowding and sharing of bathroom/ kitchen or a split household;
  - An applicant requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- 4.3.5 Applicants will be placed in a Band according to their housing need (see Chapter 5). Applicants who have more than one housing need, for example health need and overcrowding, will be placed in the Band which affords greatest priority.

### **4.4 Change in circumstances**

- 4.4.1 If an applicant's circumstances change it is their responsibility to inform the Administering Scheme Partner promptly in order that their application can be reassessed. Examples of changes of circumstances could include:

- Change of address or name;
- Increase in household size due to the birth of a child or addition of household member;
- Decrease of household size due to bereavement or person leaving the household;
- Relationship breakdown;
- The serious deterioration of, or improvement in, a health condition
- Threat of homelessness;
- Rent arrears in their private rented or social rented tenancy;
- A change in employment status;
- A change in local connection with an area.

4.4.2 Applicants' date of registration will not be affected if they change address providing they have not been re-housed to a social housing tenancy. However, their housing need priority may be affected (see Chapter 5).

4.4.3 It is also important that the applicant advises the Administering Scheme Partner of any changes to their contact details as this may affect the ability of the Scheme Landlord to contact them.

#### **4.5 Renewal of applications**

4.5.1 To ensure that accommodation is allocated fairly, and to take account of any change in circumstances affecting an applicant's eligibility, qualification, or current or future housing need, applicants are required to renew their application every 12 months.

4.5.2 The renewal procedure will be the responsibility of the applicant's Administering Scheme Partner who will issue an invitation to renew an application either by letter or email. This will take place annually on the anniversary of the registration date. Applicants will be required to respond within 4 weeks, after which their application will be cancelled.

4.5.3 However, if an applicant contacts their Administering Scheme Partner within 6 months of the cancellation their application will be reinstated and they will retain their original registration date. After the 6 month period, applications will remain permanently cancelled and a new application will need to be submitted.

#### **4.6 Cancelled Applications**

4.6.1 Applications will be cancelled in the following circumstances:-

- The applicant has been re-housed to social housing;
- The applicant has successfully moved under a mutual exchange scheme;
- A request to cancel an application has been received from an applicant (or their representative);
- There is no reply to renewal letters;
- Letters to the applicant are returned by the Post Office;
- Notification has been received that the applicant is deceased.

4.6.2 Applications which are cancelled will not accrue any waiting time on the register except for applications which are cancelled and then reinstated as part of the renewal process as described in Section 4.5.

#### **4.7 Councillors, Board Members, employees and close relatives**

4.7.1 Applicants who are Councillors, Board Members, or an employee (including their close relatives e.g. partner / spouse, parent, brother, sister or child) of the Scheme Partners may register on the Property Pool Plus Scheme but this must be declared at the point of registration. Failure to do so may be considered as withholding relevant information and may affect any future tenancy.

## CHAPTER 5

### 5.1 Assessment of housing need

5.1.1 Once an application has been assessed it will be categorised in one of the following Bands according to the relevant housing need that exists;

| <b>BAND</b>                | <b>REASON FOR HOUSING NEED</b>   |
|----------------------------|--|
| Band A<br>Urgent Priority  | Health/Welfare (Urgent)<br>Statutory Homeless (Unintentionally with priority need)<br>Regeneration<br>Overcrowded (2 or more bedrooms) |
| Band B<br>High Priority    | Health / Welfare (High)<br>Overcrowded (1 bedroom)<br>Disrepair<br>Under occupation  |
| Band C<br>Medium Priority  | Health/Welfare (Medium)<br>Homeless (no priority need)<br>Homeless (intentional with priority need)<br>Living with family and friends  |
| Band D<br>Low Priority     | No assessed need and in employment   |
| Band E<br>No Priority      | No assessed need and not in employment   |
| Band F<br>Reduced Priority | Reduced priority status due to unacceptable behaviour; or<br>Rent arrears between 4 & 8 weeks gross rent                               |

5.1.2 The assessment of housing need will be made by appropriate designated officers from the Administering Scheme Partner.

### 5.2 Prioritising applications within bands

5.2.1 Applicants in Band A are prioritised in order of the reasons for housing need as listed in the table above. However some properties may be targeted for specific housing needs when a property is advertised (see Section 2.7)

5.2.2 There are some important differences in the way applications in Bands B and C are prioritised for accommodation in different Scheme Council areas.

5.2.3 For Halton, Knowsley, Sefton and Wirral applications in Bands B and C are prioritised within each Band by date of entry into the Band and there is no distinction between the different housing need reasons.

5.2.4 For Liverpool, applicants in Bands A, B and C are prioritised in the order set out in the table above and by date of entry within each Band. For example, applicants in Band B Health and Welfare (High) will receive priority over those in Band B Overcrowded (1 Bed) even though an applicant in Overcrowded (1 Bed) may have an earlier date of entry into the Band. However preference may be given to a particular reason for housing need when a property is advertised to meet local priorities.

5.2.5 For all Scheme Council areas applicants in Bands D to F are prioritised within each Band by date of entry into the Band.

5.2.6 When applicants are prioritised for a property, if there is more than one applicant with the same date of entry into the Band, the applicants will be further prioritised in order of date of registration.

**5.3 Date of entry into Band**

5.3.1 The initial date of entry into a Band following assessment is shown in the table below;

| <b>Initial Band</b> | <b>Date of entry</b>   |
|---------------------|--|
| A                   | Date the reason for housing need has been fully assessed and confirmed   |
| B                   | Date the reason for housing need has been fully assessed and confirmed. For applicants in hostel, approved probation hostel or supported accommodation it will be the date at which they first moved into the accommodation or date of registration whichever is the later |
| C                   | Date the reason for housing need has been fully assessed and confirmed   |
| D                   | Date the employment status has been confirmed  |
| E                   | Registration date  |
| F                   | Date the Reduced Priority status has been fully assessed and confirmed   |

5.3.2 Armed Forces and Reserve Forces personnel

5.3.2.1 Applicants who are Armed Forces and Reserve Forces personnel or members of their household and fall within one or more of the criteria below **and** meet any of the above criteria for band A will be given additional preference and by having their effective date enhanced by 3 months

The applicant

- Is serving in the regular forces and is suffering from a serious injury illness or disability which is attributable (wholly or partly) to their service;



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

5.3.2.2 If an applicant is subsequently reassessed and is placed in a higher Band, the date of entry into the Band is shown below;

| <b>Higher Band</b> | <b>Date of entry</b>  |
|--------------------|---|
| A                  | Date the reason for higher housing need has been fully assessed and confirmed   |
| B                  | Date the reason for higher housing need has been fully assessed and confirmed. For applicants in hostel, approved probation hostel or supported accommodation it will be the date at which they first moved into the accommodation or date of registration whichever is the later |
| C                  | Date the reason for higher housing need has been fully assessed and confirmed   |
| D                  | Date the employment status has been confirmed   |
| E                  | Registration date   |

5.3.2.3 However if an applicant's priority is reduced to Band F and they subsequently address the reason for their reduced priority status they would go back to their previously assessed Band with the original Band assessment date, not the date they left Band F.

5.3.2.4 If an applicant is subsequently reassessed and placed in a lower Band, the date of entry is as follows;

| <b>Lower Band</b> | <b>Date of entry</b>   |
|-------------------|--|
| B                 | Date the reason for higher housing need was fully assessed and confirmed |
| C                 | Date the reason for higher housing need was fully assessed and confirmed |
| D                 | Date the reason for higher housing need was fully assessed and confirmed |
| E                 | Registration date  |
| F                 | Date the Reduced Priority status has been fully assessed and confirmed   |

5.3.2.5 If an applicant loses a priority due to a change in circumstances, but is later reassessed for a further higher priority, the date of entry into the Band is the date that the reason for the most recent priority is fully assessed and confirmed.

## **5.4 Band A – Urgent Priority**

### **5.4.1 Health and Welfare (Urgent)**

5.4.1.1 Responsibility for carrying out assessments, banding and inclusion into this Sub Band will be the Scheme Council or an appropriate Senior Officer from the Administering Scheme Partner and monitored by the Scheme Council.

These will include;

- Applicants with severe long term health conditions causing substantial disabilities who are unable to enter or leave their home and are unable to access all the essential facilities (bathing/toileting and separate room for sleeping) in their current accommodation;
- Applicants with an exceptional welfare need, including severe incidents of violence where other temporary resolutions are not possible and where continued occupation of their current dwelling could place lives at risk;
- Applicants ready to be discharged from hospital or residential care where they are unable to access any essential facilities within their home;
- Applicants temporarily or permanently displaced from their accommodation through the intervention of Private Sector Housing/Environmental Health teams of the Scheme Councils using the Housing Act 2004 and/or 1985 to deal with Category 1 and/or 2 Hazards in the premises or Public Health legislation to deal with conditions which are prejudicial to health;
- Applicants temporarily or permanently displaced from their living accommodation through the intervention of Fire and Rescue Services using Fire Safety Legislation to deal with conditions which pose an imminent risk to occupiers' safety;
- Households containing serving or former members of the Armed Forces or Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service;
- Bereaved spouses or civil partners of members of the Armed Forces leaving their Services Family Accommodation following the death of their spouse or partner.

5.4.1.3 Applicants need to move urgently and therefore they will be expected to be actively bidding for suitable vacancies. Help and assistance in the bidding process will be available including the placing of bids on their behalf if required. Applications will be reviewed regularly to ensure that applicants are actively bidding for suitable vacancies and are being realistic in their choice.

5.4.1.4 Applicants who are not actively bidding for suitable accommodation will be given one reasonable offer of accommodation, refusal of which will prompt a

reassessment of the application. This may result in the applicant remaining in the same Band but with a revised date of entry into the Band which will be the date of refusal of the offer. Responsibility for this will be the Scheme Council or a Senior Manager within the Administering Scheme Partner. When considering the "reasonableness" of an offer, it should be recognised it may not be possible to provide an offer in the applicant's specific area of choice, but every effort will be made to meet this request.

#### 5.4.2 Statutory Homeless (unintentionally)

5.4.2.1 This will include applicants who are accepted by the Homeless Service as being owed a full housing duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002).

5.4.2.2 Applicants need to secure housing urgently and therefore they will be expected to be actively bidding for vacancies. This would mean that they will be expected to check the advert each week and apply each week for vacancies in their own Scheme Council area which are suitable for their household in terms of size and type, but not necessarily in the area they would prefer. Help and assistance in the bidding process will be available including the placing of bids on their behalf if required. Applications will be reviewed regularly to ensure that applicants are actively bidding for suitable vacancies and are being realistic in their choice.

5.4.2.3 Some of the scheme Councils may use the power vested in them by the Localism Act 2011 to discharge their duty to homeless applicants through the offer of a suitable private sector tenancy in accordance with their published policies.

5.4.2.4 Applicants who are not actively bidding for suitable accommodation and are not offered a private sector tenancy will be given one reasonable offer of social sector accommodation.

5.4.2.5 The offer of a suitable private or social sector tenancy will end the Council's homeless duty to the household and the Band A status will be removed.

5.4.2.6 Unreasonable refusal of a private or social sector tenancy will prompt a reassessment of the application. The applicant will be placed in the appropriate Band; this may result in the applicant being placed in a lower band. When considering the "reasonableness" of a refusal, it should be recognised that it may not be possible to provide an offer in the applicant's specific area of choice, but every effort will be made to meet this request.

#### 5.4.3 Regeneration

5.4.3.1 This will include residents being displaced as a result of their home being included in a Regeneration Area for clearance or redevelopment by the Scheme Council or by a Scheme Landlord in partnership with the Scheme Council. Only those schemes approved by the Scheme Council will be included in this Sub-Band.

5.4.3.2 This housing need is given urgent priority to ensure Scheme Council regeneration programmes can proceed. Applicants are prioritised in accordance with the identified priority order for the Scheme Council Clearance areas.

5.4.3.3 Because of the need to re-house residents in a programmed manner, some may receive targeted offers outside the arrangements for the scheme. For example, but not exclusively, when;

- The applicant's land/property is urgently needed for redevelopment, or the remaining residents are at risk, or existing funding is at risk; or
- It can be demonstrated the needs of the resident are more urgent than those other applicants who are currently placed in this Sub Band.

This reason for housing need does not include those applicants who are required to move temporarily as a result of an improvement scheme and will later return to their original home or scheme.

#### 5.4.4 Overcrowded by two or more bedrooms

5.4.4.1 This will include applicants who, by the application of the bedroom standard outlined in Section 5.12, are overcrowded in their current property and require two or more additional bedrooms.

### 5.5 **Band B – High Priority**

#### 5.5.1 Health / Welfare (High)

5.5.1.1 This will include but is not limited to:

- Victims of harassment, domestic abuse, victims of hate crime who need to move a significant distance to remove the risk;
- People with a severe long term health condition that causes a permanent and substantial disability who are unable to enter or leave their home or are unable to access one of the essential facilities(bathing/toileting and separate room for sleeping) within their home ;
- Applicants living in an area/community that has a serious detrimental effect on their mental health issues;
- Young people leaving the Care of the Local Authority;
- Applicants from hostel, approved probation hostel and supported accommodation where funding is provided by the Supporting People Programme or adult social services and where the residents are expected to move on within two years or where the support is no longer required.
- Applicants will only be included if they have been assessed as ready to move on from such schemes and where their continued support needs have been assessed and, if required, are in place. The assessment procedure may vary in different Scheme Council areas and may include the use of an assessment panel;

- Serving or former members of the Armed Forces and Reserve Forces who do not qualify for Band A, have no medical need and are due be discharged within 3 months or who have served in the armed forces or reserve forces and been discharged within the past 12 months;
- Formal referrals from Social Services under the Children Act where it is confirmed the applicants have an urgent need to move. This includes Local Authority Foster Carers;
- applicants who are tenants of adapted properties owned by the Scheme Landlords where the adaptations are no longer required and where the property is designated by the Scheme Council as being in demand by other priority cases;
- Applicants who have undergone an assessment by the Housing Options Team and where confirmation by this service is received that the applicant requires early intervention in the allocations process to prevent homelessness from occurring in circumstances where, in the Council's opinion, they would be likely to be owed the full homelessness duty.

5.5.1.2 The date of entry into the Band will be the date the applicant's priority is assessed and confirmed. For Hostel dwellers it is the date they moved into the hostel. This is to enable a swift move-on from the accommodation so releasing a bed space which can be used by another person.

#### 5.5.2 Overcrowded by one bedroom

5.5.2.1 This will include applicants who, by the application of the bedroom standard outlined in paragraph 5.12, are overcrowded in their current property and require one additional bedroom.

#### 5.5.3 Disrepair

5.5.3.1 This will include applicants whose accommodation has been inspected by Private Sector Housing/Environmental Health Teams of the Scheme Councils under the Housing Act 2004 to deal with Category 1 and/or 2 Hazards in the premises or Public Health legislation to deal with conditions which are prejudicial to health and where: -

- Enforcement action is considered appropriate to remove the hazards/threats to health; and
- The time scales for undertaking the improvement works or the nature of the works are such that it is reasonable for the applicant to seek alternative accommodation.

#### 5.5.4 Under-occupation

5.5.4.1 Applicants who are tenants of Scheme Landlords in the Scheme Area who are under occupying their present home. The priority is given for a move to suitable accommodation for example single applicants or couples under-occupying a 3 bedroom property would normally be expected to move to a property they would fully occupy.

## **5.6 Band C – Medium priority**

### **5.6.1 Health/Welfare (Medium)**

5.6.1.1 This will include:

- Applicants whose long term health condition is made worse by their living conditions;
- People whose relationship has permanently broken down and who have to leave a shared home;
- People who need to move to a particular locality to give or receive care or support;
- Applicants from hostel or supported accommodation where funding is not provided by Supporting People Programme or adult social services.

### **5.6.2 Homeless with no Priority Need**

5.6.2.1 This will include applicants who are accepted by the Homeless Service as being eligible for assistance, homeless, not in priority need in accordance with the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

### **5.6.3 Living with Family and Friends**

5.6.3.1 This band includes applicants who do not have a tenancy of their own, who are living with family/friends, are not overcrowded or with any other identified housing needs but want to secure a home of their own. This will include applications from people who live in separate addresses but are looking to secure joint re-housing. The date of application will be the date they were assessed as having this need and applicants must provide supporting documentation of their situation to ensure they are not creating a priority need.

### **5.6.4 Intentionally Homeless**

5.6.4.1 This will include applicants who are accepted by the Homeless Service as being eligible for assistance, homeless and in priority need but intentionally so, in accordance with the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002). Applicants will also be assessed against Band F Reduced Priority criteria and if appropriate will be placed in Band F

## **5.7 Band D – Low priority**

5.7.1 We want to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority to applicants who are working and who are therefore making a contribution to the sub regional economy.

5.7.2 This Band will include households where at least one adult household member is in employment but who have no recognised housing need and do not satisfy the criteria to be included in one of the other bands.

5.7.3 For the purposes of Band D employment is described as having a permanent contract, working as a temporary member of staff or being self-employed. Applicants will only qualify if the worker has been working for a minimum of 16 hours per week. Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, evidence from HMRC to pay tax, evidence of trading history, bank statements or a verifying letter on headed paper in order to qualify.

5.7.4 Applicants must inform the Administering Scheme Partner of any changes to their employment status. This will also be checked at the time of any offer.

### **5.8 Band E – No priority**

5.8.1 This will include applicants who are not in employment, with no recognised housing need or those who do not satisfy the criteria to be included in one of the other bands.

### **5.9 Band F – Reduced Priority**

5.9.1 Applicants who have a Reduced Priority Status due to non-qualifying behaviour (see Section 3.3)

### **5.10 Local Connection**

5.10.1 In order to give reasonable preference to local residents, priority for rehousing within each Scheme Council Area will take into consideration a local connection within that area.

5.10.2 To demonstrate a local connection with a Scheme Council Area, an applicant must satisfy at least one of the following criteria;

- Have lived in the Scheme Council Area for 6 months out of the last 12 months or 3 years out of the last 5 years;
- Have a permanent job in the Scheme Council Area, or have a minimum of a 12 month contract or have been working for a continuous period of 6 months in scheme area;
- Have a close family association (parent, child or brother/sister) who is currently living in the Scheme Council Area and has done so for more than 5 years;
- Have a need to be in a specific Scheme Council Area to be near to a particular health facility for long term treatment;
- Have a need to be in a specific Scheme Council Area to give or receive caring support;

- 5.10.3 This requirement to establish a local connection does not apply to:
- those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing. This applies for a maximum of 5 years after discharge
  - bereaved spouses or civil partners of those serving in the regular forces where
    - (i) the bereaved spouse or civil partner has recently ceased (this would be assumed to be for a maximum of 12 months), or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and
    - (ii) the death was wholly or partly attributable to their service
  - existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service. This applies for a maximum of 5 years after discharge.
- 5.10.4 Unless an applicant needs to move to another area for safety reasons, priority due to Statutory Homeless (Unintentionally) and Regeneration in Band A will be awarded for the applicant's current Scheme Council Area only.
- 5.10.5 With the exception of priority due to Statutory Homelessness (Unintentionally) and Regeneration in Band A, applicants in Bands A, B, C and D will be awarded that priority for the Scheme Council Areas for which they can demonstrate a local connection.
- 5.10.6 Applicants in Bands A, B, C and D may apply for vacancies in Scheme Council Areas other than those with which they have a local connection, but their housing need will not be taken into consideration and they will be considered to be in Band E when bidding for those vacancies.
- 5.10.7 Applicants in Bands E and F may apply for vacancies in all Scheme Council Areas and local connection will not be taken into consideration.
- 5.10.8 Those applicants with a housing need who live outside the combined Scheme Area may be considered for a priority Band but only if they can demonstrate a local connection with one of the Scheme Council Areas and the priority will apply only to vacancies in that Scheme Council Area.
- 5.10.9 Those applicants who do not have a local connection with any Scheme Council in the Scheme Area will be placed in Band E. An exception to this would be a need to move to another area for safety reasons.
- 5.10.10 Applicants must inform the Administering Scheme Partner of any changes to their local connection with an area, for example a change of address of a relative. This will also be checked at the time of any offer.



## **5.11 Cross Boundary Mobility**

- 5.11.1 Each Council area may let a maximum of 5% of all properties advertised through the Scheme to applicants living outside that Council Areas. This will include applicants in Bands A, B, C and D who can demonstrate a local connection with the accepting Scheme Council Area as outlined in Section 5.10.2., and applicants in Bands E and F who have no local connection.
- 5.11.2 The 5% maximum does not apply to 'readily available' properties (see paragraph 6.1.5)

## **5.12 Bedroom Standard**

- 5.12.1 The standard to be applied is as follows;
- 5.12.2 One bedroom is required for the applicant and their partner. One bedroom is then added for the following people living with the applicant:
- Married or cohabiting couple;
  - Adult aged 21 years or more;
  - Pair of adolescents aged 10 to 20 years of the same sex;
  - Pair of children aged under 10 years regardless of sex;
  - A child with severe disabilities who requires frequent care during the night;
  - A foster child, where a separate bedroom is a requirement of the fostering authority;
  - A non resident carer who is regularly required to stay overnight to attend to personal care/health needs.
- 5.12.3 Any unpaired person aged 10 to 20 years is paired, if possible, with a child aged under 10 years of the same sex or, if that is not possible given a separate bedroom. The same applies to any unpaired child under 10 years.
- 5.12.4 This standard is then compared with the number of bedrooms available for the sole use of the household. Bedrooms converted to other uses are not included; bedrooms not in use are included unless they are uninhabitable.
- 5.12.5 While adolescents of the same gender aged 16 to 20 years sharing a room will not be classified as overcrowded the policy will allow applicants to bid for an additional bedroom, where the household includes adults in this age group.
- 5.12.6 Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example a three bedroom property with two separate living rooms where one can be considered to be used as a bedroom.

5.12.7 Households with an expectant mother are treated as though the child has been born once the Pregnancy Maternity Certificate (MATB1) has been provided.

### **5.13 Staying contact with children**

5.13.1 Where an applicant has staying contact with children, the children will only be considered as part of that housing application if the applicant can provide proof they live with the customer for the majority of the time (over 50%). The proof may be documentation from the court or solicitor, written confirmation from the child's other parent or being in receipt of Child Benefit.

5.13.2 Where access has been shared equally between two partners, it is unlikely that accommodation of the same size will be made available to both parents. Usually, a parent with staying contact for children for less than 50% of the time may be allocated an additional bedroom for those children, for example a single person may be eligible for a two bedroom property.

## **CHAPTER 6**

### **6.1 Advertising vacant properties**

- 6.1.1 Properties will be advertised on a weekly cycle in the form of an advert and/or Newsletter which may be viewed:
- On the Property Pool Plus website;
  - At Council One Stop Shops;
  - At offices of the Scheme Landlords;
  - At a variety of community facilities;
  - From your TV if you are a Sky TV or Virgin Media customer; and
  - By mail to housebound applicants who do not have internet access.
- 6.1.2 The adverts will include a description of the property, form of tenure, rental charge, property size and any disabled adaptations.
- 6.1.3 Properties will be advertised displaying any specific criteria or restrictions on who may bid for such properties e.g. if there is a restriction on age group or family size. Properties will be offered to applicants who meet the property criteria in order of Band and then date of entry into that Band.
- 6.1.4 When it has not been possible to allocate a property after the first advert, the landlord may re-advertise the property to include households who were previously excluded from applying.
- 6.1.5 There may be some properties which have been advertised but the Scheme Landlord has not been successful in letting the property. In these instances, the Scheme Landlord may let the property on a 'first come, first served' basis. These are known as 'available now' properties.

### **6.2 Bidding for vacancies**

- 6.2.1 Applicants are required to bid for a property if they want to be considered for it and may bid for a maximum of 3 properties each week. Applicants who do not meet the eligibility criteria for a property will not be able to bid for the vacancy.
- 6.2.2 Applicants may bid for vacancies in a variety of ways;
- On line by visiting the Property Pool Plus website;
  - By telephone service;
  - By text message;
  - By TV if you are a Sky TV or Virgin Media customer;
  - In person by visiting a Scheme Partner office or Council One Stop Shop.
- 6.2.3 The Property Pool Plus Scheme has the facility to allow applicants to view their position on the shortlist, when they make a bid for a property. This will enable applicants to make an informed choice as to whether they wish to

withdraw a bid where they may be unsuccessful and replace with an alternative bid.

- 6.2.4 The type and size of property that an applicant may apply for can vary depending upon household size and other circumstances. The following table is a **general guide only** and will vary depending upon the availability of property and demands in particular areas.

| <b>Household type</b>  | <b>Property type</b>  |
|--|---|
| Single person or Couple  | Bedsit, one or two bedroom flat, maisonette or bungalow                                       |
| Two person household, not a couple   | Two bedroom flat, maisonette or bungalow  |
| Household with one child or baby expected  | Two bedroom house or family flat/maisonette   |
| Household with two children  | Two or three bedroom house or family flat/maisonette  |
| Household with three children  | Three bedroom house or family flat/maisonette   |
| Household with four or more children   | Large three bedroom, four bedroom and larger houses   |
| Household of adults, no children   | Appropriate size flat, maisonette or house to allow one bedroom per adult or pair of partners |
| Households with specific requirements due to health needs relating to disability | Ground floor flat or bungalow<br>Adapted house  |
| Household requiring support due to old age or other vulnerability                | Sheltered or supported accommodation<br>Extra Care accommodation                              |

- 6.2.5 There may be exceptions to the above guide in terms of property type, for example one or two bedroom houses may be advertised for singles or couples. This will be made clear on the property advert. The age group criteria for property will vary according to the Scheme Landlords' own rules.

- 6.2.6 There may be exceptions to the above guide in terms of household type, for example households requiring a full time carer or needing an extra bedroom on health or welfare grounds, including space for medical equipment, will be able to apply for a larger property. This will be considered on an individual basis and the applicant will be fully advised.

### **6.3 Short listing of applications**

- 6.3.1 As the advertising cycle proceeds, applicants who have bid for an advertised property will be short listed according to the Banding criteria outlined in Chapter 5 and any qualifying letting criteria or property criteria specified on the property advert.

- 6.3.2 Each Scheme Landlord may follow a different process when administering the shortlist. Applicants who are being considered for an offer following their bid will be contacted by the Scheme Landlord who owns the property
- 6.3.3 Before an offer is confirmed, all Scheme Landlords reserve the right to carry out pre-tenancy checks which may include;
- Confirmation that application details are correct;
  - Confirmation of tenancy history including rent arrears and anti social behaviour issues;
  - Confirmation of employment status if applicable;
  - Confirmation of local connection if applicable;
  - Ability of applicant to afford tenancy;
  - Take up of references if required.
- 6.3.4 References may be from a current or previous landlord or someone who knows the applicant in an official capacity such as local community representative, advice worker, health visitor, social worker or probation officer. It is appreciated that some applicants have difficulty in providing a reference and these will be considered on an individual basis.

#### **6.4 Reasons why an applicant may be bypassed for an offer**

- 6.4.1 In some situations a property will not be offered to the highest ranked applicant who has expressed a preference for it. Short listed applicants may be bypassed for a number of reasons.
- 6.4.2 The list below is not an exhaustive list and is a general guide as each case will be assessed individually and the personal circumstances of each applicant will be taken into account.
- If an applicant bids for a property and their household details do not match the household criteria set out in the advert;
  - If an applicant bids for a property that does not meet their specified health needs. See paragraph 6.4.3 below;
  - If there is evidence which had not been identified at initial verification, that an applicant owes money to any Housing Association, Local Authority or private landlord due to rent arrears, damage, costs through abandonment or any other identified housing related costs. In this instance the application will be reviewed and may be given Reduced Priority status.
  - If there is evidence which had not been identified at initial verification, that an applicant or a member of their household has committed serious anti social behaviour. In this case, the application will be reviewed and may be deemed non-qualifying due to unacceptable behaviour.
  - If the applicant is a Council or Housing Association tenant and their current property is considered to be in a state of significant disrepair or neglect, and there is evidence that disrepair/neglect/damage to the

property has been directly caused by the applicant or a member of their household.

- If an applicant's position on the shortlist is due to their employment and this status has changed;
- If an applicant's position on the shortlist is due to their local connection with an area and this has changed;
- If the applicant has already bid for another property and this has been offered to them;
- If the property is adapted and the applicant does not need those specific adaptations;
- If the property is not adapted and the applicant needs specific adaptations;
- If the reason for the move is domestic abuse or harassment and the move is not far enough from the area to resolve the issues;
- If the applicant owes arrears of rent to the landlord of the property;
- If no response has been received when the applicant has been contacted by telephone or letter, despite reasonable efforts;
- If the applicant's family is considered to be too small to fully occupy the property and there are other applicants on the shortlist who would fully occupy the property;
- If the cross boundary mobility target has been met or will be exceeded (see paragraph 5.11);
- If the property advertised is through a Local Lettings Plan and the applicants household details do not match the household criteria set out in the advert (see paragraph 2.2).
- If the applicant or any member of their family has the financial means to resolve their own housing situation. Having regard to income, equity, savings, and the price of buying or renting a home privately (see paragraph 3.4.3).

6.4.3 Applicants who require a property with physical adaptations such as a wet room, stair lift or level access, may apply for an adapted property, or a property suitable for adaptations. Applicants are advised to check the relevant Landlords Aids and Adaptations Policy when applying for property that is not currently adapted and would require adaptations in order to meet their needs.

6.4.4 Any short listed applicant who is bypassed can request a review of the decision, using the Review procedure in Chapter 8 of this Scheme.

## **6.5 Number of offers**

6.5.1 To ensure applicants only bid for properties in which they are genuinely interested, and in order to be as fair as possible to all applicants, the number of offers an applicant can refuse is limited. When the limit is reached, a review of their application and priority will be made by the Administering Scheme Partner.

6.5.2 When an offer is refused, an assessment will be made as to whether this was a reasonable offer. With the exception of homeless applicants (where

the decision about the ‘reasonableness’ of a refusal will be made by the Housing Options Service in accordance with legislation), the Scheme Landlord making the offer will be responsible for deciding whether or not the reason for refusing an offer is considered to be reasonable. As a guide, the following factors may be taken into account

- The property is in the immediate location of someone who could present a danger to the applicant;
- The property has stairs which the applicant is unable to manage and this is confirmed by the health assessment;
- The applicant needs an adapted property or the current adaptations do not satisfy the applicant’s needs and this is confirmed by an Occupational Therapist.

This list is not exhaustive and each case will be assessed individually.

6.5.3 If it is considered that the offers made were reasonable, then the following will apply.

|   |                           |
|---|---------------------------|
| Band A - Health /Welfare (Urgent)           | One reasonable offer only |
| Band A - Statutory Homeless (Unintentional) | One reasonable offer only |
| Band A - Regeneration                       | No limit                  |
| Band A - Overcrowded (2 or more bed)        | Two reasonable offers     |
| Band B - High Priority                      | Two reasonable offers     |
| Band C - Medium Priority                    | Three reasonable offers   |
| Band D - Low Priority                       | Three reasonable offers   |
| Band E - No Priority                        | Three reasonable offers   |
| Band F - Reduced Priority                   | Three reasonable offers   |

6.5.4 In all instances, with the exception of cases outlined in Section 6.5.5 below, an application is reviewed following the refusal of the stated number of reasonable offers. If the circumstances remain the same, the applicant will remain in the same Band but the entry date will be altered to the date of the latest refusal. However, if the circumstances have altered the application will be placed in the appropriate Band.

6.5.5 Applicants in Band A - Statutory Homeless (Unintentional). The application is reviewed following the refusal of one offer and if the offer was reasonable, the Council will deem that its legal duty has been discharged and the applicant will be placed in a lower appropriate Band based on their circumstances having removed consideration that they were found to be unintentionally homeless and in priority need. This will also apply if a local authority scheme partner uses its power to discharge its duty with an offer of a private sector tenancy.

## 6.6 Feedback on Lettings

6.6.1 The Property Pool Plus Scheme will publish the outcome for recently advertised vacancies on the website. The information provided will include:

- Property size and type;
- Property location;
- Number of applicants who applied for each property;
- Band and effective date of successful applicant.

This will allow applicants to see where properties are more likely to become available and where they may have the best chances of making a successful 'bid'. Information will also be provided for vacancies which have been allocated as a result of a direct let to applicants on the Property Pool Plus Register.

- 6.6.2 The Scheme Partners will also produce analytical statistics on lettings to determine demand, availability of properties and gaps in provision to inform future housing strategy.



## **CHAPTER 7**

### **7.1 Information and advice**

- 7.1.1 Information and advice on the Allocations Scheme will be provided free of charge.
- 7.1.2 The following help is available to all applicants who apply to go onto the Scheme Register:
- Help to complete a housing application form;
  - Written and verbal information to help them understand how their application will be dealt with;
  - The opportunity to contact staff to find out whether their needs can be met and, if so, guidance on how long they may have to wait for accommodation;
  - Help with reviews and complaints where appropriate (see Chapter 8).

### **7.2 Contact details**

- 7.2.1 A list of the contact details for the Scheme Partners within the Property Pool Plus scheme can be found on the website.

### **7.3 Support services**

- 7.3.1 Some applicants may need support in setting up, managing or maintaining a tenancy.
- 7.3.2 Every effort will be made by the Scheme Partners to identify applicants who need some level of support via:
- Their Scheme Register application;
  - Referrals from staff and other agencies such as Social Services, Probation and Age Concern;
  - Referrals from family members;
  - Requests from applicants themselves.
- 7.3.3 The applicant may be contacted to obtain more details of their needs to decide what type of support they need, for example:
- Advice on the Property Pool Plus scheme and assessment procedure;
  - Help to select a property;
  - Support in setting up and maintaining a tenancy.
- 7.3.4 If they need help to select a property, this can be given by a nominated relative, friend or support worker who can bid for properties on their behalf. It may also be possible to set up automatic bidding for vulnerable applicants.

7.3.5 If the applicant needs help to set up a tenancy every effort will be made by the Scheme Partners to refer them to the most appropriate housing support service provider.

#### **7.4 To prevent homelessness**

7.4.1 Every effort will be made to identify applicants where threatened homelessness may be prevented. Applicants' details will be forwarded to the relevant Council's Housing Options Team who will contact the applicant giving advice and assistance e.g. dealing with an applicant's mortgage provider or landlord or referring them to the Citizens Advice Bureau.

#### **7.5 Independent advice**

7.5.1 An applicant may wish to get independent advice about the Property Pool Plus scheme or any decisions made about their application. Shelter, Citizens Advice Bureau and local solicitors are some of the organisations operating within the Scheme Area who may offer free, independent advice to people about their housing application.

## CHAPTER 8

### 8.1 Review of Decisions

8.1.1 Under Part 6 of the Housing Act 1996 applicants for housing have the right to request a review of any decision made about their application. The review must be undertaken by an officer more senior to the one who made the original decision.

*(NOTE This is different to the right of review that exists under Part 7 of the Act which deals with homelessness. The latter is not covered in this policy)*

8.1.2 In the interests of fairness and transparency this policy goes further than the statutory minimum by offering a right to a second stage review if an applicant is still dissatisfied after the outcome of the initial review. The sections below provide further detail about these procedures.

8.1.3 The local authorities and housing associations participating in this scheme each have their own independent complaints/appeals procedures that apply to their everyday business activities. Clearly it would be unmanageable if applicants were permitted to use multiple complaints/appeal procedures (e.g. this procedure, a Scheme Landlord's procedure, and the Administering Scheme Partner's procedure), and therefore the review procedure outlined in this scheme will be the only one used for reviewing housing allocation decisions made under this scheme.

8.1.4 Requests for a review arising because an applicant has not informed the Administering Scheme Partner of any changes to their application will be dismissed, for example if an applicant has been bypassed due to no contact and the applicant has not informed the Administering Scheme Partner of a change in their contact details.

### 8.2 Request for a Review of a Registration Decision or a Selection Process Decision

8.2.1 The Administering Scheme Partner who registered the application will deal with all requests for a review concerning any decision in relation to an applicant's registration on the Scheme.

8.2.2 The request for a review may cover any issue concerning their application, such as:-

- A decision that an applicant is ineligible to register due to immigration status;
- A decision that an applicant belongs to a non-qualifying group;
- A decision on their priority status;
- The removal or review of a priority;
- A decision to amend date of entry into a Band following refusal of reasonable offers;

- A decision to bypass on a shortlist.

### **8.3 Request for a Review of a Selection Process Decision**

8.3.1 All requests for a review of a decision concerning any aspect of the selection process for a particular property will be dealt with by the respective Scheme Landlord.

8.3.2 Requests for review may typically include: -

- A decision not to offer a particular property to an applicant;
- A decision to withhold or withdraw an offer based on anti-social behaviour, neighbour nuisance or rent history;
- Lettings Criteria used for a property
- The nature of verification checks made by the Scheme Landlord.

### **8.4 The Review Procedure**

8.4.1 The request for a review can be made in person, by telephone, by email or in writing within 15 working days from the date of being advised of the decision, or from the date of publication of the outcome of the vacancy on the website.

8.4.2 The review procedure is as follows;

#### Stage 1

The review will be carried out by an officer for the Administering Scheme Partner who was not involved in the original decision, and who is more senior than the officer making the original decision. A response will be provided within 15 working days of the request being received.

#### Stage 2

If an applicant is not satisfied with the outcome of the Stage 1 review, they may request a review of the decision by stating their reasons to their Administering Scheme Partner within 15 working days of being notified of the Stage 1 decision. An acknowledgement will be issued to the applicant (copied to the relevant Scheme Council) within 10 working days.

The review will be carried out by a panel of officers from the Property Pool Plus scheme comprising a representative of the Scheme Council and at least 2 Scheme Landlords, but not including the Scheme Partner responsible for the original decision. If an officer of the Scheme Council, acting as Administering Scheme Partner, made the original decision under review, then a Senior Officer of the Scheme Council not involved in the original decision may be represented on the Panel.

Applicants will be afforded the opportunity of presenting their case in person to the Panel if so desired. A meeting will be convened within 15 working

days of the acknowledgement letter being issued and a decision will be provided within 10 working days of the meeting.

8.4.3 Following the review, where a higher priority band is awarded at stage 1 or 2 of the appeals process as a result of information previously considered as part of an earlier banding decision, or as a result of further information relating to the same set of circumstances previously considered, the Band Effective date in the higher band will be the same as that which had been awarded in the lower priority band. If a priority has been refused previously, but subsequently awarded at Stage 1 or 2 of the appeals process then the Band Effective date will be the date the original decision was made.

8.4.4 If at stage 1 or 2 of the appeals process new information is considered as a result of a change in the applicant's circumstances resulting in a change in the priority band, the Band effective date will be the date the appeal is considered.

## **8.5 Further Redress**

8.5.1 If applicants are still dissatisfied then they may seek other forms of external redress, such as the Local Government Ombudsman ([www.lgo.org.uk](http://www.lgo.org.uk)) or through a legal process known as Judicial Review. Both of these forms of redress are primarily concerned with ensuring that correct procedure has been followed rather than the actual decision made, although they will consider whether the scheme policy on which a decision was based is lawful.

## **8.6 Complaints**

8.6.1 A request for a review is in effect an appeal against a decision which has been made with which you do not agree. A complaint is different – it is an expression of dissatisfaction with the level of service received, or the way it was provided.

8.6.2 Complaints should be made to the organisation that you consider has not provided a satisfactory service, and will be dealt with under that organisation's complaints procedure. Details of how to make a complaint can be found on the web site of each organisation.

### EXTRACT FROM CODE OF GUIDANCE

#### *Persons from abroad*

**3.5** 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)).

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

#### *Persons subject to immigration control*

**3.7** The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

**3.8** The following categories of persons do not require leave to enter or remain in the UK:

(i) British citizens

(ii) certain Commonwealth citizens with a right of abode in the UK

(iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.11 (iii) below) with the UK which allows free movement

(iv) EEA nationals<sup>5</sup>, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive)

(v) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

**3.9** Any person who does not fall within one of the four categories in paragraph 3.11 will be a person subject to immigration control and will be ineligible for an allocation of

accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).

**3.10** If there is any uncertainty about an applicant's immigration status, housing authorities are recommended to contact the UK Border Agency (UKBA). UKBA provides a service to housing authorities to confirm the immigration status of an applicant from abroad (non asylum seekers) by email at LA@UKBA.gsi.gov.uk. Where UKBA indicates the applicant may be an asylum seeker, enquiries of their status can be made to the Immigration Enquiry Bureau helpline on 0870 606 7766.

**3.11** Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

i) *a person granted refugee status*: granted 5 years' limited leave to remain in the UK

ii) *a person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds*: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay. However, if leave is granted on condition that the applicant and any dependants are not a charge on public funds, the applicant will not be eligible for an allocation of accommodation. Exceptional leave to remain (granted at the Secretary of State's discretion outside the Immigration Rules) now takes the form of 'discretionary leave'.

iii) *a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area)*: such a person will have indefinite leave to enter (ILE) or remain (ILR) and is regarded as having settled status. However, where ILE or ILR status is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later - to be eligible. Where all sponsors have died within the first five years, the applicant will be eligible for an allocation of accommodation.

iv) *a person who has humanitarian protection granted under the Immigration Rules<sup>6</sup>*: a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395))

*Other persons from abroad who may be ineligible for an allocation*

**3.12** By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

(i) a person who is not habitually resident in the Common Travel Area (subject

to certain exceptions - see paragraph 3.14 below)

(ii) a person who's only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) ('the EEA Regulations').

(iii) a person who's only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations

(iv) a person who's only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

**3.13** See annex 2 for guidance on rights to reside in the UK derived from EU law.

**3.14** The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

a) an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)

b) an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)

c) a person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (i.e. nationals of Bulgaria and Romania required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work)

d) a person who is a family member of a person referred to in (a) to (c) above

e) a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations

f) a person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there

g) a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person's passport.

**3.15** A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations (see annexes 2 and 3 for further guidance).

**3.16** The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.



**3.17** Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident (see annex 4 for further guidance).

## APPENDIX 2

### REGISTRATION ON THE PROPERTY POOL PLUS SCHEME – EVIDENCE REQUIRED

Applicants must fill in a new Property Plus Application Form.

This can be accessed online at: [www.propertypoolplus.org.uk](http://www.propertypoolplus.org.uk)

Paper copies will be available from all registered providers within the scheme.

#### What evidence do we need?

When accepting evidence, note that one piece of evidence may provide evidence to cover more than one of the necessary proofs below e.g. a full UK drivers License will provide both Identification and may provide Proof of address also. In cases such as this one proof will be enough.

Photocopies of evidence will be accepted.

#### **National Insurance Number (Lead and Joint Applicant)**

Proof of National Insurance number for both the main and joint applicant, originals must be seen and photocopied. Alternatively a copy of a document with NI number on e.g. a payslip will suffice.

#### **Identification (Lead and Joint Applicant)**

Acceptable forms of ID include one proof from the following list:

- Current Full Passport
- Birth Certificate
- Current UK or EEA Photo card Driving License
- Current Blue Disabled Drivers Badge
- Current Benefit Agency Benefit Book/ DWP Correspondence
- Armed Forces ID Card
- Current EEA Member State ID Card
- Northern Ireland Electoral ID Card

#### **Proof of Residence (everyone living in the home)**

As above or if identification and current address are different – one from the following list:

- Council Tax Bill
- Bank/ Building Society/ Credit Union statements/ Passbook
- Current Benefits Agency Benefit book or correspondence
- Utility Bill – Gas/ Electric/ Water (not mobile phone)
- Household or Motor car insurance
- TV Licence reminder
- Vehicle tax reminder
- Letter from Social Services – e.g. if applicant has been living in hostel accommodation.

Proof of residence must be within the previous 3 months before application.

### **Landlord Reference**

- The lead applicant must provide a landlord reference.
- The joint applicant must provide a separate landlord reference if lead and joint applicant are not currently living at the same address.
- If applicant unable to provide landlord reference e.g. currently living with parents / friends a character reference will be accepted provided:
  - Character reference is provided by non-family member
  - Referee has known applicant for over 2 years
  - Referee has known applicant in a professional capacity – through work, education, voluntary employment.

If an applicant is unable to provide a reference meeting the criteria outlined above, the Scheme Partner may use their discretion and agree to accept an alternative such as:

- Proof of rent payment – e.g. bank statement
- Letter from a support worker
- Housing benefit statement etc