



HOUSING SERVICES

ALLOCATIONS POLICY

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Version control

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1. Introduction

- 1.1 All local housing authorities are required by law to have a scheme (or policy) for determining priorities and procedures when allocating social housing. This document sets out the housing allocation policy for Cannock Chase District Council (the Council). The policy sets out who is eligible and qualifies for social housing, and how the Council decides who should have priority for those properties that are available.
- 1.2 The Council will ensure in implementing this policy that its obligations in law are met, that is, under Part 6 Housing Act 1996 as amended by Localism Act 2011.
- 1.3 The vision for Housing Services is to maintain the Council's housing stock in good condition and progressively update and improve it and the immediate environments, to maintain the decent homes standard and meet the aspirations of tenants.
- 1.4 The Allocations Policy sets out the aims, objectives, priorities and processes to which the Council will work when allocating empty properties to applicants and transferring tenants.
- 1.5 In developing this policy consideration has been given to the nature and availability of social housing within the area the Council operates. The Council will work in co-operation with other Registered Providers, Social Landlords and landlords in the Private Sector to help meet housing need in the area.
- 1.6 In addition to meeting housing need, this policy aims to set the objectives to ensure that the Council provides an efficient, responsive and customer focussed allocations and lettings service incorporating choice and accessibility.
- 1.7 This policy will be monitored and reviewed, when necessary, to ensure that it continues to meet local needs, responds to changes in the local housing market, meets to council's strategic objectives and remains legally compliant.

2. Aims and Objectives

- 2.1 The Allocations Policy seeks to ensure that the Council makes best use of its stock to meet the needs of transferring tenants and applicants, and help to build sustainable communities.
- 2.2 Meeting those in greatest housing need, having regard to any legislative requirements and Codes of Guidance issued by both the Ministry of Housing Communities and Local Government and the regulator for social housing providers.
- 2.3 This Allocations Policy supports the Council's Corporate Plan 2022-26, in particular the following priorities:

Priority 2- Health & Wellbeing - "To encourage and support residents to lead healthy and independent lives"

- By supporting residents that need our help.

Priority 3 - The Community - “To ensure Cannock Chase is a place that residents are proud to call home”

- By improving the housing offer across the District.

Priority 4 - Responsible Council - “To be a modern, forward thinking and responsible Council”

- By improving our customers’ access to services.
- By making the best use of our assets.

2.4 The Allocations policy objectives are:

- (a) Provide realistic informed choice to all.
- (b) Operate a Choice Based Lettings Scheme that is simple, easy to understand, transparent, open and fair.
- (c) Address vulnerability and deal fairly and consistently with customers irrespective of race, disability, gender, age, sexual orientation, gender reassignment, religion and/or belief, pregnancy/maternity, or marriage status in accessing the scheme.
- (d) Comply with legislative and regulatory requirements to give appropriate priority to applicants who fall within the ‘Reasonable Preference’ and ‘Additional’ categories as set out in Part 6 of the Housing Act 1996 including the Housing Act 1985 (as amended).
- (e) Empower applicants by giving them more opportunity to express choice and preferences about where they want to live, whilst taking into consideration both the availability of housing resources and the high demand for housing.
- (f) Regularly review the allocations policy to ensure it is relevant to local circumstances, complies with legislation and is effective.

3. Statutory Framework and Legal Principles

3.1 Before adopting the policy or making any alteration that reflects a major change, the Council will send a copy of the draft policy, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have a nomination arrangement in accordance with Section 166A (13) (a) Housing Act 1993.

3.2 The Allocations Policy takes into account the following legislation and regulations, including but not restricted to:

- Housing Act 1985, 1988 and 1996
- Immigration and Asylum Act 1999
- Human Rights Act 1998
- Freedom of Information Act 2000
- Children (Leaving Care) Act 2000
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, as amended
- Equality Act 2010

- The Localism Act 2011
- Welfare Reform Act 2012
- ASB Crime and Policing Act 2014
- Homelessness Reduction Act 2017
- Public Sector Accessibility Regulations 2018
- Data Protection Act 2018 (which is the UK's implementation of the General Data Protection Regulations)
- Armed Forces Act 2021 and Armed Forces Covenant
- Domestic Abuse Act 2021
- Allocation of accommodation: guidance for local authorities (as amended June 2022)
- Homelessness Code of Guidance for local authorities (as amended, Jan 23 latest)

3.3 Unless specified otherwise, references in brackets throughout the document - for example (S166) - refer to the corresponding paragraph or section of the Housing Act 1996.

4. Protection of Public Funds

4.1 The Council is committed to protecting the public funds entrusted to it. The allocation of social housing via this Allocations Policy is considered to be the allocation of public funds. The Council will seek to ensure that all housing allocations are in accordance with this policy and that applicants on the Housing Register are subject to thorough verification and identity checks to minimise losses to fraud and corruption.

4.2 Fraud, Misrepresentation or Withholding Information-

- (a) Under section 171 of the Housing Act 1996 it is a criminal offence for anyone to try and obtain accommodation from the Council by knowingly or recklessly giving a false statement or knowingly withholding information. Offences under these provisions are prosecuted in the Magistrates' Court and carry an unlimited maximum fine for offences committed after 13 March 2015. The Council may seek possession of a tenancy that was granted because of a false statement and may also attempt to recover any costs incurred. Housing Register applicants are also reminded that it is an offence under the Counterfeiting and Forgery Act 1981 to hold or present false documents such as passports or bank statements with a view to receiving goods or services including social housing.
- (b) It is also an offence, in accordance with Section 2 of the Fraud Act 2006, for a person to dishonestly make a false representation, that is a representation that the person making it knows is or might be untrue or misleading and intends, by making the representation to make a gain for himself or another, or to cause loss to another or to expose another to a risk of loss.
- (c) Failure by an applicant to inform the Council of changes to his/her application or deliberately withholding information relevant to, or misrepresenting, his/her housing circumstances, may result in an offer/nomination for accommodation being withdrawn.
- (d) Under certain circumstances we may also prosecute any applicants who deliberately provide us with false information.

- (e) You can be disqualified from registering if you are found to have given false or misleading information in connection with your application.

5. Eligibility and Qualification

5.1 What is an allocation:

- (a) The selection of a person to be a secure or introductory tenant of housing accommodation held by the Council;
- (b) Nominating a person to be a secure or introductory tenant of housing accommodation held by another housing authority; or
- (c) Nominating a person to be an assured or starter tenant of housing accommodation held by a registered provider.

5.2 Allocations which are excluded from the Policy are:

- (a) successions to a tenancy.
- (b) assignments by mutual exchange or introductory tenancy or succession.
- (c) transfer pursuant to a court order.
- (d) an introductory tenancy becoming secure.
- (e) provision of alternative accommodation to an existing secure tenant or introductory tenant where this is instigated by the Council such as decants (S160).
- (f) Transfers that are initiated for management purposes.

*There are also situations set out in legislation where the Allocation Scheme rules are not applied. Where the local authority has a duty to find accommodation for a household under section 39 of the Land Compensation Act 1973.

5.3 Applicants must be eligible and qualify for an allocation of accommodation. Applicants will be assessed for eligibility and qualification (as per S160ZA). The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are set out in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (as amended) ('the Eligibility Regulations').

5.4 Advice and assistance must be available free of charge to people who wish to apply for and be allocated a property (S166(1)). An applicant must be informed that they have the right to request general information to assess:

- (a) How their application is likely to be treated;
- (b) Whether accommodation appropriate to their needs is likely to be made available and how long it is likely to be before such accommodation becomes available (S166(1A)).

5.5 Any details, including the fact an application has been made, must not be divulged to a third party without the applicant's consent (S166(4)).

- 5.6 The policy may determine priorities and include the procedures to be followed as set out below (S166A(2)). The policy must include a statement on the opportunity to express preferences about the housing accommodation to be allocated (S166A(2b)).
- 5.7 Priorities must be based on the reasonable preference categories which are:
- (a) people who are homeless (within the meaning of Part 7 of the 1996 Act).
 - (b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any housing authority under s.192(3).
 - (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
 - (d) people who need to move on medical or welfare grounds, including grounds relating to a disability, and;
 - (e) people who need to move to a particular locality in the District of the housing authority, where failure to meet that need would cause hardship (to themselves or others) (S166A(3)).
 - (f) People who need to move into the District for work related reasons (including key workers), under the “Right to Move” (Allocation of housing (Qualification Criteria for Right to Move) (England) Regulations 2015/967).

Reasonable preference categories are included within priority Bands 1-4 as detailed below in section 13.

- 5.8 Applicants must not be given reasonable preference under paragraph (a) or (b) of S166A(3) if they would only qualify for reasonable preference by taking into account a **‘restricted person’** within the meaning of Part 7 (s.166A(4)). A restricted person is a person subject to immigration control who is not eligible for homelessness assistance because he or she does not have leave to enter or remain in the UK or has leave which is subject to a ‘no recourse to public funds’ condition (s.184(7) of the 1996 Act). together with additional preference to persons in urgent housing needs (S166A(3)).
- 5.9 The Localism Act 2011 enabled local housing authorities to decide which classes of persons are, or are not, qualifying persons for the purposes of allocating housing. The qualification and eligibility criteria is set out throughout this policy and reference to non-qualification matters are detailed in paragraph 11.2 (however this is not exhaustive and need to be read in conjunction with qualifying criteria).
- 5.10 All applications must be considered if made in line with the requirements of this policy (S166(3)).
- 5.11 Applicants must be advised in writing (letter or email) of any decisions made in respect of their application (s166A(9)(b)).
- 5.12 Additional preference must be given to the following categories of people (as required by regulation) who fall within one or more of the reasonable preference categories and who have urgent housing needs:
- (a) Former members of the Armed Forces, excluding those who have been dishonourably discharged from the service;
 - (b) Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service;

- (c) Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;
 - (d) Serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service.
- 5.13 Applicants must be able to request a review of any decision, which will be through the Council's Appeals and Complaints Procedures (S166A(9)(c)), as set out in section 23.
- 5.14 There are also situations set out in legislation where the Allocation Policy rules are not applied. These are:
- Where the local authority has a duty to find accommodation for a household under section 39 of the Land Compensation Act 1973;
 - Where the local authority grants a secure tenancy to a former owner-occupier or statutory Tenant of a defective dwelling-house under sections 554 and 555 of the Housing Act 1985 (as amended).
 - Where allocation of housing accommodation is to a person who lawfully occupies accommodation let via a third party agreement.

6. Service Standards to our customer

As part of our commitment to our customers, the Council will:

- Treat applicants with courtesy and respect
- Listen
- Be helpful and polite
- Try to deal with applicants at first point of contact with the service
- Make things as easy as possible
- Deal with any complaint in line with our complaints procedure

7. Equality Policies and Practices

- 7.1 The Council will ensure its policies and practices are non-discriminatory and will promote equality by preventing and eliminating discrimination on the grounds of race, disability, gender, age, sexual orientation, gender reassignment, religion and/or belief, pregnancy/maternity/paternity or marriage status.
- 7.2 The scheme will be accessible, responsive, and sensitive to the diverse needs of individuals. The Council's aim is to create an environment where equality is at the heart of everything we do. The impact of this policy will be monitored, to ensure that it promotes equality to everyone.
- 7.3 All applicants will be asked to provide details of their circumstances and any personal information when they apply to join the register. Equal opportunity will be given to all in applying and receiving offers of accommodation.
- 7.4 The Council will ensure all potential applicants have impartial information about the service and equal opportunity to apply, express an interest in and receive offers of

accommodation. To ensure that vulnerable groups are not disadvantaged by the Choice Based Lettings Scheme, the Council will:

- provide practical assistance to those who may have difficulty in understanding the requirements of the online system.
- provide practical assistance in the applicants preferred way, where the applicant may have difficulty completing an application online.
- provide tailored assistance to those who may have difficulty expressing an interest in properties, including expressing an interest on their behalf, if that is necessary.
- monitor the profile of those who are applying and expressing an interest in properties, to ensure that minority and hard to reach groups are actively engaged in the service.

8. Data Protection and Privacy

8.1 Any personal data provided to the Council will be managed in line with the requirements of the Data Protection Act 2018 (which is the UK's implementation of the General Data Protection Regulations GDPR). The Council will use personal information solely to respond to customers and improve services. The Council will take all reasonable steps to ensure that the data and information (including sensitive information) it collects and holds is protected against any unauthorised access, with a particular emphasis on IT security. This has regard to the fact that it is an offence for a person to cause a computer to perform any function with intent to knowingly secure unauthorised access to any program or data held on the electronic device, or to knowingly enable any such unauthorised access to be secured in accordance with Section 1 of the Computer Misuse Act 1990.

8.2 We collect and process a range of data relating to Housing Register applications including names, addresses and address history, national insurance numbers, information relating to ethnicity and gender, as well as sensitive information i.e. relating to medical health needs. We only collect personal data that we need in order to deliver our services.

8.3 All data is held in line with our obligations under the Data Protection Act 2018 and our Data Retention and Destruction Policy. All applications for housing accommodation will be dealt with in a confidential manner and only accessed by those who need to see it. Information held by the Council will not be disclosed to any third party except where:

- the individual who is the subject of such confidential information has consented to disclosure to a third party to facilitate securing accommodation e.g. through a nomination to a Registered Provider where an information sharing protocol is in place; or
- the Council is permitted to disclose the information under data protection legislation; or
- there is a requirement in law to make such disclosures; or
- it is considered by the Council that the applicant has provided freely-given, specific and informed consent for any information held on an application to be shared with other social housing landlords, such as Registered Providers, and other agencies.

- 8.4 An applicant accepted onto the Housing Register is entitled to see their entry and receive a copy of the details we hold. An applicant also has the right to request general information to assess how their application is likely to be treated under the Allocation Policy and whether housing appropriate to their needs is likely to be made available to them.
- 8.5 For more details about how we use your data – please see our Data Protection webpages which can be found at: <https://www.cannockchasedc.gov.uk/council/about-council/data-protection>

9. The Council's Choice Based Lettings Scheme – Principles

- 9.1 The Council's statement on providing the opportunity to express preferences about the housing accommodation to be allocated, in accordance with S166A(2b), is:-

“The Council want you to be happy in your home. We are committed to providing applicants and transferring tenants with a choice regarding the type of property they live in and the area to which they choose to move to.”

- 9.2 The Council may decide on the principles on which the allocations policy is to be framed (S166A(11)) which are:

- (a) Allocations to applicants who are existing Cannock Chase DC tenants ('transfer applicants'), tenants of another local authority or tenants of a registered provider of social housing (most commonly known as Housing Associations) will be considered on the same basis as all other applicants (S159(4A)), other than that such tenants will normally:
- a. have to have been tenants in their current council or registered provider home for at least the preceding 12 months; and
 - b. be required to demonstrate that they have successfully completed the 'introductory' or 'starter' period of their tenancy; or
 - c. not be or have been subject to an extension of their introductory or starter tenancy period in which terms apply (or were applied) and remain in force (other than engaging with support services to help sustain a tenancy), in relation to their behaviour or satisfactory conduct of their tenancy¹ at the time of application; and
 - d. be expected to pursue all options with their existing landlord (where this is not CCDC), including transfer, mutual exchange, resolution of any housing management matters (and/or where applicable, adaptation of their existing or another home) before their application can be considered or given any reasonable or additional preference
- (b) Additional preference must be given to:
- (i) Serving and former Armed Forces applicants as set out in para 5.7 above, excluding those former members who have been dishonourably discharged from the service.

In addition, additional preference will also be given to:

- (ii) Those who need to move for urgent medical reasons

¹ As determined by the applicant's landlord

- (iii) Families in severe overcrowding
- (iv) Homeless and require urgent housing – as a result of violence, fire or flood

Additional preference applicants are placed in priority Band 1, except for Out of Area applicants who are placed in Band 4.

- 9.3 The following factors will be taken into account in assessing an applicant's qualification for an allocation:
- (a) The behaviour of a person (or a member of their household) which affects their suitability to be a tenant(s).
 - (b) A breach of tenancy.
 - (c) Current and Former Tenant arrears. Where affordability or financial hardship is an element of the housing need of the applicant, this will be considered in assessing an applicant's qualification status.
 - (d) Any local connection (with the exception of Armed Forces applicants as required by Regulation) S166A(5)(b)(c)).
- 9.4 Provision is made about the allocation of particular housing accommodation:
- (a) To persons who make specific application for the accommodation.
 - (b) To persons of a particular description (s166A(6 and 3)).
- 9.5 The allocation policy has regard for the Council's Tenancy and Housing, Homelessness and Rough Sleeping strategies (S166A(12)).
- 9.6 A key principle of the Council's Allocation Policy is that it will provide a choice based lettings scheme.
- 9.7 The principles of the Council's Choice Based Lettings (CBL) Scheme are:
- (a) Priorities will be assessed against a pre-determined criteria and placed into 4 main bands, plus a priority 'Band 1+'.
 - (b) Allocations will be made to the applicant in the highest banding with the earliest band effective date, who is not considering another offer and in accordance with "in band" prioritisation, property eligibility and property preferences.
 - (c) Properties will be advertised via the internet, on [Housing Online](#).
 - (d) Applicants will only be considered for an allocation of a property by making an Expression of Interest or if homeless, additionally, through Expression of Interest for suitable accommodation made by the Housing Options Team.
 - (e) All properties will be allocated through the CBL scheme with the exception of direct offers (where required) and for any properties excluded for management moves/exceptional circumstances.
 - (g) Applicants (other than those who are homeless and social housing tenants with arrears who are eligible to transfer) will receive three offers of accommodation.

10. Eligibility

- 10.1 Applicants will be assessed in accordance with S160ZA on receipt of an application to determine if:
- (a) they are eligible for an allocation of accommodation.
 - (b) they qualify for an allocation of accommodation.
- 10.2 An applicant may be reassessed for eligibility prior to receiving an offer of accommodation if a substantial amount of time has lapsed or information has been provided that indicates a change in circumstances.
- 10.3 Information and guidance on eligibility of applicants is contained in the [Government's Allocation of accommodation: guidance for local authorities in England](#) and this policy.
- 10.4 Enquiries will be made to the Border Agency on issues relating to an applicant's immigration status if applicable.
- 10.5 Accommodation will only be allocated to people who are defined as 'qualifying persons' in accordance with S160ZA (6).
- 10.6 The Council cannot allocate housing to anyone who is not eligible to join the Housing Register, even jointly with someone else who is eligible to join the Housing Register.
- 10.7 Applications to the Housing Register can be accepted from employees and elected members as well as from their close relatives, provided they are eligible to apply in line with the policy. Any such applicants must disclose their connection to the Council (whether that be by employment, election or family connection to an employee or elected member) at the time of their application. Failure to disclose such a connection at the time of application could result in suspension of the application process.

11. Qualification

- 11.1 Accommodation will only be allocated to applicants who qualify under one of the following:
- (a) Are aged 18 or over and have lived in the District continuously for the last 2 years.

Note: This requirement will not apply to:

- (i) existing applicants who have been accepted onto the housing register through a housing application received before implementation of this policy;
- (ii) existing social housing tenants who hold a tenancy within the Cannock Chase District Council area;
- (iii) social housing tenants moving to the District under the "Right to Move" across local authority boundaries because of a need to move to the district to avoid hardship; and key workers needing to move because they work in the district; or to take up an offer of permanent work.
- (iv) applicants who meet the reasonable preference categories as set out in 5.7 above.

- (v) The Council will only grant tenancies to people aged 16 or 17 in exceptional circumstances and may need an adult or organisation to guarantee to pay the rent if they get into arrears. Further detail in paragraph 11.2.5.
- (b) Require Independent Living (sheltered housing / housing for older people) accommodation and have a close relative who lives in the District from whom they need to receive support.
- (c) Are a restricted person as per Regulation 3 of the Eligibility Regulations i.e. subject to Immigration Control but eligible for housing allocation and homelessness assistance.
- (d) In one of the special groups:
1. Homeless or owed a homelessness duty - Households who are owed a Duty under Homelessness can bid and qualify for offers in accordance with the Duty owed to them by the Council's Housing Options Service.
 2. Owner Occupiers[^] - Owner occupiers will only qualify for allocation of accommodation if one of the following criteria is met:-
 - unintentionally homeless and in a priority need category as defined by part VII of the Housing Act 1996 as amended 2002.
 - home is affected by a Demolition or Closing Order.
 - live in the district and awarded a high medical priority by the Council's Medical Panel and the equity released from the sale of their current home (and/or other properties they own or in which they have a financial interest) would be £80,000 or less.
 - requesting Independent Living accommodation and the equity released from the sale of their current home would be £80,000 or less.

[^]For the purpose of this policy, 'owner occupier' means someone who lives in a property they own (solely or jointly, outright or mortgaged) or who owns or has any financial interest in one or more other residential properties in the UK or in any other place. Applicants must declare any such properties and/or financial interest as part of their housing application.
 3. Households who are required to "move on" from supported accommodation.
- (e) Members of the Armed Forces – Households will qualify if, the applicant or their spouse / civil partner meets one of the following criteria:
- (i) Are serving Members of Armed Forces.
 - (ii) The applicant or spouse / civil partner was a serving member of the Regular Armed Forces, who left the service less than 5 years previously from the date of application and is in urgent housing need.

- (iii) The bereaved spouse or civil partner of a member of the Armed Forces is leaving Family Accommodation following the death of their spouse or partner.
 - (iv) Is a serving or former member of the Armed or Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service; or their spouse / civil partner or other member of their household has a serious injury, medical condition or disability sustained after they moved into their current service or other accommodation.
- (f) Social housing tenants, including key workers, who need to move across local authority boundaries for work related reasons under the “Right to Move”, as set out in *Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967)*. Households will qualify if, the applicant, or a member of the household, meets the following criteria:
- (i) Is either:
 - Employed within the District on a contract of employment which is intended to last for at least 12 months, OR
 - Has an offer of employment within the District on a contract of employment which is intended to last for at least 12 months.
 - (ii) The number of hours worked or to be worked is at least 24 hours per week.
 - (iii) The contract of employment provides or intends to provide paid employment. Voluntary work, where no payment is received, or only in respect of expenses, is excluded within the Qualification Criteria.
 - (iv) Needs to travel for over one hour from their current home to their place or proposed place of employment, taking into account the household members ability to drive and the availability of public transport.

NOTES:

All “Right to Move” applicants will be required to provide appropriate documentary evidence in relation to the above factors. The Council reserve the right to contact the applicant’s employer/prospective employer to verify the information provided.

As per the Right to Move and social housing allocations statutory guidance, all local authorities should adopt such an approach for cross boundary lettings and considers that an appropriate quota would be at least 1%. Therefore the number of moves to Cannock Chase under the ‘Right to Move’ will be capped at four (4) per financial year. The Council averages around 320 lettings per year, so 4 from 320 is 1.25%. Should the number of lettings increase or decrease significantly, then this quota will be revised.

- 11.1.1 The Council will accept single and joint applications. Joint tenancies will only be granted between husbands/wives/civil partners/un-married couples or between siblings, if there is a reasonable expectation that they live together.

- 11.1.2 Additional persons who can be included on a housing application must be members of the applicant's immediate family who normally live with the applicant or the Council is satisfied that there is a reasonable expectation that they will live with them.
- 11.1.3 Any other person will only be included on an application if the Council is satisfied that it is reasonable for that person to live with the applicant for example, emerging families or carers. This will exclude lodgers or anyone subletting from the applicant.
- 11.1.4 Anyone over 16 years of age included on an application as part of a household will also be included in the full assessment of the application including income, capital, and assets.
- 11.1.5 Children of applicants are only allowed on the application of the parent who has residency of the child(ren) and to whom Child Benefit is paid. For the purposes of this scheme a child is defined as someone who is either under the age of 18 or who is still dependant on the applicant e.g. due to continuing education. There must be a reasonable expectation that the child will live with the parent. A mutual shared agreement can be accepted but this must be evidenced and proven.

11.2 Non-Qualifying - Rent arrears

11.2.1 If you or members of your household have current or historical rent arrears serious enough to make you unsuitable to be a Council or Registered Provider tenant, we will treat you as non-qualifying and you will be excluded. This applies to all applicants and tenants including those where the unacceptable rent arrears occurs or comes to light after the applicant has been accepted onto the register. Such rent arrears or housing related debts includes but is not limited to:

- (a) Applicants and/or any member of an applicant's family who have had a possession order made against them for arrears of rent regardless of tenure.
- (b) Applicants and/or any member of the applicant's household with a recoverable housing related debt associated with a tenancy that has now terminated. Housing related debts may include:
 - (i) rent arrears from a Council, Registered Provider or private tenancy; all applicants and transferring tenants who owe irrecoverable current or former tenants arrears will be placed in Band 4 and will only be eligible for higher band or allocation of a property when the arrears are cleared.

*In exceptional circumstances it may be possible to review the ineligibility for higher band award and/or allocation of a property if a substantial part of the irrecoverable former tenant arrears has been cleared and adequate arrangements made to clear the remainder.

- (ii) former tenancy arrears; all applicants and transferring tenants who owe statutorily recoverable former tenant arrears are excluded including applicants who have had their rent arrears included in a current active Debt Relief Order (DRO), Breathing spaces or similar debt recovery order.

*In exceptional circumstances it may be possible to review the exclusion if a substantial part of the current or former tenant arrears has been cleared and adequate arrangements made to clear the remainder. An Exclusion Panel,

made up of the Tenancy Services Manager and senior officers, will determine the decision.

- (iii) rent arrears which resulted in an eviction;
- (iv) Housing Benefit overpayments;
- (v) Council Tax arrears;
- (vi) court costs;
- (vii) repair charges;
- (viii) debts owed to lenders.

In determining whether an applicant does not qualify due to unacceptable rent arrears, the Council will consider:

- (c) Whether the applicant has demonstrated a clear commitment to repaying any debt by maintaining a repayment plan for at least 13 weeks.
- (d) An applicant with housing-related debt exceeding £500 will be suspended from being able to bid until the applicant has made an agreement to pay off the debt and has kept to it for at least 13 consecutive weeks.
- (e) An applicant with current rent arrears who cannot maintain an agreement due to affordability but are still registered to get DHP.

11.2.2 Exceptions to the above will be considered on a case-by-case basis by the Exclusion Panel in conjunction with the body to whom the debt is owed. In particular, exceptions will be considered for tenants being affected by under occupation charges who are seen to be trying to keep up with their rent payments but nevertheless have fallen into arrears; those who have been accepted as statutorily homeless by Cannock Chase District Council; and "Downsizing" social housing tenants with rent arrears who are affected by the social sector size criteria who are eligible for a transfer to smaller accommodation. Exceptions will be approved by the Head of Service.

11.2.3 Applicants aged 16 and 17 will not normally be allowed to apply, the only exceptions to this are as follows:

- (a) Where a statutory homelessness duty is owed;
- (b) For care leavers 6 months before their 18th birthday to allow the Council to work with them effectively to help source suitable alternative accommodation to try and prevent them from becoming homeless;
- (c) Joint applicant with another person over 18 years old;
- (d) Under exceptional needs.

11.2.4 Applicants can request a review of their decision on grounds of eligibility and qualification. See Section 23.

11.3 Non-qualifying - unacceptable behaviour.

11.3.1 If you or members of your household have been guilty of unacceptable or anti-social behaviour serious enough to make you unsuitable to be a Council or Registered Provider tenant, we will treat you as non-qualifying and you will be excluded. This applies to all applicants and tenants including those where the unacceptable

behaviour occurs or comes to light after the applicant has been accepted onto the register.

Such unacceptable behaviour includes but is not limited to:

- (a) Applicants and/or any member of the applicant's household who have been served with a Notice of Seeking Possession [or equivalent notice] in relation to behaviour or conduct of tenancy, excluding non-payment of rent, regardless of tenure.
- (b) Applicants and/or any member of the applicant's household who have been subject to any anti-social behaviour powers given to the Council by law.
- (c) Applicants and/or any member of an applicant's household, including lodgers or visitors, who have been given an order made in a civil or criminal court that is linked to a property or the locality of a property.
- (d) Perpetrators of domestic abuse.
- (e) Applicants and/or any member of an applicant's household who have been evicted from a tenancy due to a breach of any tenancy condition.
- (f) Applicants and/or any member of an applicant's household who have been convicted of using a property for immoral or illegal purposes.
- (g) Applicants and/or any member of an applicant's household who have an unspent criminal conviction committed in, or in the locality of a property.
- (h) Applicants and/or any member of an applicant's household who have committed an act of fraud, withheld, falsified or misrepresented any information pertaining to access to public funds and/or services.
- (i) Applicants and/or any member of an applicant's household who have displayed threatening, violent or otherwise abusive behaviour towards a Council or partner registered provider employee or person employed to undertake work on their behalf and legal action was taken.
- (j) Committing a serious offence, for which they could be arrested, in (or in the area near) their home.
- (k) Deliberately damaging their home.
- (l) Knowingly or recklessly giving false statements in relation to a housing application.
- (m) Applicants with substantial rent arrears (not caused by factors outside the applicant's control), and persistent non-payers of rent.
- (n) Applicants and/or any member of an applicant's household who have committed tenancy fraud or other serious tenancy breaches.
- (o) Or, where the Council believes any person covered by this section has caused harassment, alarm, distress, nuisance or inconvenience to any other person whilst engaging in unlawful behaviour within the District.

In determining whether an applicant does not qualify due to unacceptable behaviour, the Council will consider:

- (p) Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- (q) The length of time since the behaviour, has the applicant conducted themselves satisfactorily for a suitable period of time ever since the event? Dependent on the seriousness or criminality of the behaviour.
- (r) Was the unacceptable behaviour serious enough to deem the applicant unsuitable to be a tenant?
- (s) At the time of the application or allocation, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of their household?

11.3.2 Exceptions to the above will be considered on a case-by-case basis by the Exclusion Panel, taking account of evidence of the nature, type, duration and history of the behaviour, legal proceedings taken or in progress, any change in behaviour since it last occurred and the actual or intended outcomes of services, support, or other steps in place to manage, mitigate or prevent future recurrence. No blanket application of or exemption from exclusion will apply to any category of persons, any protected characteristics or any applicant circumstances, which will each be considered on their own merit. Exceptions, which would normally have resulted in exclusion, will be approved by the Head of Service.

11.3.3 Applicants aged 16 and 17 will not normally be allowed to apply, the only exceptions to this are as follows:

- (a) Where a statutory homelessness duty is owed;
- (b) For care leavers 6 months before their 18th birthday to allow the Council to work with them effectively to help source suitable alternative accommodation to try and prevent them from becoming homeless;
- (c) Joint applicant with another person over 18 years old;
- (d) Under exceptional needs.

11.3.4 The exclusion only applies to the member(s) of the household who were participative in the unacceptable behaviour, with other household members being able to make a separate application for housing. Unacceptable behaviour also includes but is not limited to substantial rent arrears cases (not caused by factors outside the applicant's control), persistent non-payers, tenancy fraud or other tenancy breaches.

11.3.5 The exclusion will be for a set period of time which will be detailed in the information sent to the applicant informing them of the terms of their exclusion and may include conditions after the exclusion period which an applicant must be able to demonstrate have been fulfilled prior to the exclusion ending. Persons subject to the criteria set out above cannot be granted a sole tenancy or participate in a joint tenancy. Following the exclusion ending an applicant must submit a new housing application to re-join the housing register.

11.3.6 Applicants can request a review of their decision on grounds of eligibility and qualification.

12 Reasonable and Additional Preference

- 12.1 Additional preference to be given to applicants who are assessed as being in the reasonable preference categories ((S166A(3) and paragraph 5.7 above) and in urgent housing need:
- (a) Condition of property - Closing Order issued by the Council.
 - (b) Homeless duty - Applicants assessed as being owed a Main Duty will receive additional preference for re-housing.
 - (c) Lack of facilities – no access to a hot water supply, bathroom, inside toilet or kitchen.
 - (d) Parents forced to live apart – Having lived together previously the parents of dependant children who are forced to live apart.
 - (e) Child separated from parents - Having lived with a parent previously a child cannot occupy the current home of the parent, and that they will live as a family unit if suitable accommodation is allocated.
 - (f) Medical need – Awarded by the Medical Assessment Panel, see 12.2 below for more details.
 - (g) Welfare need - Awarded by the Welfare Assessment Panel, see 12.2 below for more details.
 - (h) Harassment including racial - Referral by statutory agencies.
 - (i) Overcrowding – Statutory overcrowded or because their present home is short of a least 3 bedrooms.
 - (j) Move on accommodation – Supported accommodation where the service is no longer needed and move on must be supported by the applicant’s current accommodation provider.
 - (k) Members of the Armed and Reserve Forces – Who fall into one of the groups below:
 - (i) Serving members of Armed Forces who are leaving Services Family Accommodation through no fault of their own and is a household with children or falls into another priority group under s189 Housing Act 1996.
 - (ii) Former members of the Armed Forces who meet the reasonable preference categories in 5.7(i).
 - (iii) Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
 - (iv) Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following death of their spouse or partner.

- (v) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- (vi) “Right to Move”. Applicants who need to move to the District for work related reasons under the “Right to Move”.

12.2 Medical and welfare grounds

12.2.1 An applicant may be awarded priority on medical grounds. If an applicant indicates a move will benefit their health or a member of their household’s health, their circumstances will be assessed. Evidence will be required to support the applicant’s case.

12.2.2 When assessing whether to award severe, moderate or low priority on medical grounds, the Council will follow the five-stage assessment as set out below:

- 1) Is the medical/disability issue serious enough for a priority banding to be considered?
- 2) If the medical condition is serious enough for a priority banding to be considered then the assessing officer should decide if there is a direct link between the identified medical problem and the applicant’s current housing accommodation/situation, i.e., on the facts obtained (from the applicant and any medical information or reports submitted including any advice from an independent medical advisor or occupational therapist) does the assessing officer accept that the applicant’s current housing accommodation/circumstances are making their medical condition or disability substantially worse, or will make it worse in the near future?
- 3) In practical terms, the officer will consider the adverse effect this has on the applicant’s ability to manage day-to-day tasks in their current home. The applicant’s current housing accommodation/circumstances may be impacting on their medical condition or disability but not to the extent that an award of banding priority should be granted under the criteria adopted for the Scheme. There are examples listed in [Annex 1](#) for when an award of severe, moderate or low priority may be awarded and they are used to guide the officer when making their decision.
- 4) Before making an award, the assessing officer needs to be satisfied there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.
- 5) If the officer is satisfied that the impact on the identified medical condition/disability would be removed or significantly improved, they would then decide whether to award a band for this impact depending on the severity of the impact. Where the case is complicated or a Severe or Moderate level of need is likely the officer will refer it to the Medical panel, made up of independent Medical Practitioners and other health support agency representatives, and Housing Officers, who will make their final decision and will be guided by this five-stage assessment process.

12.2.3 Medical priority will not normally be awarded in the following circumstances:

- a) where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied;
- b) health problems that are not affected by housing or cannot be improved by moving;
- c) where a move would only make a marginal improvement to the applicant's condition;
- d) medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame;
- e) where another reasonable course of action is available to the applicant to resolve their difficulties, such as where an applicant in another social housing property could ask their landlord/Registered Provider for assistance, DFGs etc. or could be re-housed by their landlord/RP.
- f) time-related medical problems (e.g., pregnancy-related problems or a broken leg);
- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note: under the Scheme an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact);
- h) overcrowding not impacting significantly on the applicant's medical condition. (Note: under the Scheme an applicant may receive priority separately for being overcrowded);
- i) if the situation can be resolved by equipment, minor adaptations or Disabled Facilities Works which can be implemented in a reasonable period of time.

12.2.4 Medical assessments are not just related to banding. The Council will also consider recommendations for future housing, for example regarding the floor level a household may need and whether an extra bedroom is required due to a child having autism.

12.2.5 Priority will be awarded at one of the three appropriate levels as detailed below:

- **Severe** - An applicant cannot continue to live, or return to live in their current accommodation, and they have a need for rehousing into accommodation suitable for their immediate needs. For example:
 - An applicant who is unable to be discharged from hospital into their current accommodation.
 - A wheelchair user who occupies a home where facilities are upstairs and therefore inaccessible and where ground floor flatted accommodation or a bungalow is recommended.
 - A referral has been received from a consultant or other similar health care professional stating that their current housing is having a severe effect on an applicant's (or member of their household's) mental wellbeing
 - An applicant or a member of their household who needs to move to suitable adapted accommodation because of serious injury, medical condition, or disability. This would be assessment by an Occupational Therapist.

Any Severe award will be subject to Medical panel approval

- **Moderate** - An applicant can continue to live in their current accommodation but has an urgent need for suitable alternative accommodation. This is because their medical condition and/or disability is having a substantial negative effect on their ability to live in their present accommodation. For example:
 - An applicant who requires a different type of accommodation or a different layout of accommodation including but not limited to someone who needs level access accommodation.
- **Low** - An applicant can continue to live in their current accommodation but has a need for suitable alternative accommodation. This is because their medical condition and/or disability is having a significant negative effect on their ability to live in their present accommodation. For example:
 - Someone with a degenerative condition whose needs are likely to occur in the future, typically 12 months' time.

12.2.6 Further details for assessing medical priority are contained in [Annex 1](#).

12.2.7 An applicant with care or support needs, or other serious and enduring social/welfare needs may be awarded priority on welfare grounds.

Priority will be awarded at one of the three appropriate levels as described below:

- **Severe** - There is a critical and immediate risk to the welfare of a member of the household. Examples include:
 - Where an applicant needs to provide essential support to carry out day to day activities such as washing, dressing and cooking and the support is not available by any other means.
 - Where there is a need to protect a vulnerable person and there is a firm recommendation for rehousing from a statutory agency or a recognised partner voluntary agency.
 - Where there is a protocol for rehousing Care Leavers. In these circumstances the applicant is placed in Band 1.

This covers applicants who are referred by statutory agencies, e.g. Police, Environmental Health or Domestic Violence agencies, as they are enduring harassment, and who are therefore unable to remain in their current home as a direct consequence of that harassment. **Note:** harassment implies a degree of deliberate intent with some underlying motive and can be distinguished from neighbour disputes or nuisance. Harassment includes action on grounds of age, sex, religious beliefs, sexual orientation, political views, marital or social status and racial harassment on the grounds of colour, race, nationality or ethnic/national origins.

- **Moderate** - There is a significant risk to the welfare of a member of the household. Examples include:
 - An applicant who is experiencing serious financial hardship and is unable to sustain their current accommodation through no fault of their own. Under-occupying their current accommodation and is at risk of losing their tenancy because of financial hardship.
 - Victims of harassment and abuse who remain in their current accommodation, but where the situation is having a serious detrimental effect on their well-being.

- Where an applicant needs to provide necessary support to carry out day - to-day activities such as washing, dressing and cooking and the support is not available by any other means.
- An applicant who needs to move as part of an agreed support plan to re-integrate them into the community.
- **Low** - There is an identified concern to the welfare of a member of the household where there is clear supporting evidence to show that the welfare concern can be alleviated through their rehousing. Examples include:
 - An applicant who is socially isolated and a move to access identified support network would improve their emotional well-being.
 - An applicant with limited access arrangement to their children, for example living in a property where children cannot visit/stay.

12.2.8 An applicant seeking rehousing on welfare grounds will initially have their circumstances assessed by the Allocations team. If, following the initial assessment, the applicant is assessed as having a Severe or Moderate welfare need their application will be considered by a Welfare Assessment Panel, made up of internal senior staff - Tenancy Services Manager, Assistant Tenancy Services Manager, Allocations Team Leader and Neighbourhoods Team Leader.

12.2.9 The effect that an applicant's current housing has on their medical needs or welfare will ultimately determine which banding they are awarded or determined by the panels. This is demonstrated in the below table:

Effect of current housing on medical or welfare need	Medical or Welfare Need		
	Severe	Moderate	Low
Severe	Band 1	Band 2	Band 3
Moderate	Band 2	Band 2	Band 3
Low	Band 3	Band 3	Band 3

For example: an applicant with a severe medical need but has a low effect from their current housing would be awarded a Band 3.

12.2.10 The Allocations Team are not able to offer immediate emergency accommodation. Where it is unreasonable for an applicant to remain within their current accommodation, for example they are experiencing domestic violence, the Allocations Team will refer the applicant to the Housing Options Team. The Allocations Team will not carry out a welfare or medical assessment for applicants who have been awarded a statutory homeless duty or who have been placed in Band 1 and above.

12.2.11 As part of the welfare assessment consideration will be given to where it is safe and suitable for the applicant to be rehoused. The Banding award will only apply to these locations. For example, if an applicant is experiencing violence or harassment the welfare award may only apply to properties that are in a suitably safe location.

12.2.12 Where an applicant has been awarded Medical or Welfare priority, the applicant will normally be restricted to bidding to certain types of properties and locations relevant to the applicant. Bidding outside of the restrictions can result in an application being closed.

13. Determining Priority between households – Priority Bands

13.1 In accordance with S116A the Council has determined the method by which categories of housing need are to be given preference.

13.2 A banding system will be used with a pre-determined criteria to assess priority between applicants. There will also be prioritisation of applicants within specific bands. All applications will be given an application date and a band effective date which are:

- (a) Application date is the date when the application is first received.
- (b) Band effective date is the date on which *an application was received identifying a need* which resulted in the applicant being placed in a band or the date on which an award was made depending on which could be identified soonest.
- (c) Banding is awarded based on individual circumstances. This means that those households in the greatest housing need, in particular applicants given additional preference, have the highest priority.

13.3 The Scheme will have four main bands, plus a priority band (Band 1+) for those in exceptional housing need. For information on length of time in a priority band see [Annex 2](#).

13.4 **Band One+**

Priority status Band 1+ will be awarded to Band 1 applicants in the following situations:-

- (a) Where an applicant has been accepted as being owed a main duty, are unintentionally homeless and in priority need as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence; and also
 - Fulfils one of the other Band 1 criteria which has not been taken into account as part of the homeless decision.

NOTE: Homeless applicants described above would be placed into Relief duty and given a Band 1 priority need in the first instance. Following assessment and where 56 days elapse, if an applicant has not been re-housed and the applicant is not Intentionally Homeless, the Main Duty is awarded. At this point applicants can be progressed straight into Band 1+, provided they meet the criteria above.

- (b) Families in severe overcrowding which poses a serious health hazard, such as contained in Category 1 in Housing Health and Safety Rating System (HHSRS) or as defined by Environmental Health. Supporting evidence required from Environment Health - Private Sector Housing Team.

- (c) Members of the Armed and Reserve Forces, whose housing needs are one of the types listed under Band One and are eligible for additional preference. This will normally include:
 - (i) Former members of the Armed Forces whose housing needs fall into one of the additional preference categories listed in paragraph 12.1 above.
 - (ii) Serving members of the Armed Forces leaving service accommodation through no fault of their own and comprise a family with children or fall into one of the priority groups defined by the Housing Act 1996.
 - (iii) Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - (iv) Bereaved spouses and civil partners of members of the Armed Forces leaving Services family Accommodation following death of their spouse or partner
 - (v) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
 - (vi) Single applicants and couples leaving service accommodation through no fault of their own on discharge.
- (d) Those who need to move urgently because of a life threatening illness or sudden disability and deemed as additional priority for a move by the Medical Assessment Panel.
- (e) Where the applicant's current property is subject to either:
 - i) an Emergency Prohibition Order (Housing Act 2004);
 - ii) a Demolition Order; or
 - iii) where an applicant lives in a property within the site area of an earmarked redevelopment or regeneration scheme.

13.4.1 Band 1+ will be valid for 6 months, at which time the applicant's case will be reviewed and if the applicant is not actively looking the banding will be reduced. See [Annex 2](#).

13.4.2 Applicants awarded Band 1+ will take preference over Band 1 applicants applying for the same property.

13.5 Band One

All applicants who have an urgent housing need (including households who are owed a main duty under homelessness and are in additional preference categories) and live in the Cannock Chase area. Urgent housing needs are:

- (a) Homeless duty - Applicants owed the Relief duty with a priority need determined by the Housing Options Team and proactively engaging with their Personal Housing Plan.
- (b) Parents and dependent children forced to live apart – *Having lived together previously the parents and dependant children are forced to live apart and it could not reasonably be expected for both parents to live in either of the homes*

that they occupy. And the family will all live together if suitable accommodation is allocated.

- (c) Severe medical or welfare needs – Applicants who are awarded a high priority by the Needs Assessment Panels, and also are deemed to be in current accommodation that has a severe impact upon their medical conditions/welfare as per the table in 12.2.9.
- (d) Households who have a high priority need to move to the District for employment reasons under the Right to Move, where they have a current permanent job in the District. (The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015).
- (e) Harassment including racial - This covers applicants who are referred by statutory agencies, e.g. Police, as they are enduring harassment, and who the Council agrees having considered all of the evidence that they are therefore unable to remain in their current home *as a direct consequence of that harassment*. Note, harassment implies a degree of deliberate intent with some underlying motive and can be distinguished from neighbour disputes or nuisance. Harassment includes action on grounds of age, sex, religious beliefs, sexual orientation, political views, marital or social status and racial harassment on the grounds of colour, race, nationality or ethnic or national origins.
- (f) Overcrowding - Applicants who are overcrowded statutorily or because their present home is short of a least 3 bedrooms. See paragraphs 14(a) and 14(b) for more details.
- (g) Move on accommodation - Applicants who are living in supported accommodation that is no longer suitable for their needs and by vacating that property it is being made available for occupation for a household for whom it is suitable. *Move on application must be supported by the applicant's current accommodation provider.*
- (h) Applicants with succession rights to a council property or No Succession Rights who are 'Left in Occupation' where it has been determined that a suitable alternative property is required. Includes where an applicant who was a social housing joint tenant and has been left in occupation at the end of the tenancy and in all cases they are under occupying their current home.
- (i) Applicants where their current property is deemed unsuitable for major adaptation when there has been Occupational Therapist assessment and recommendation; and, if applicable, their current landlord will not approve the work on the property. It is expected that a social housing landlord (Registered Provider) would carry out any required works, and if not feasible to make efforts to re-house in alternative stock - evidence would be required if the RP could not undertake works or re-house.
- (j) Applicants whose current accommodation is tied to their employment (or similar life commitments) and has been given notice that the employment (and right to accommodation) will end, expiring within the next three months
- (k) Serving or Former Members of the Armed Forces eligible for additional preference, whose housing needs are one of the types listed under Band Two

13.5.1 Social housing tenants who are downsizing (subject to 11.2.1) or who are releasing a property which is specifically designed or adapted for people with physical or sensory disabilities where that specialist need is no longer required, will be placed in Band 1 provided that:-

- (a) The transfer or mutual exchange is to a size of property to which the household is eligible under the social sector size criteria.
- (b) There is an agreement for a direct nomination to the resultant vacant dwelling is received in cases where a Registered Provider tenant is re-housed by the Council.
- (c) For adapted properties, there is a realistic expectation that the property can meet an identified housing need.

Downsizing social housing tenants with arrears who do not meet the criteria above will be placed in Band 4 and will not be eligible for an offer of accommodation.

Only those households downsizing from house and bungalow accommodation will be awarded Band 1. Those downsizing from flats or maisonettes will be placed in Band 2.

13.5.2 Band 1 will be valid for 6 months, at which time the applicant's case will be reviewed and if the applicant is not actively looking the banding will be reduced. See [Annex 2](#).

13.6 Band Two

Applicants who have an intermediate housing need and live in the Cannock Chase area. Intermediate housing needs are:

- (a) Homeless:
 - (i) Applicants owed the Relief duty with no priority need as determined by the Housing Options Team and proactively engaging with their Personal Housing Plan.
 - (ii) Applicants under a Prevention Duty as determined by the Housing Options Team and proactively engaging with their Personal Housing Plan.
- (b) Overcrowding/ under occupation - Overcrowded/ Under-occupying by at least 2 bedrooms, including social housing tenants affected by the social sector size criteria (only for Council tenant). See paragraphs 14(a) and 14(b) for more details.
- (c) Children in one bedroom flats – Where an applicant resides in a one bedroom flat with a child who has reached their second birthday.
- (d) Medical or Welfare need - assessed by the Council's Medical Assessment Panel as per the table in 12.2.9, whereby:
 - Severe medical or welfare need with moderate effects from current housing;
 - Moderate medical or welfare need with severe effects from current housing;
 - Moderate medical or welfare need with moderate effects from current housing.

- (e) Households who have a medium priority need to move to the District for employment reasons under the Right to Move, where they have an offer of a permanent job in the District. (The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015) or
- (f) Applicants whose current accommodation is tied to their employment and who have been given notice of their right to employment-based accommodation coming to and end within the next six months.
- (g) Household with no fixed abode.
- (h) Living in unsafe or unsanitary housing conditions or would be considered unfit for habitation e.g. rough sleeper ((g) above). Conditions (as defined by the Housing Health and Safety Rating System (HHSRS)) where there is a high risk of harm to the applicant.
- (i) Serving or Former Members of the Armed Forces eligible for additional preference, whose housing needs are one of the types listed under Band Three

13.6.1 Social housing tenants who are downsizing (subject to 11.2.1) from flats or maisonettes will be placed in Band 2.

13.6.2 Band 2 will be valid for 6 months, at which time the applicant's case will be reviewed and if the applicant is not actively looking the banding will be reduced. See [Annex 2](#).

13.7 Band Three

Applicants who have some housing need and live in the Cannock Chase area. Some housing need is:

- (a) Overcrowding / Under-occupying - by at least 1 bedroom. Band 4 will be applied where the applicant chooses to move to the same size property as they currently occupy, except where the move is from a standard size 3 bedroom house to a larger 3 bedroom house with a parlour room. See paragraphs 14(a) and 14 (b) for more details.
- (b) Shared Facilities/Lodging – Where an applicant shares facilities with another household and has no tenancy rights. This excludes applicants who are living with relatives.
- (c) Medical or Welfare need - assessed by the Council's Medical Assessment Panel as per the table in 12.2.9, whereby:
 - Severe medical or welfare need with low effects from current housing;
 - Moderate medical or welfare need with moderate effects from current housing;
 - Low medical or welfare need with severe/moderate/low effects from current housing.

Examples of a low social need would be to receive support from someone other than a principal carer or households who have a low priority to move to the district for employment reasons under the Right to Move.

- (d) Lack of facilities - No access to a hot water supply, bathroom, inside toilet or kitchen.

- (e) Young children (under 14) living in a flat above ground floor and/or lacking access to a garden.
- (f) Serving or Former Members of the Armed Forces eligible for additional preference, whose housing needs are one of the types listed under Band Four

13.8 **Band Four**

No housing need or Out of Area which includes:

- (a) An applicant who is in accommodation that meets their needs.
- (b) Overcrowding - overcrowded households who wish to move to the same size of property they currently occupy. See paragraphs 14(a) and 14(b) for more details.
- (c) Members of Armed Forces who have no housing need
- (d) An applicant who has deliberately worsened their circumstances.
- (e) Applicants assessed as Intentionally Homeless, as determined by the Housing Options Team.
- (f) Reduced preference as 14.1(i) below.
- (g) Out of Area - Applicants who have not lived continuously in the District for 2 years.
- (h) Statutorily Irrecoverable Arrears* – Applicants who have former tenant arrears but are now irrecoverable, being outside the statute of limitations or subject to any order of a court preventing their collection or recovery.

*Applicants will only be eligible for a higher band award and/or allocation of a property when the arrears are cleared.

14. Assessment Criteria

14.1 The criteria for each band will be assessed according to the criteria set out below.

- (a) **Overcrowding** - Overcrowding will be determined using the Local Housing Allowance criteria which allocates a separate bedroom to each:
 - (i) married or cohabiting couple
 - (ii) adult aged 16 years or more
 - (iii) pair of adolescents aged 10 - 15 years (inclusive) of the same sex
 - (iv) pair of children aged *under* 10 years regardless of sex
 - (v) any other child

In addition to the Local Housing Allowance Criteria an additional room may be counted as needed by:

- (vi) An expected child, at 6 months gestation, which when born would result in the bedroom standard being exceeded.
- (vii) A person whom the Council's Medical Assessment Panel considers should have a separate room, including a non family related live-in carer.
 - People included in the overcrowding calculation must live permanently with the applicant as their only and principle home.
 - No overcrowding need will be awarded with respect to children subject to shared access or weekend/holiday access arrangements.
 - The assessment will determine how many bedrooms the applicant lacks/is short. The applicant will be informed of the size of property which s/he is eligible for and to which the subsequent banding applies.
 - Band 4 will be applied where an overcrowded applicant chooses to move to the same size property as they currently occupy except where the move is from a standard size 3 bedroom house to a larger 3 bedroom house with a parlour room.
- (b) **Under Occupation** - The criteria will be the same bedroom standard as for overcrowding.
 - Under-occupying *Council and Registered Provider* tenants affected by the social sector size criteria are assisted to transfer to smaller accommodation by being placed in Band 1.
- (c) **Medical Needs** - Medical needs will be assessed by a Medical Panel of Medical Practitioners, Housing Officers and other health support agency representatives.

Medical circumstances will be assessed as per Section 12.1 and [Annex 1](#).

Medical panel assessment decisions are final. There is no right of appeal as the panel is made up of health professionals. Applicants may provide additional evidence for a review of a decision. See Section 23 for more details on reviews and complaints.

The Banding Award given to the applicant will be determined by the Assessing Officer or Panel taking into consideration the category awarded and the effect that an applicant's current housing has on their medical needs, as per Section 12.2 and [Annex 1](#).

Medical priorities awarded to applicants who have not made any expression of interest for properties during the 12 month period following the medical award (or any 12 month period thereafter) will be reviewed annually. Applicants may request a review of any decision to remove or reduce a medical priority through the Review Procedures (see Section 23).

In relation to owner-occupiers the review will include a re-assessment of the equity that would be released from the sale of their current home (or any other property they own or have a financial interest in).

- (d) **Welfare Need** - Social, welfare and hardship grounds will be assessed by a Panel made up of senior managers from Tenancy Services. They will assess the non-medical, welfare and hardship circumstances of the application and will determine the effect that re-housing will have on the applicant, as per Section 12.2.

The Welfare Need Assessment Panel can award:-

- (i) Severe Priority – Protection of vulnerable adults or children which is only possible if the household is re-housed. This includes (but is not limited to) the following:
- Police witness - Applicants who are acting as a police witness where the police have requested immediate re-housing under the witness protection scheme.
 - Severe Harassment and Domestic Abuse - The applicant, or a member of their household is subject to severe harassment, racial harassment, threats of violence, or actual violence, or threats of physical, emotional, or sexual abuse and it appears that the problems can only be resolved by an immediate move.
 - Traumatic Event - Applicants who have suffered a traumatic event in, or extremely close to, their current home, where no other treatments, such as counselling are appropriate and remaining in the home would cause considerable ongoing distress.
 - Rehabilitation - Where the applicant has undergone lengthy and expensive rehabilitation in residential surroundings and is ready to attempt independent living in the community and temporary accommodation, or existing housing would risk undoing the work of the centre or unit.
 - Hardship - Applicants who need to move to the District for reasons under the “Right to Move”, which would otherwise result in significant financial hardship.
- (ii) Moderate Priority
- As above but less frequent incidents or lower impact
- (iii) Low Priority
- As above but both less frequent and lower impact
- (iv) No Priority
- The situation and circumstances presented by the applicant as social need are not affected by or impacted on by the applicants housing circumstances.

The above is not an exhaustive list and any other social needs and their respective priorities will be assessed on a case by case basis. Welfare need priorities awarded to applicants who have not made any expression of interest for properties during the 3-month period following the welfare need

award (or any 3-month period thereafter) will be reviewed and may be removed or reduced. Applicants may request a review of any decision to remove or reduce a welfare need priority as per Section 23.

The Banding Award given to the applicant will be determined by the Panel taking into consideration the category awarded and the effect that an applicant's current housing has on their welfare, as per 12.2.9.

- (e) **Member of the Armed Forces** - Applicant or a member of their household is a serving member of the Armed Forces and living in service accommodation. Discharge is accepted on receipt of Certificate of Cessation of Entitlement to Occupy Service Living Accommodation. Certificate is issued 6 months prior to discharge. Applicants will be able to express interest following receipt of certification
- (f) **Households with no fixed abode** - A household with 'no fixed abode' is defined as somebody who sleeps at a number of different places, usually with family and friends and will be placed into Band 2.
- (g) **Homeless duty** - As detailed previously, in summary:

<u>Band 1+</u>	<u>Applicants owned Main Duty</u> as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence.
<u>Band 1</u>	<u>Applicants have a Main Duty owned;</u> <u>Applicants have a homelessness application and are placed in either Prevent or Relief duty with a determined priority need.</u>
<u>Band 2</u>	<u>Applicants under Relief Duty with no priority need;</u> <u>Applicants under Prevent Duty.</u>

Further homelessness details in Reduced preference 14.1(i) below.

- (h) **Rough Sleeper**² - somebody who has no fixed address **and** who is regularly sleeping in the open air or in a place(s) or building(s) not designed for habitation, will be placed into Band 1.
- (i) **Reduced preference** - Although the allocations scheme seeks to ensure that those in greatest housing need are re-housed more quickly, in certain circumstances applicants may have their priority reduced, after consideration of the context in each case and subject to a right of review. These circumstances are as follows:
 - (i) Applicants who it is deemed have worsened their circumstances will be placed in Band 4 for a set period, case by case but usually 12 months.

² In case of dispute, the UK Government definition of a Rough Sleeper will be used to determine whether applicants fall into this definition. 'Regularly' means one or more nights per week on average.

- (ii) Applicants who are found intentionally homeless will be placed in Band 4 for a period of 12 months.
- (iii) Homeless and other priority applicants or those subject to a single direct offer (set out in section 22.1) by exception will receive one direct offer of a suitable property. Where the offer is refused and if on review the offer is deemed to be acceptable the applicant will lose priority status and be placed in Band 4 for a period of 12 months.
- (iv) Applicants (other than those in bullet (iii) above) will receive three offers of accommodation. Where such an applicant refuses an offer of accommodation, their application may be subject to reduced preference as set out in paragraph 22.1.1 below, which could ultimately result in their application being placed in abeyance for a period of 12 months.
- (v) Where the behaviour of the applicant (or member of their household) affects their suitability to be a tenant, but the behaviour is not to the extent that the applicant would be excluded.
- (vi) Significant concerns about affordability. The decision to reduce preference for this reason will be based on a financial assessment. This will take into account the applicant's income, savings, capital and/or interest held (and which could be redeemed) in a current home or other previous property, along with the size and type of property needed.
- (vii) An applicant with a housing need who has a housing related debt to any social housing landlord, and consistent and regular repayments have not been maintained, they have they will be placed into Band 4 to reflect the reduced preference. The Council expects that all repayments have been consistent with the agreement made by the applicant and the relevant social housing landlord. Regular repayments must have been made for a minimum period of 12 months. An applicant who has a housing-related debt with their current private landlord and has a housing need will be placed in Band 4 to reflect their reduced preference.
- (viii) The Council will normally consider the last 2 years housing history of the applicant. The Council retains the right to look beyond this timescale in exceptional circumstances. Where an applicant (or members of their household) is eligible to join the Housing Register and falls within Bands 2 or 3, they may be demoted to Band 4 if they have:
 - committed minor acts of anti-social behaviour; and / or
 - deliberately damaged a property and action has been taken against them; and / or
 - harassed an employee of a Local Authority or other social housing provider
 - Where an applicant has been assessed as having made their situation or circumstances worse through their own actions or inactions.
- (j) **Out of Area Applicants** – Applicants who meet the reasonable preference criteria but who have not lived in the District continuously for the last 2 years will be placed in Band 4. Applicants must meet at least one of the “Local Connection” criteria to be considered for allocation of a property.

- (i) Have permanent*¹ employment within the district; or
- (ii) Have close family members*² who have lived in the district for at least the last 5 years, and where there has been frequent contact, commitment or dependency immediately prior to the date of application; or
- (iii) Have a Severe or Moderate social need*³ to live in the area.

*¹ Permanent employment is defined as a minimum of 24 hours per week on a contract of paid employment which is intended to last for at least 12 months.

*² Close family members are defined as parents, children, siblings, grandparents or grandchildren including step relatives, where there is evidence of frequent contact, commitment or dependency.

*³ Welfare need as defined in 14.1(d).

15. Property Eligibility

15.1 Applicants will only be considered for, and allocations/offers made, where a household is eligible for the type of property they have expressed an interest in.

15.2 The Council's property eligibility criteria for households (other than social housing tenants with arrears who are eligible to transfer) is set out below:

PROPERTY TYPE	ELIGIBLE HOUSEHOLDS
One bedroom flat	Applicants who meet the 2 years residency qualification and are: <ul style="list-style-type: none"> • Single persons or couples without children • Owner occupiers with a high medical priority for ground floor accommodation and equity of less than £80,000
One bedroom flat in a mature block	Applicants who meet the 2 years residency qualification and are: <ul style="list-style-type: none"> • Single persons aged over 40 years or couples where one party is aged 40 years or over • Owner occupiers with a high medical priority for ground floor accommodation and equity of less than £80,000
Two bedroom flat	Applicants who meet the 2 years residency qualification and are: <ul style="list-style-type: none"> • Households with: <ul style="list-style-type: none"> - <i>one or more dependent children*</i>; or - another family member who normally is expected to reside with them; or

	<ul style="list-style-type: none"> - couples with a housing or medical need for separate bedrooms • Owner occupiers with a high medical priority for ground floor accommodation and equity of less than £80,000 • Single people or couples assessed as requiring room for a live in carer • Single people or couples who are in permanent employment*¹ and meet the affordability requirement under the Tenancy Sustainability Procedures. <p>*See paragraph 15.3 and 15.4 below for more detail.</p> <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
One bedroom bungalows	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Single persons aged 55 or over • Couples where at least one person is aged 55 or over • Single persons or couples with a medical need for ground floor accommodation • Owner occupiers with a high medical priority for ground floor accommodation and equity of less than £80,000 • Single person or couple with a recognised learning disability • Existing Council tenants aged 40+ who are under-occupying
Two bedroom bungalows	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Couples or families with dependent children where one person is aged 55 or over • Single people or couples or households with dependent children that have a medical need for ground floor accommodation • Owner occupiers with a high medical priority for ground floor accommodation and equity of less than £80,000 • Single people or couples assessed as requiring room for a live in carer • Couples or single persons with non-dependent children, where one of the couple or the single person is aged 55 or over and the non dependant has lived with them for at least the previous 2 years.

	Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.
Three bedroom bungalows	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Single persons or couples who are aged 55 and over with two or more dependent children or family members who normally are expected to reside with them • Couples who have a medical need for ground floor accommodation, and have two or more children or another family member who normally is expected to reside with them • Couples with one dependent child where they have a medical need for separate bedrooms • Single persons or couples with one child assessed as requiring a room for a live in carer <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
Two bedroom house	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Households with one or more dependent children* <p>*See paragraph 15.3 and 15.4 below for more detail.</p> <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
Three bedroom flat / maisonette	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Households with two or more dependent children or other family members who normally are expected to reside with them. <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
Three bedroom house	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Households with two or more dependent children or other family members who normally are expected to reside with them. <p>Priority given to applicants with children, then those with other family members.</p> <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
Four bedroom flat/house	Applicants who meet the 2 years residency qualification and are:

	<ul style="list-style-type: none"> Households with three or more dependent children or other family members who normally are expected to reside with them <p>Priority given to applicants with children, then those with other family members.</p> <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
<p>Independent Living Accommodation</p> <p>(known as sheltered housing or housing for older people)</p> <p>(Caxton Court, Grace Moore Court, Longford Court and St Barbara House)</p>	<ul style="list-style-type: none"> Single people and couples aged 55 or over Out of Area applicants aged 55 or over with a local connection Owner occupiers aged 55 or over- and the equity released from the sale of their current home (and any other properties they own) would be £80,000 or less. <p>In all cases the applicant must have a need for such housing and whose housing related support needs can be met by the Council's Independent Living Service.</p>
Properties with adaptations for disabled households	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> Households who require the adaptations provided in the property and have been appropriately assessed by the Occupational Therapist service. <p>See 15.7 to 15.18 for more details.</p>
All Property Types	<ul style="list-style-type: none"> In cases where there have been no qualifying expressions of interest after two advertisements, the eligibility criteria will be extended at the discretion of the Head of Service.

*1 Permanent employment is defined as a minimum of 24 hours per week on a contract of paid employment which is intended to last for at least 12 months.

- 15.3 Two bedroom houses are allocated to families with children i.e. under 16 or still in full-time education. Where the child had become non-dependents, they would only be eligible for 2-bedroom flats.
- 15.4 Households with primary care of dependent children will be considered ahead of households made up of parents and guardians with access-only to children or households made up of adults only. Parents without primary care will normally only be considered for flats. This is unless there is medical or social grounds or other factors that need to be taken in to account. These cases will require evidence and the offer must be approved by the Team Leader or above.
- 15.5 Social housing tenants with arrears who are eligible to transfer are restricted to the size of property for which the household is eligible under the social sector size criteria, as per 15.6.

- 15.6 Eligibility for the number of bedrooms is determined in accordance with the number, age and sex of the occupants, with a separate bedroom being required for:-
- A couple, married or not.
 - Every other person 16 or over.
 - Two children of same sex aged 10-15.
 - Two children aged under 10.
 - A carer (who is not part of the household) if the main applicant or their partner need overnight care)
 - A child who can't share a bedroom because of a disability or medical condition.
 - A household containing a pregnant woman will be eligible for a bedroom for the unborn child at 24 weeks gestation if there is no other bedroom that the child would be expected to share. Since this would be deemed a 'spare room' prior to the child's birth, the financial implications of accepting the offer of a property with a room for the unborn child will be explained to the applicant and an affordability check completed prior to their acceptance of the offer. They will be entitled to refuse such an offer.
 - In any other circumstance that an applicant states that they require an additional bedroom - these cases will be assessed on their own merit and in accordance with any legal precedent.

Adapted properties (and properties suitable for adaptation)

- 15.7 There are a limited number of properties within the Council's stock which have adaptations and are suitable for applicants (or a member(s) of an applicant's household) with physical or sensory disabilities, sometimes referred to as accessible accommodation. Some properties may be suitable for certain major adaptations where these are needed, however a number of properties will be unsuitable for most major adaptations which applicants and tenants typically require.
- 15.8 We advertise adapted properties through Housing-online, however some adapted properties may be matched directly. In considering the needs of applicants with physical and sensory disabilities we will develop a register of adapted council housing during the life of this policy and:
- a. give preference for accommodation that is designed or adapted for disabled people to those applicants who have the appropriate level of need for this type of accommodation, by:
 - i. awarding priority one band status to applicants releasing a property with major adaptations that they no longer need (subject to 13.5.1)
 - ii. advertising the adapted features of a property and those needs the property may be best suited to; and/or
 - iii. matching empty properties with significant adaptations to identified priority housing needs
 - b. expect registered providers with whom we work to appropriately identify adaptations in their empty properties so that offers of accommodation can be made to applicants who most need them
 - c. identify council properties which are and are not suited to adaptations when they are vacated, in liaison with the Occupational Health Service, when there

is a particular need that cannot be (or is unlikely to be) met by existing adapted housing stock

- d. For existing Council tenants requiring (further) adaptations, an options appraisal will be undertaken (with support from the Occupational Therapy Service, where required) which will determine whether their existing home is suitable for the required adaptations, where either:
 - i. they apply for a transfer to another home; or
 - ii. they apply for adaptations to be fitted or installed and the Council needs to determine whether the existing property can be adapted to meet the required needs or if the tenant should be encouraged to consider making an application to transfer to meet those needs.
- 15.9 Applicants requiring adapted homes are those with an assessed need for accessible accommodation (in line with Property Eligibility identified above in Section 15).
- 15.10 Applicants have a responsibility to advise the Council when applying for housing, or where circumstances change after having applied, if they or a member of their household either:
- i. have such an assessed need for accessible accommodation; or
 - ii. they believe they may have an accessible accommodation need related to a disability (but this has not yet been formally assessed).
- 15.11 Applicants who do not declare this need may place themselves in a detrimental position in relation to their application priority or may be denied the same access to Council funding and support for adaptations after accepting a property, where there was a pre-existing adaptation need that the Council could reasonably have expected to be identified by the applicant at an earlier stage.
- 15.12 Where an accessible or possible accessible housing need is identified, the Council will assess (or re-assess) the application in line with the medical priority criteria set out in Annex 1 to this policy.
- 15.13 Such applicants will be given priority over other applicants who are in the same band rating who do not have need for accessible accommodation for adapted properties which closely match their needs (except as described below). This will only apply to applicants in the same band rating for minor adaptations. Where a property is significantly adapted or specifically designed for people with disabilities (such as where it has been specifically widened for wheelchair use or has a through floor lift), all relevant applicants requiring such facilities will be considered ahead of any other applicant.
- 15.14 Where advertised, the property advert will make any such considerations clear. The advert will also describe the accessible features, together with local neighbourhood information, to help applicants choose whether to express an interest in that property.
- 15.15 In selecting an applicant for an accessible property from the short-list of qualifying applicants, the full circumstances of each case will be considered before deciding who will be offered the property, in line with 15.7 and 15.8 above.
- 15.16 On occasions the Council may seek the assistance of the Occupational Therapist service for guidance on property suitability, before an offer of accommodation is confirmed. Applicants will be advised if this is a requirement and the reasons why by the Housing Property Services or Allocations teams. Where required, applicants may be asked to view a property in conjunction with Council and Occupational Therapy staff to ensure that the property is suitable for their needs and for professional advice to support the Council with the allocation process. The applicant is required to view the

property with all portable equipment and access aids they use to properly assess the suitability of the property.

- 15.17 An allocation will not routinely be awarded unless the property is deemed suitable for the applicant's needs without adjustment or with anything other than minor adjustments only.
- 15.18 Applicants requiring adaptations can express an interest in properties which do not have accessible features, but where the applicant is shortlisted, the Council will:
- i. decline to make an offer if the applicant is not making a reasonable effort to express interest in already adapted homes; has refused the offer of an already adapted home made to them in the period after which the non-adapted property has been advertised; or is an existing Council tenant whose existing home can be adapted to meet their needs and has no other priority needs for moving to a different property
 - ii. give no additional priority (nor any less priority) to the applicant in the manner it will for already accessible homes
 - iii. consider on a case by case basis whether it is reasonable to make an offer where it can or can expect to make an offer of an already adapted property to that applicant within a reasonable time period
 - iv. assess whether it is reasonable and practicable for the property to be adapted and only make a provisional offer of accommodation until this is decided.

16. Additional Property Eligibility Criteria

- 16.1 Properties may have additional eligibility criteria relating to its suitability or other reasons.
- 16.2 These additional criteria are determined at the discretion of the Head of Service in order to achieve the objectives of the Council's Allocation Scheme in particular objectives (c) – (g) as set out in para 2.4 above.
- 16.3 Additional criteria may include, but are not limited to: under-occupation, overcrowding, medical priority, local lettings criteria.
- 16.4 These additional eligibility criteria will be included on the advertised property details.
- 16.5 The Council reserves the right to under-occupy homes if this is the best use of housing stock determined by demand, adaptation or through individual personal need and this type of over-ride will be approved by the Tenancy Services Manager, subject to affordability.
- 16.6 In some areas there may be a surplus of a particular type of housing so we will make it available to people outside the usual criteria by adjusting the qualifying household size if our housing supply exceeds the demand for it.
- 16.7 We will lower the age limit on mature block flats if we have more of these available than this age group needs.

17. Excluded properties / Management moves / Right to Move

- 17.1 All properties that are vacated by the existing tenant and are to be relet will be allocated through the Choice Based Lettings Scheme with the exception of allocations for management reasons or exceptional circumstances.
- 17.2 A management move may take place for the following reasons:-
- (a) Properties are required for existing tenants whose homes are subject to major works requiring them to vacate;
 - (b) Exceptional reasons that meet a specific housing need;
- 17.3 All management moves will be reported through the Lettings Feedback.
- 17.4 In accordance with the Allocation of Housing (Qualification Criteria for right to Move)(England) Regulations 2015 (SI 2015/967). The Council will set aside the recommended quota of at least 1% of all general needs lettings for transferring tenants under the “Right to Move”. See paragraph 11.1 (f) for more details.
- 17.5 The demand and lettings outcome for “Right to Move” will be monitored and reported annually.

18. Nomination to Registered Providers

- 18.1 The Council recognises the important role that Registered Providers and other Registered Providers play in the Cannock Chase area providing affordable homes to those in need. The Council has nomination arrangements with most Registered Providers who have properties in the Cannock Chase area and nominates applicants from the Housing Register to properties made available to the Council.
- 18.2 Registered Providers may apply particular criteria in letting these homes and the Council recognise the need for Registered Providers to make the best use of their own stock. The Council will apply the same selection rules as for Council properties, although the decision to offer a property will ultimately rest with the Registered Provider.

19. Local Lettings Policies

- 19.1 Local Lettings Policies may be developed for any new developments, schemes or acquired properties. These policies will be developed to ensure a sustainable community for the future. They may take into account considerations including, but not limited to: density, age, employment, vulnerability.
- 19.2 Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities.

- 19.3 Local lettings policies must be formally publicised and have an equality impact assessment completed. All Local Lettings Policies will be subject to Approval by the Head of Service and Portfolio Holder responsible for Housing.
- 19.4 They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development). Each local lettings policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan).
- 19.5 The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.
- Age restrictions.
 - Prioritising applicants who are key workers.
 - Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
 - Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
 - Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
 - Ensuring that there is a balance of working and non-working households allocated to a scheme.
- 19.6 New developments may have local lettings policies (usually only applies to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.
- 19.7 In order to ensure a reasonable mix of household sizes and types, and families with children of different ages, a local lettings policy may be used for new developments larger than four properties. This may set restrictions on the number of lettings, which can be made to families with young children, for example, or the number of families who are not working.
- 19.8 It is the intention that local lettings policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that policy has been met.
- 19.9 Applicants may as part of a local lettings plan be required to attend training to demonstrate their ability to sustain a tenancy. Where training is identified as being necessary, the applicant will need to successfully complete this training before an offer of accommodation is confirmed.
- 19.10 Local Lettings policy requirements will be clearly set out in the property details and on any advert.
- 19.11 Feedback on the lettings will follow the same procedure as all other lettings.

20. Making an application

20.1 Applicants will be required to:

- (a) Make an online application (Assistance will be provided to applicants who have internet accessibility problems or other issues preventing them from making an online application).
- (b) Re-register annually (*Applications not renewed will be cancelled*).
- (c) Provide relevant identification or other verification information relating to the applicant and household members including, but not limited to:-
 - Name, address, date of birth of all household members.
 - National insurance numbers for all household members over the age of 16.
 - Current landlords details and email address (if applicable).
 - Last two years address history for all applicants including tenure (landlord name and address/living with family/owner occupier).
 - Details of any spent/unspent convictions that apply to any household members.
- (d) Provide access for a home visit if required.

20.2 Tenancy Sustainability - Applicants may be required to engage in a tenancy preparation programme as part of the Council's Tenancy Sustainability Strategy to prepare for a tenancy. Applicants who may be required to attend include those who are:

- (a) applying for their first tenancy
- (b) had rent arrears
- (c) other tenancy problems
- (d) affordability issues
- (e) referral from other services

Failure to engage in a tenancy preparation programme may result in offers of accommodation being withheld or withdrawn.

20.3 Applicants will be required to pay rent via direct debit and make at least one week's rent payment in advance on sign up. Only in exceptional cases, where all efforts through the tenancy preparation programme to make arrangements to set up a direct debit and/or make an advance payment have been exhausted, will payment by other means be considered.

20.4 Applicants living in the Cannock Chase District area (if not already registered) are encouraged to register on the Electoral Register. Applicants can visit www.aboutmyvote.co.uk to register or obtain an Electoral Registration Form from the Council. Registration on the Electoral Register can be used to provide certain of the verification information as set out in paragraph 20.1.

20.5 Applications will either not be registered or placed in Band 4 until all proofs and information required in paragraph 20.1 have been provided and verified.

20.6 Offers of property will be withdrawn where:

- (a) contact cannot be made with the applicant using their contact details as provided.
- (b) home visits are unable to verify information provided.
- (c) applicants are deemed incapable of sustaining a tenancy.

20.7 **Housing Register Review**

20.7.1 The Council will conduct a periodic review of the housing register. This will be conducted, as a minimum, every 12 months. However the Council will determine the scope and frequency of the review subject to the number of applicants on the housing register.

20.7.2 If an applicant does not respond to the housing register review by the prescribed deadline, and in the prescribed way, the applicant's application may be closed.

20.7.3 The Council reserves the right to temporarily close the Housing Register to perform house-keeping duties and ensure the Housing Register is still meeting the requirements of the District and the needs of those in genuine housing need.

21. Making an allocation

21.1 As stated in para 9.7(b) allocations will only be made to an applicant who:-

- (a) Normally has expressed an interest in the property, although the Council may make a suitable offer whether or not the person has expressed an interest in that property in certain circumstances. For example where a sensitive let is required or there is a financial impact on the Council e.g. if the applicant is owed a homelessness duty and in temporary accommodation
- (b) is eligible for that property type
- (c) is in the highest banding, *with the earliest band effective date*
- (d) is not considering any other offer

21.2 Applicants will be offered the opportunity to view the property prior to making a decision. Applicants will be expected to view the property within 48 hours of being made an offer except in exceptional circumstances.

21.3 Applicants will be expected to make a decision within 24 hours of viewing the property except in exceptional circumstances.

21.4 Cannock Chase Council tenants undertaking a transfer will be subject to a home inspection to ensure that there is no damage or breach of tenancy. Council tenants will not be able to move until any remedial work or breach of tenancy is rectified and any monies owing paid. **Failure to comply will result in an offer being withdrawn.**

21.5 The tenancy will commence on the Monday following the viewing. Where the property is viewed on a Monday the tenancy will commence the same day.

- 21.6 On accepting an offer of accommodation (Council, Registered Provider or Private Rented Sector nomination) an applicant's application will be deemed completed and therefore cancelled.
- 21.7 Following a successful allocation details of the letting such as banding, band effective date, time waiting will be recorded on the Lettings Feedback Report which is available to all applicants.
- 21.8 The lettings of properties will be reviewed on a quarterly basis to determine if the operation of the Allocations Policy is meeting local housing needs and ensuring we are creating balanced communities. If required, and with the approval of the Head of Housing and Corporate Assets, the advertising of properties can be subject to the following quota system:

Band 1 and 2 70%

Band 3 and 4 30%

This will be reviewed every 3 months and if activated, will be published on our website. This will be further reviewed after 12 months of the new policy.

22. Direct Offers and Refusals

- 22.1 There may be occasions where the Council will need to consider making one reasonable direct offer of a property to an applicant. This includes:
 - (a) Applicants who have not been actively bidding for a property over a two month period who have been accepted as homeless by the Council, existing tenants with arrears who are eligible for a transfer and applicants who have otherwise been given additional preference or are in Band One Plus
 - (b) Applicants who are homeless, in priority need with children and residing in temporary accommodation, where they have expressed interest but have not successfully bid for accommodation within a two month period
 - (c) Cases where we require the ability to fulfil duties in line with the Homelessness Reduction Act 2017
 - (d) Exceptional circumstances at any time where the Head of Service determines that there would be adverse financial impacts upon the Council if a direct offer were not to be made (to one or more applicants)
 - (e) Other exceptional cases where an applicant's needs (in relation to specific types, features or locations of accommodation) are such that there is limited reasonable likelihood of alternative suitable accommodation being available to offer within the next six months

This does not imply a guarantee of an offer of accommodation to applicants in the above or other categories within any defined period. Applicants within one of the above categories will be reviewed periodically and a decision made as to whether a direct offer is appropriate. If it is, the applicant will be considered for a direct offer when further properties become available. The timing of the offer will be based on property availability and suitability, contact with the customer in the period after the decision and balancing the number and type of direct offers made with

consideration of other applicants who would not subsequently be able to express interest in the vacant properties which become available.

22.1.1 Only one direct offer will normally be made to any applicant in one of the above categories. Where the offer is refused and if on review (including a statutory review where the offer was made under an accepted homelessness duty) the offer is deemed to be acceptable, the applicant will lose priority status and be placed in Band 4 for a period of 12 months.

22.2 All other applicants will receive three offers of accommodation. Where an offer of accommodation is refused, a review will take place to determine whether the offer was acceptable, taking account of the reason the applicant gives for refusal. If an offer is deemed to be acceptable the applicant will:

- a) On first and second refusal - be re-banded to the band below their current status (or, if already on band 4, their application re-dated to the date the refused property offer was made);
- b) On third refusal - lose priority status and their application will be placed in abeyance for a period of 12 months, after which the applicant can apply for its re-instatement (based on their housing need at that time).

Where a reasonable reason is given for refusal, the offer will be treated as having not been made for the purposes of the current and any later review of offers made.

22.3 Applicants are required to provide a reason for refusal to assist in improving the allocations process.

23. Review of Decisions and Complaints

23.1 To comply with s166A(c) an applicant has the right to request a review of decisions regarding the facts of their case which is likely to be, or has been, taken into account in considering the allocation of housing accommodation.

23.2 The Review Procedure

Under the housing legislation an applicant has a legal right to request a review of any of the following decisions reached by the Council:

- a) A decision that an applicant is ineligible, or not a qualifying person to join the Housing Register.
- b) A decision regarding which band an applicant has been awarded.
- c) The priority date granted for the band awarded.
- d) To remove an applicant from the Housing Register.
- e) Any decision about the facts of the case that has been used to assess their application including the decision the Council has made on who can be included in the application.
- f) Where an applicant considers that a decision has been reached based on incorrect information.

23.2.1 How a request for a review will be dealt with:

The applicant or someone authorised to act on their behalf must notify in writing the Council within 28 days of the date on which the applicant is notified of the decision. The notification must set out the grounds for the review.

- 1) A review must be requested within 28 days of the date of the letter advising the applicant of the decision on their application.
- 2) The request for review should be made in writing by email or letter addressed to the Council:

Allocationsccdc@cannockchasedc.gov.uk
Allocations Team, Housing Services, Cannock Chase Council, Civic Centre, Beecroft Road, Cannock, Staffs WS11 1BG
- 3) The applicant should give reasons why they wish to have the decision reviewed so that the Council can ensure that the request falls under the statutory review request criteria.
- 4) Upon receipt of a request for a review the Reviewing Officer will send an acknowledgement letter explaining the review process and procedure to be followed.
- 5) The review decision will be carried out by an officer who is more senior to the person who made the original decision.
- 6) An applicant may be asked to attend an interview and, if so, can be accompanied by an advisor or friend.
- 7) The review is a reconsideration of the case and is not limited to the facts at the date of the original decision and will be made on the relevant information available at the time of the review decision. In addition to any information provided by the applicant, the reviewing officer may ask for further information that is reasonably required to make a decision. The merits of each case will be considered on an individual basis.
- 8) The Council will aim to complete all reviews within 28 days of receiving all relevant unless a longer period has been agreed with the applicant. However, this is a target timescale and may be longer depending on operational pressures.
- 9) There is no right to request a review of a review decision.

23.3 Complaints are separate to the circumstances where an applicant is entitled to seek a review of a decision made on their housing application. A request for a review of a decision made on an application should be made under the review procedure set out above not through the Council's complaints procedure.

Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made using the Council's complaints procedure.

23.3.1 Where a complainant is still unsatisfied with a decision by senior offices, under the [Constitution](#) (Part 3, Section 22, Annex 1), an applicant may still have their decision reviewed by the Appeals and Complaints Panel.

23.3.2 Where a complaint relates to how an applicant has been dealt with under this policy, an applicant has the right to continue with their complaint to the Local Government and Social Care Ombudsman Service if they have remain unsatisfied following the completion of the Council's complaints procedure and/or reviewed by the Appeals and Complaints Panel.

23.3.3 The Local Government and Social Care Ombudsman is an independent service run by Central Government to make sure that Councils provide the required standard of service to their customers. The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone did not agree with it.

Website: www.lgo.org.uk

23.3.4 Whilst the majority of complaints regarding housing allocations and this policy will be under the jurisdiction of the LGO, there may be some issues that need referring to the Housing Ombudsman, or jointly considered by the two Ombudsman. We will advise you which Ombudsman to go to when you receive our final Stage 2 response. Summaries of the complaints each deal with are found on their webpages:

LGO - www.lgo.org.uk/make-a-complaint/fact-sheets/housing/which-ombudsman-for-complaints-about-social-housing

Housing Ombudsman - www.housing-ombudsman.org.uk/useful-tools/fact-sheets/which-ombudsman-for-social-housing-complaints/

24. False Statements and Withholding Information

24.1 Under s171 an applicant or other person commits an offence if they:-

- (a) knowingly or recklessly makes a statement which is false in a material particular; or
- (b) withholds information which the Council has reasonably required them to give in connection with the allocation of accommodation.

24.2 On making an application an applicant is required to sign a disclaimer to the effect that they will not commit an offence in (a) or (b) above.

24.3 An applicant or other person will be investigated where it is believed that an offence of either (a) or (b) above has been committed.

24.4 The investigation may include requesting information from third parties and interview under caution.

24.5 Where evidence of an offence is obtained the applicant may receive reduced preference, be considered ineligible or not qualify for an allocation.

24.6 In some circumstances the applicant or other person may be prosecuted for fraud for which the applicant if found guilty is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

25. Closed Application

25.1 Applications will normally be closed in the following circumstances, which include, but are not limited to:

- A written request to do so has been received from the applicant (or their advocate);
- An applicant does not renew or maintain their application through the review process, or where they move and do not provide a contact address;
- An applicant has been re-housed;
- Notification has been received from an executor or personal representative that the applicant is deceased and they were the sole applicant;
- The Council determines that an applicant has given false or misleading information in their application;
- Evidence is obtained that confirms the applicant is no longer eligible;
- Information requested from the applicant remains outstanding after reminders have been sent, or the appropriate time limit for a response has expired;
- An applicant has not expressed an interest in any properties for more than 12 months;
- Where an applicant has received 3 offers and refused all 3 offers - the application will be placed in abeyance for 12 months.

25.2 An applicant will be informed of the reason(s) why their application has been closed and of their right to request a review of the decision.

25.3 An applicant whose application has been closed may apply to re-join the housing register. The applicant's effective date will normally be the date the new completed application was received.

Annex 1

Medical Priority

The following operational guidance framework has been developed to help officers to make their decisions on whether medical priority should be awarded.

- 1) The applicant will be asked to indicate on their on-line application form whether they or anyone in their household has an illness or disability.
- 2) Applicants will be asked for information and any supporting documentary evidence, regarding how their health or welfare are affected by their current home, or why the applicant's health cannot be managed in their current accommodation.
- 3) If the applicant indicates in their on-line application that they have a medical problem but do not clearly address the relevant question of impact of their current housing on their condition, the assessing officer should contact the applicant to ask them specifically to describe how the current housing is impacting on the condition described (a standard letter/form will be used).
- 4) The on-line application form and any follow up email will explain that where supporting information from a health professional is available, the applicant should provide this information to support their application as soon as possible.

We do not wish to create further work or costs for doctors or applicants by insisting that medical reports are produced before an application can be considered. Whilst we do not, as a matter of course, require an applicant to submit a medical report, or obtain letters from their GP before an application will be processed, it is in the applicant's best interest to provide supporting evidence ASAP in order to complete the assessment of their application.

- 5) On receipt, of all of the information the assessing officer will consider whether any supplementary information is needed from any other relevant professional, who may be able to explain the impact the applicant's current accommodation is having on their medical condition or disability.
- 6) The assessing officer should take into consideration any recommendations from the applicants GP, hospital consultant, or Occupational Therapy, Social Worker as applicable. The applicant should be informed that the Council is not responsible for chasing up requests made by the applicant to health professionals for further information.
- 7) If any further supporting information is still to be gathered, and pending the assessment of medical priority, eligible and qualifying applicants who have another statutory housing need should be registered (if they meet the qualifying rules) and placed in a band according to that need. **Where no other housing need exists, the application will remain as pending until any medical priority is determined.**
- 8) The assessing officer, supported where necessary by a senior officer, will normally make a decision whether or not to award a priority based upon the information provided. They will use these guidance notes and assessment framework contained here to help them make a decision. Where the case is complicated or it is likely

there is a Severe or Moderate level of need the officer will refer it to the Medical panel, made up of independent Medical Practitioners and other health support agency representatives, and Housing Officers, who will make the final decision.

- 9) If the assessing officer is of the view that it would be beneficial to obtain an opinion from an independent Medical Advisor, we will advise the applicant and can make a referral to an Occupational Therapist for an assessment. They should be asked to provide advice on the possible impact of any medical or disability condition to help address the impact of the applicant's current accommodation on that condition. A Medical Advisor will not normally be asked to carry out a medical examination and their opinion will be based on the information provided by the applicant and any supporting information from a medical professional and any information submitted by any organization supporting the applicant.
- 10) Some applicants may have a serious and debilitating health condition which requires specialist housing adaptations; however, a 'medical priority' award can only be given if their current home is unable to meet their needs. The assessing officer should consider whether the applicant already has the necessary adaptations in their current home before a 'medical priority' band is awarded to help them move. Also, consideration will be given as to whether the applicant could remain in their current home with further adaptations being put into place. A referral to the Occupational Health Service may be requested to determine the full options available before a 'medical priority' can be awarded.
- 11) In the circumstances where the assessing officer believes there may be an urgent and immediate need, due to the severity of the impact of their current housing on an applicant's disability, the case can (with a senior officer's approval) be submitted to the Occupational Therapy Team (OTT) for a more detailed assessment. In order to do this the OTT may visit the home of the applicant and consider any supporting information and may recommend whether any priority should be awarded, based upon the severity of the case and the urgency of the need for re-housing.
- 12) The OT may also make recommendations regarding the type of housing that the applicant may need.
- 13) Where priority is awarded applicants will only be considered for the type of accommodation assessed as being required. For example, if it is assessed that an applicant needs to move to a bungalow because due to their condition, they need to use a wheelchair, they will only be considered for suitable properties that meet this need.
- 14) If an existing social housing tenant from another Registered Provider applies to the scheme due to their current property being medically unsuitable for their needs, their landlord will need to assess and evidence that adaptations cannot be made to the existing property, that they have explored Disabled Facilities Grants and cannot rehouse the tenant elsewhere in their own stock. This is to ensure that the RPs property could not be adapted to meet the needs of the applicant, or provide alternative accommodation, rather than seeking a move to Council housing.
- 15) The assessing officer in considering evidence to support a medical impact banding should consider evidence submitted by a relevant medical professional. A relevant medical professional is defined as:
 - Occupational Therapist
 - Specialist medical advisor

- Community / mental health nurse
 - Hospital / discharge liaison
 - Social Worker
 - GP
 - Health visitor
- 16) Whilst GP's provide the most likely source of medical opinion for most housing applicants, it is not uncommon for GP surgeries to refuse a request from a patient for supporting medical information. This is due to GP surgeries facing increasing demand on their services and GP's time for 'non-clinical' matters. If an applicant is unable to gain supporting information from their GP, advise the applicant to try other agencies or professionals who may be involved with their case. In the absence of any medical professional being able to verify and support an applicant's health needs, the assessing officer should consider all other supporting information available including the applicants own self-assessment of their needs. The Council will not pay for the release of medical information from a GP.
- 17) Where the assessing officer believes that further medical information is required before they can complete the assessment the assessing officer should ask the applicant to obtain relevant information from their GP or medical professional dealing with them.
- 18) In the majority of cases, it can be expected that from the information provided by the applicant in answering the questions set and initial supporting information requested that the assessing officer should be able to decide on whether the medical problem has such an impact to meet the criteria set out for Severe, Moderate or Low needs using the examples set out in this procedure for each of the priority bands.
- 19) Further medical reports or information on the impact may be required where the officer or panel is considering a Severe priority and less likely when an officer is considering a Moderate or Low priority.
- For Severe this will generally require evidence from a senior health practitioner or a consultant and be a tailored assessment clearly linking the medical condition with the current accommodation and making a recommendation as to which type of property would alleviate the condition or problem.
 - For moderate this would require evidence from medical practitioners who must also recommend suitable property type or the required characteristics for a property based on their knowledge of the applicant's medical needs.
 - For low priority, this would require evidence by a letter from the applicant's GP or community health services. It must also recommend suitable property types and / or the required characteristics for a property based on their knowledge of the applicant's needs.
- 20) There will be occasions when further advice, or clarification, from a GP or hospital consultant may need to be sought by the applicant. For example, where it is claimed that an applicant's housing circumstances is severely affecting their mental health.
- 21) It is important to note that the assessing officer is not making a medical opinion. The role of the officer is to consider evidence regarding the impact of an applicant's current housing circumstances on any medical condition or disability.

- 22) Applicants who require support to live independently with their medical condition will be placed in a priority band for their medical need but may be suspended from bidding until an appropriate package of support has been agreed. If no appropriate support package has been agreed the applicant will not be offered accommodation whilst a support plan/package is pursued.
- 23) Each individual within the application household with a health or welfare problem will be assessed. If there is more than one member of the household whose health and/or welfare is being affected by their housing, their application will be awarded the need relating to the severest problem.
- 24) Where an applicant has been placed in a priority need banding as a result of a medical need this may be reviewed on a regular basis to ensure the award is still relevant and will be reviewed at the point an applicant receives an offer, and also where a suitable offer is refused.
- 25) The review will determine whether the level of priority is still appropriate. The review may involve a phone-call to the applicant and/ or support agency, an email, or a home visit.
- 26) Where an applicant already registered notifies a change of medical circumstances that are impacted by their current housing the applicant's priority will be re-assessed using the same process.
- 27) Applicants should be informed in writing by email/letter of the outcome of their medical priority assessment, and brief reasons explaining why the decision was made. If they disagree with the assessment there is a right to reconsider but they should be informed that they must state the reasons in writing and provide any additional health and wellbeing evidence so the case can be reconsidered.
- 28) In addition to medical banding the assessing officer and/or the Medical Panel may also decide (but is not required to decide) to give a property recommendation or location recommendation upon which the banding award is conditional. The property recommendation or location would normally be due to clear evidence from an appropriate health professional or OT which is accepted by the officer/panel.

Making the decision on what banding if any should be awarded

As per point 9 above, where the case is complicated or a Severe or Moderate level of need is likely the officer will refer it to the Medical panel, made up of independent Medical Practitioners and other health support agency representatives, and Housing Officers, who will make their final decision and will be guided by the above and the five-stage assessment process as outlined in section 12.2 of the main document.

The effect that an applicant's current housing has on their medical needs or welfare will ultimately determine which banding they are awarded or is determined by the panels. This is demonstrated in the below table:

Effect of current housing on medical or welfare need	Medical or Welfare Need		
	Severe	Moderate	Low
Severe	Band 1	Band 2	Band 3
Moderate	Band 2	Band 2	Band 3
Low	Band 3	Band 3	Band 3

Medical priority will not normally be awarded in the following circumstances:

- a) Where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied
- b) Health problems that are not affected by housing or cannot be improved by moving
- c) Where a move would only make a marginal improvement to the applicant's condition
- d) Medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame.
- e) Where another reasonable course of action is available to the applicant to resolve their difficulties.
- f) Time-related medical problems (e.g., pregnancy-related problems or a broken leg)
- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact).
- h) Overcrowding not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for being overcrowded).
- i) If the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

Examples of circumstances to help the assessing officer to decide whether to award any priority banding.

When there is a Severe medical need and a Severe impact caused by the applicant's current accommodation, a Band 1 should be awarded on medical or disability grounds:

The following Band 1 examples are intended to guide the assessing officer on the threshold set for a Band 1 award. They can also serve to help an applicant understand the threshold for a priority award to be granted. A band 1 award is for "Applicants who are suffering sudden or severe progressive life-threatening medical conditions and need an immediate move (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and poses an immediate and serious danger to the individual."

1. Applicants who have a progressive, chronic or life-threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital because their home is, and will remain, permanently entirely unsuitable or entirely inaccessible to live in.
2. Where the assessing officer accepts that the evidence from a relevant health professional indicates that there is a significant risk of serious and permanent injury and/or permanent disability.
3. Applicants who have a progressive, chronic or life-threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user.
4. A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care
5. The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g., applicant has severe mental health problems that are significantly exacerbated by their accommodation and that opinion is fully evidenced by the applicant's consultant or mental health services
6. Due to limited mobility a person is unable to access essential parts of the property e.g., bathroom/toilet and following an OT assessment of their medical needs that one or more of the adaptations are not possible/feasible.
7. A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
8. Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition

Examples of circumstances to help the assessing officer to decide when Band 2 should be awarded on medical or disability grounds:

1. A life-threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage
2. A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care
3. A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation
4. An applicant or member of his/her household usually has a chronic condition examples might include a respiratory condition, severe asthma or emphysema – and that the condition is being made worse by the current accommodation.
5. Where their current property leaves a person at risk of infection, e.g., where an applicant is suffering from late-stage or advanced AIDs
6. People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care. Evidence would normally need to be provided from a specialist consultant psychiatrist or a certified paediatric nurse that their current accommodation is having a significant detrimental impact on the mental health of any member of the household
7. People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs
8. Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability
9. Someone with a medical or disability who's housing has rendered them housebound
10. Where a move would avoid the need for another service (e.g., Social Services) from having to provide a significant level of support. This might include for example residential care, overnight care provision, or other support with similar resource implications
11. Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the number and nature of steps, stairs or other hazards that may increase the risk of serious injury
12. The applicant or household member requires significant disabled adaptations to meet their needs and this is not feasible in their current accommodation or would not be cost effective.
13. Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service.

14. Veterans who have actively served in the armed forces and are suffering from severe post-traumatic stress disorder or serious illness directly related to service in the forces
15. An occupational therapist has identified that the current accommodation is partially suitable but:
 - The applicant or member of his/her household needs a major adaptation, such as a level access shower; or
 - The applicant or member of his/her household has significant difficulty managing stairs or difficulty accessing the property owing to stairs or slopes leading to doorways and the occupational therapist recommends a lift, ramped access or ground floor living; and
 - The adaptations are unlikely to be completed in a reasonable period of time
16. Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation
17. Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities
18. Children with severe conditions such as autism, or cerebral palsy or ADHD where their long-term needs cannot be met without long term settled accommodation.
19. A person with a severe disability requiring some adaptations to their property that are unable to be provided for in their current accommodation.
20. Where an applicant can access their home but struggles to access normal day-to-day facilities within it (e.g., bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort. This would include cases where an adaptation is not feasible or in line with our adaptations policy and cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)

Band 3 will generally be awarded to any applicant which does not meet any of the above, and where there is a low medical need and a low impact on the medical condition(s) from the applicant's current accommodation.

Annex 2

Length of time in a priority band

Applicants in Bands 1 and 2 will normally be given 6 months preference for rehousing through the choice based letting scheme, unless specifically stated in the main policy. If the applicant has failed to bid for a property they may lose their priority preference and be placed in Band 3 or 4.

Where the Council has a duty to secure accommodation for a statutorily homeless applicant they will be considered for one direct offer of accommodation as soon as a suitable property has been identified, before such sanction is applied.

The decision on whether to extend the priority banding award will be determined by:

- Whether there has been a change of circumstances
- Whether the applicant has been bidding for accommodation
- Whether the applicant has any support needs relating to their rehousing
- The number of properties being advertised that are suitable for the applicant's need
- The level of demand for suitable properties
- The position of properties the applicant has expressed an interest on
- If the applicant has completed reasonable action required by them as part of Housing Option's plan under homelessness Reduction Act.