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# Homefinder Somerset Common Lettings Policy

**January 2021**

How the Somerset Choice Based  
Lettings Scheme works.



# Homefinder Somerset Common Lettings Policy

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Date of Review	Changes	Who
05/12/17	Minor wording amendments	CD
27/02/18	Minor changes – Homeless Reduction Act amendments including additional band reasons and Local Connection changes for care leavers.	CD
15/4/18	Final comments from HMG – PPAP amendment	CD
30/4/18	EB to include “Medically optimised for discharge” word change	CD
13/09/18	30.7 Silver under relief stage onwards may have bids placed by the LA if an applicant isn’t actively bidding	CD
30/03/20	Paragraph 30.7 amended to remove the 4 week period before proxy bids can be placed for households assessed as Gold Band Homeless and Silver Under Relief	RW
1/6/20	Paragraph 17.6 amended to confirm that Gold Band Move on will be reviewed after 3 months	RW
5/1/21	Policy updated with agreed changes from the 2020 Policy & Process Review	RW

## Homefinder Somerset Common Lettings Policy

### I. Introduction

- 1.1 The Four Somerset Local Authorities (LA's) administer the Homefinder Somerset (HFS) Choice Based Lettings (CBL) Scheme and Common Lettings Policy in partnership with the majority of the registered housing providers operating within Somerset. The policy takes account of Somerset's strategic housing framework, homelessness strategy and tenancy strategy. The scheme's key objectives are to provide:
- Choice for people seeking housing and the ability to move within Somerset
  - A common scheme across Somerset that provides a single point of access for applicants, is transparent, easy to understand and accessible to all

### 2. The Scheme in Brief

- 2.1 To apply for a property, applicants must have an active HFS housing register application that reflects the current household's circumstances.
- 2.2 All applicants are required to fill out the same application form giving details of all the household members who are to be housed. To complete an application, as defined in the relevant sections of this policy the applicants need to prove they (i) are eligible to join the register (ii) have a connection to Somerset or in certain circumstances may be treated as having a local connection to Somerset and (iii) provide evidence of identity.
- 2.3 Applicant's information is held on a computerised database known as the housing register. The partners of the HFS scheme can access this information.
- 2.4 Once the application is complete as defined in the policy it is assessed against a clear set of banding criteria. Applicants are placed into a band that reflects their household circumstances and awarded a bedroom eligibility that determines the size of the property that they can place an expression of interest for. .
- 2.5 Once the application has been assessed it is activated which allows expressions of interest to be placed against properties that the applicants wishes to be considered for.
- 2.6 Expressions of interest can be placed during the advertising cycle and the success of the expression of interest can be monitored from an individual's account on the website.
- 2.7 Once the deadline has passed for expressions of interest to be made in each advertising cycle, the successful applicant is usually the person in the highest band with the earliest effective date. The housing provider will verify the details of the application before making a property offer. Incorrect information may result in a property offer being withdrawn and the band and bedroom award being re-assessed.
- 2.8 For each property advertised the banding and effective date of the successful applicant, together with the total number of expressions of interest made for each property will be published. Using this information, applicants will be able to see where properties are more likely to become available and where they may have the best chances of making a successful expression of interest.

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### 3. Who can apply

- 3.1 The HFS housing register is open to anyone over the age of 16 with a local connection to Somerset who is not subject to immigration control. This includes existing tenants, homeless families looking for a permanent home and other applicants who either rent in the private sector, own their own home or are buying a property or lodging with family and friends.
- 3.2 Married couples, civil partners and couples living together will receive equal treatment under this policy.
- 3.3 A tenancy will not usually be given to applicants under the age of 18 years without a 'guarantor' e.g. Social Services, parent, guardian. Partner housing providers may have differing policies for persons under the age of 18 and they should be contacted directly for details.
- 3.4 The main applicant is the individual named as such on the HFS application form. The application may include anyone that is reasonably expected to live together as part of the same household, including friends of the applicant.
- 3.5 Any partner or friend included on the application is usually expected to be named as a joint applicant and at the discretion of the housing provider may be named as a joint tenant on any tenancy granted.
- 3.6 Where the policy refers to the applicant this includes the main and any joint applicant (s).

### 4. Management of applications

- 4.1 When an applicant applies to the HFS scheme one of the partnership LA's will be responsible for assessing their application and managing their case. This will include:
  - Issuing all correspondence
  - Addressing any enquiries
  - Managing any reviews
- 4.2 The LA in which the applicant lives will manage an application from a resident living in the Somerset area. An application from an individual living outside of the Somerset area will be managed by the LA who is responsible for the area the applicant has stated is their preferred area.
- 4.3 Where a Somerset partner LA has accepted a homelessness duty towards an applicant, they will manage their housing register application.

### 5. Eligibility to join the housing register

- 5.1 Applicants must be resident in the United Kingdom at the date of their application.
- 5.2 Certain people from abroad, including some who are subject to immigration control are not eligible to join the register or be allocated affordable housing. The legislation setting out which classes of persons from abroad are eligible or ineligible for an allocation is s.160ZA of the

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Housing Act 1996 and the relevant regulations in force at the date of the application and allocation. At the date of this version of the Policy they are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations'), as amended by the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861) and regulations made in 2020 'the Consequential SI' that preserve rights at the end of the transition period. The legislation is subject to change. For further details, please see the Homefinder Somerset Procedures Manual.

- 5.3 British Citizens returning from a period living or working abroad wishing to join the HFS register must pass the 'habitual residence' test. The purpose of the test is to show whether an individual has the right to live in the UK (**known as the** right to reside) and whether they intend to settle in the UK.
- 5.4 Eligibility will be assessed at the time of application and again at the time of any offer of accommodation as advised by the Code of Guidance on allocation of social housing. Applicants need to be aware that eligibility at the time of application does not mean that they will necessarily be eligible at the time of any offer of accommodation, particularly if there has been a substantial gap of time between the two.

## 6. Local connection

- 6.1 To join the HFS housing register the main or joint applicant has to prove a local connection, or be deemed to have a local connection, to the HFS area. A local connection can only be established by the main or joint applicant.
- 6.2 An applicant who cannot prove a local connection or be deemed to have a local connection to the HFS area but feel their circumstances are so exceptional they should be able to join the housing register should contact the LA who is responsible for the area they have stated is their preference area. The Operational Group will consider each application made on this basis for inclusion on the register.
- 6.3 Residency in a property where any kind of treatment or rehabilitation is received will not count towards establishing a local connection. This does not include the supported housing accommodation in the HFS area.
- 6.4 **The HFS partnership defines Local Connection as:**
  - a) The applicant has lived in the HFS area for at least 2 years, or three of the last five years. This criterion is in line with the Government guidance '[Providing social housing for local people](#)'.
  - b) The applicant has employment in the HFS area. Local Government Association guidelines define this as employment other than of a casual nature. For the purposes of this policy, the employment must be permanent with a minimum contract of 16 hours per week. There must not have been a break in the period of employment lasting more than three months in the last 12-month period.
  - c) The applicant needs to move to take up an offer of permanent employment of over 16 hours a week within the HFS area and commuting to their new place of work from their existing home would be unreasonable.

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- d) The applicant has family connections in the HFS area. Local Government Association guidelines define this as immediate family members (parents, siblings and non-dependent children) who have themselves lived in the area for five years and with whom there has been frequent contact, commitment or dependency.
- e) The applicant can demonstrate a need to move to the HFS area to give or receive essential and critical medical or other support where significant harm would result if this were not provided.

### 6.5 Applicants that fall within the following categories **will be deemed to have a local connection** to Somerset:

- a) Serving members of the British armed forces, or those that have served in the last 5 years.
- b) Serving members of the British armed forces who need to move because of a serious injury, medical condition or disability sustained that was wholly or partly attributable to their service.
- c) Bereaved spouses or civil partners of those serving in the British regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
- d) Serving or former members of the British Reserve Forces who need to move because of a serious injury, medical condition or disability sustained that was wholly or partly attributable to their service.
- e) The ex-partner of a serving member of the British armed forces, or those that have served in the last 5 years, that has separated in the last 12 months (evidence required from the Welfare Officer or other Military support officers).
- f) Applicants applying for sheltered housing only, and who do not have a local connection to the HFS area, will be placed in bronze band and will only be able to place an expression of interest against sheltered housing vacancies identified by registered housing providers.
- g) Applicants who are fleeing domestic abuse or other violence providing evidence to substantiate the claim exist.
- h) Applicants referred by the Public Protection Team under the Public Protection Accommodation Protocol.
- i) Applicants referred by the National Witness Mobility Scheme (NWMS) under the agreed protocol.
- j) Applicants that have been in care for more 2 years or more, whilst under the age of 16.
- k) A care leaver living outside of the HFS area but owed a duty of care under section 23C of the Children's Act 1989 by one of the HFS partner LA's.

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- l) A care leaver under the age of 21 who has been living in the HFS area for at least 2 years, including sometime before they were age 16, who is owed a duty of care from an LA outside of the HFS partner area.
- m) Applicants that have or will be accepted as Homeless by a LA within the HFS area under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) including Rent (Agricultural) Act cases.

### 7. Evidence requirements

- 7.1 HFS housing register applicants must provide evidence of their eligibility to join the housing register, a local connection to Somerset and identity. Additional evidence may be required to ensure the band and bedroom eligibility is correct. HFS will not be responsible for any fees incurred to supply any supporting information.
- 7.2 A five-year address history for each household member included on the application must be supplied, with the exception of household members under the age of five, where a full address history that matches their age must be supplied.
- 7.3 **Eligibility evidence (mandatory)**
- 7.4 Persons from abroad subject to immigration control will need to supply their immigration control paperwork to evidence their right to be in the UK.
- 7.5 **Local connection evidence (mandatory)**
- 7.6 Applicants establishing a local connection by residing in the area need to provide a document to show their current address. Examples of the evidence required for the different local connection types are shown below:
  - a) If an applicant is proving a local connection through **employment in the area** evidence must be supplied to prove this e.g. a contract of employment.
  - b) If an applicant is proving a local connection by having to **move to the area to take up employment** evidence must be supplied to prove this e.g. a contract of employment.
  - c) If the applicant is proving a local connection by an **immediate family member**, the HFS local connection form must be completed.
  - d) If the applicant is proving a local connection by **providing or receiving essential and critical medical or other support** the HFS care provider and care received forms must be completed.
  - e) If the applicant is a **serving or former member of the British Armed Forces or Reserved Forces** discharge paperwork or notices must be provided. This also applies to an Ex-partner who has separated within the last 12 months, and lost their local connection due to moving with their partner. Information would be expected from the Forces Welfare Officer to verify the relationship.



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- f) If the applicant is **fleeing domestic abuse or other violence** evidence from the Police, Multi Agency Risk Assessment Conference (MARAC), Multi Agency Safeguarding Hub (MASH), Somerset Integrated Domestic Abuse Service (SIDAS), Independent Domestic Violence Advisor (IDVA) must be provided.
- g) If the Public Protection Scheme refers the applicant, the referral form will act as evidence. The form will be kept securely by the relevant LA and destroyed when the individual is housed.
- h) If the applicant is **referred by NWMS**, (National Witness Mobility Scheme) the referral email will act as evidence. The email will be kept securely by the relevant LA and destroyed when the individual is housed.
- i) Care leavers – Written confirmation from the care provider.
- j) Applicants that have or will be accepted as Homeless by a LA within the HFS area under Part VII of the Housing Act 1996. (As amended by the Homelessness Act 2002) including Rent (Agricultural) Act cases – Written confirmation from the Housing Officer

### 7.7 Identity evidence (mandatory)

7.8 Two separate documents to show the applicants current name and national insurance number must be provided. A list of acceptable evidence is available on the HFS website.

### 7.9 Address evidence (mandatory)

7.10 Applicants need to supply a document to show their current address. A list of acceptable evidence is available on the HFS website.

7.11 To award Gold or Emergency band evidence from a third party is essential.

7.12 Additional evidence can be supplied in support of an application at any time.

7.13 To ensure the banding and bedroom eligibility is correct additional evidence may be requested by the relevant LA

## 8. Complete Applications

8.1 An application is deemed complete and ready to assess to make active, when the relevant LA receives all the mandatory evidence.

## 9. Assessment of Applications

9.1 All applications are assessed to determine that the applicant is eligible to join the register and can establish a local connection. The bedroom size and the level of housing need (the band) are awarded according to individual circumstances and the household make-up using the criteria set out in this policy.

## 10. Size of Property

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- 10.1 Housing providers will usually try to make best use of their housing stock by allocating properties with more than one bedroom to families; often giving priority to households with children under the age of 16. The size of the property, individual housing provider letting policies and local planning policies may affect the size of the households that may apply for particular properties. Any restrictions will be included in the property advert.

### 11. Calculating bedroom size eligibility

- 11.1 Applicants can express an interest for properties that match the needs of their household. A maximum of two people can share a bedroom. Household members living together as a couple will be assessed as requiring one bedroom unless there are exceptional circumstances.
- 11.2 To calculate the bedroom eligibility one bedroom is usually allowed for:
- a) A single applicant or couple (married or unmarried)
  - b) One additional bedroom is usually allowed for:
  - c) Any two children of the same sex under the age of 16
  - d) Any two children under 10 irrespective of sex
  - e) Any other person aged 16 or over
  - f) Any other child, (other than a child whose main home is elsewhere)
  - g) A carer who does not live in the household but provides a household member with long term overnight care
- 11.3 If an applicant wishes to place expressions of interest on properties smaller than their calculated bedroom eligibility, they must sign a bedroom declaration form. The applicant will be made aware that their current banding could be affected and should they need to reapply for social housing this declaration may be taken into account when calculating the bedroom requirement. If the LA agrees the bedroom reduction, the decision to offer housing at the decreased bedroom size will be up to the housing provider.
- 11.4 Because of the high demand for properties within Somerset, additional bedrooms **cannot** be given to applicants who have children who do not normally live permanently with them as their full time principle home. LA's will sometimes have to make decisions in cases of equally shared responsibility as to who will be treated as having primary responsibility for any children. Consideration will be taken of where the child spends most of their time, which address the child is registered at for their Doctor, School etc. and which parent receives Child Benefit and, or Child Tax Credit.
- 11.5 Partner housing providers may choose to allow applicants to express an interest for properties that are larger than their needs but this will be on a property-by-property basis and is at the housing provider's discretion.
- 11.6 Where tenants of a partner housing providers are overcrowded within their accommodation account should be taken of the room sizes in determining an applicant's banding. For example, a

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family of two adults and two children living in a two-bedroom property with room for three people could be treated as lacking a bedroom and placed into silver band. The bedroom eligibility calculated under the policy would remain the same

- 11.7 When calculating bedroom entitlement members of the applicant household not currently living as part of the household may be taken into consideration where the following is met:
- 11.8 The applicant has adult child/children in the armed forces and the child/children's main and principle home is with the applicant. Evidence for this will be required (e.g. Forces paperwork)
- 11.9 The applicant has adult child/children in full time education and their main and principle home is with the applicant. Except where the child or children is in rented accommodation for the purposes of attending their full time education course where an additional bedroom cannot be granted unless this accommodation is for term time only. Evidence for this will be required (e.g. halls of residence letter, tenancy agreement).
- 11.10 The applicant has been granted custody of a child or children currently in care, a foster placement or living with another family member and the child or children will live with the applicant on a permanent basis. Evidence will be required for this (Confirmation from the panel that you are an approved carer, as per stage 5 of the Somerset Foster/Adoption process: <http://www.fosteradoptsomerset.org.uk/the-process/>).
- 11.11 The applicant is pregnant. If the expected baby would mean a change to the existing bedroom need of the household, an additional bedroom may be granted on receipt of evidence of pregnancy. If the award of an additional bedroom would affect the banding of the application this will not take effect until confirmation of the birth is received. Evidence will be required for this (e.g. the applicant adding new child's details to the application by completing an online change of circumstances or receipt of a birth certificate).
- 11.12 **Additional Bedrooms**
- 11.13 An additional bedroom over and above the calculated bedroom need of an applicants' existing household may be granted if one of the criteria detailed are met. Evidence of the need for an additional bedroom must be provided by or on behalf of the main or joint applicant.
- 11.14 The applicant is an approved foster carer/adopter or is in the process of gaining approval. Only one additional bedroom may be granted under this criterion. Evidence will be required for this (e.g. Confirmation from the panel that you are an approved carer, as per stage 5 of the <http://www.fosteradoptsomerset.org.uk/the-process/>).
- 11.15 The household needs to move to take on the role of a special guardian for a child/ children, where the Family Court has made such an order or to enable the Family Court to make such an order.
- 11.16 There is evidence that an individual has the need for regular overnight care from a person who is not a part of the household. Under normal circumstances, an additional bedroom will not be given for short periods of incapacity or for recovery periods from serious operations /illness. The receipt of a qualifying benefit may be taken into account. Only one additional bedroom may be granted under this criterion. Evidence for this could include a care plan, occupational therapist report/letter, or medical professional report/letter.

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- 11.17 There is evidence from a professional that there is a medical, welfare or safety reason for a member of the household to have their own bedroom. Under normal circumstances an additional bedroom will not be given for short periods of incapacity or for recovery periods from serious operations /illness. The receipt of a qualifying benefit may be taken into account. When undertaking this assessment each case will be looked at on its merit. Evidence for this may include occupational therapist report/letter, medical, welfare or safe guarding professional report/letter.
- 11.18 If a child is disabled and cannot share a bedroom with another child because of their disability. The following conditions must be met:
- The disabled child must be entitled to the middle or higher rate care component of Disability Living Allowance (or evidence is provided by a health professional that their condition is deteriorating and will mean that they will soon be entitled to the middle or higher rate care component of Disability Living Allowance), and
  - The local authority must be satisfied that the child's disability means they cannot share a bedroom with another child. Evidence will be required from a secondary care health professional who has knowledge of the existing property (e.g. Housing OT) to confirm this.
- 11.19 There is evidence that a member of the household is dependent on large or essential medical equipment that cannot be kept elsewhere in the property. This does not include the storage of mobility scooters or wheelchairs. Only one additional bedroom may be granted under this criterion. Evidence for this may include occupational therapist report/letter.
- 11.20 There is evidence that a substantial Disabled Facilities Grant will be made to adapt the property for a member of the household and awarding an additional bedroom would prevent a future move due to the age change of a household member resulting in a change in bedroom eligibility. Evidence for this may include occupational therapist report/letter.

## 12. Disrepair assessments

- 12.1 The condition of the current home may affect an applicant's banding. A qualified officer from the relevant LA must inspect the property and identify any hazards under the Housing Health & Safety Rating System. If the applicant resides outside of the HFS area, then the managing LA partner will contact the respective LA to arrange an inspection, if required.
- 12.2 Depending on the type of hazards identified and the condition of the property; a level of priority either nil, low, medium, high or urgent will be allocated. This priority will determine the band in which the applicant is placed. If the applicant is an existing social housing tenant, the relevant housing provider will be notified of the problem.
- 12.3 In all cases, the landlord must be informed of the hazard for a disrepair banding to apply.

## 13. Financial Resource assessments

- 13.1 Affordable Housing provided through the HFS scheme is for people who are considered to have insufficient financial resources to meet their housing need. The financial resources available to

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each household will be assessed to determine whether they are sufficient to meet their housing need.

- 13.2 Partner HFS housing providers may have different policies relating to the levels of income and other assets of those households that they will accommodate. A successful expression of interest for a home will be subject to the individual housing provider's lettings and financial assessment policies. More information is available from each housing provider.
- 13.3 Applicants may be required to demonstrate to a housing provider that they can afford the rent on any prospective tenancy before signing up for a tenancy.
- 13.4 **Household capital, equity and savings assessment**
- 13.5 When considering if an applicant has adequate financial resources to meet their housing need, all capital including savings, property, land and equity available to an applicant's household will be taken into account. The size and composition of the applicant's household and the cost of renting or buying privately in the current local housing market will also be considered.
- 13.6 **Household income**
- 13.7 At the time of assessment, applicants with a gross household income more than five times higher than the relevant Somerset Local Housing Allowance (LHA) rate will normally be considered to be able to meet their housing need; by either renting privately or owner occupation.
- 13.8 Local affordability issues will be taken into account given that some areas of Somerset have high property rental and purchase values.
- 13.9 Further information on the financial assessment and the LHA rates are available from the relevant LA.
- 13.10 Payments of Attendance Allowance (AA), Disability Living Allowance (DLA) and Personal Independence Payment (PIP) are fully disregarded from the HFS financial assessment; but are included in the HFS financial hardship calculation for welfare banding.
- 13.11 Local authorities will consider each case individually. Where an applicant has specific needs the financial thresholds for income and savings will not apply if it is agreed that they could not meet their own housing needs on the private market. This may include households who own their own home. Examples include:
- The applicant has mobility needs that mean they require an accessible or specially adapted home that is either not available or affordable to buy or rent, or they are not eligible for, or has been declined for a Disabled Facilities Grant.
  - Victims of domestic abuse who have resources tied up in a joint home or joint savings etc. but cannot access them despite taking reasonable steps to do so.
- 13.12 Local authorities will not take into account any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service into account when assessing whether they have sufficient resources to meet their own housing need.

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13.13 Exemptions from the requirement for a financial assessment are dealt with on a case-by-case basis and may include applicants that:

- Have an overriding medical or support need
- Are applying for sheltered housing from one of the HFS partner housing providers
- Need to be decanted from HFS partner housing provider property.
- Have been left in a HFS partner housing provider property where the tenancy agreement states that the HFS partner housing provider will provide the applicant with another property when the tenant dies

### 14. Medical & Welfare Assessments

14.1 An officer from the relevant LA will initially assess all medical or welfare applications.

14.2 For the purposes of the medical and welfare assessments, the applicant or the member of the household affected will be referred to as the individual.

14.3 The approach when banding under the medical and welfare criteria is to focus on how the individual's current housing situation is affecting their medical and, or welfare issues and how these issues could be improved by any move to alternative accommodation. This is done by considering:

- a) The individual's medical or welfare condition
- b) The impact the current property/environment has on the individuals medical or welfare condition; and
- c) How moving to an alternative property would help the individual's medical or welfare issues or improve their general well-being

14.4 Although the HFS scheme reserves the right to request supporting evidence in all cases, where Emergency or Gold band for medical or welfare criteria is being considered **evidence from a third party is mandatory**. Evidence should be from a professional person who has first-hand knowledge of the individual and the environment they live in. Ideally the evidence would confirm the individual's medical or welfare condition, the professional's opinion of the impact the current property/ environment has on the individuals medical or welfare condition and the effect a move would have on the individual.

14.5 A medical professional could include an Occupational Therapist, a Doctor, a Community Psychiatric Nurse or a Consultant. A professional worker could include a Social Worker, Environmental Health Officer, Health Visitor or Housing Officer.

14.6 The HFS scheme is aware that professional time is at a premium and does not expect applicants to request medical professionals to write letters. Reports and letters from the applicant's consultant to the applicant's Doctor for example may be sufficient.

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14.7 To help achieve consistency under the medical / welfare heading a schedule is detailed below in tables that sets out the different levels of impact and examples of the circumstances that could lead to these different levels.

14.8 The examples in the tables are not intended to be an exhaustive list; each case will be reviewed on its merits.

### 14.9 Medical

#### (i) Physical condition/illness:

An assessment will be made taking account of the information provided by the applicant and any medical professional who has knowledge of the individual, their conditions and the impact the current property is having on their conditions.

#### (ii) Mental Health

An assessment will be made taking into account the information provided by the applicant and any professional worker who has knowledge of the individual, their mental health conditions and the impact the current property or local environment is having on their mental health.

Table 2A (i) – Medical considerations

Impact	Impact current property has on medical issues	Band
Low	Minor impact, where the existing housing circumstances have a low impact on an individual's medical issues.	Bronze
Moderate	Moderate impact where there is a clear relationship to an individual's medical issues and the existing housing circumstances	Silver
Significant	Significant impact where the individuals medical issues makes it unreasonable to remain in the current accommodation; or where the property cannot be adapted to meet the applicant's needs or funds are not available for such adaptations or landlord permission cannot be obtained.	Gold
Severe	Severe impact where the individuals medical issue is life threatening or which is causing bed blocking with hospital / care facility	Emergency

Table 2A (ii) – Medical considerations

<p><b>Severe</b></p> <p>Medical specialists will not allow the individual to be discharged from hospital to their current property.</p> <p>Individual lives alone and has chronic mobility and, or medical issues; or is living with another frail individual who has serious mobility or medical issues and with virtually no support or contact with family or neighbours.</p>	<p><b>Significant</b></p> <p>Individual has serious mobility or medical issues and has no access to a lift/stair lift and:</p> <p>Is reliant on walking aids or a wheelchair but has difficulty in the property due to the lay out not being compatible with the aids required (unable to access bedroom or bathroom).</p>
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<p>Is reliant on walking aids or a wheelchair and the property necessitates the climbing of steps/stairs to gain access to the property and, or steps/stairs within the property itself and is effectively housebound.</p> <p>Is reliant on walking aids or a wheelchair but cannot manage in the property due to the lay out not being compatible with the aids required.</p> <p>Is reliant on oxygen and has to manoeuvre oxygen cylinders up and down the stairs to access the building or within the property.</p>	<p>Has difficulty in managing the layout or size of property (toilet, bathing facilities).</p> <p>Is confined to the existing property as dependant on assistance to leave/return to the property.</p> <p>Lives in a property which necessitates the climbing of stairs to gain access to the property and, or steps within the property itself and has medical issues which make it difficult to managing this.</p>
<p><b>Moderate</b></p> <p>Individual has moderate mobility or medical issues and has access to a lift/stair lift and:</p> <p>Is reliant on walking aids or a wheelchair and has some difficulty in the property due to the lay out not being compatible with the aids required. Has some difficulty in managing the layout or size of property (toilet, bathing facilities).</p> <p>Lives in a property which necessitates the climbing of stairs to gain access to the property and, or steps within the property itself and has medical issues which means there is some difficulty to manage this.</p> <p>Is not confined to the existing property and does not need assistance to leave/return to the property but would benefit from living on a ground floor/level access property.</p>	<p><b>Low</b></p> <p>Individual has low mobility or medical issues who do not require a lift/stair lift or are already living in a level access, ground floor property.</p> <p>An individual suffering from generalised symptoms of asthma and eczema aggravated by the cold.</p> <p>Minor problems relating to recurring colds/asthma or regular depression or unusual allergies could be pointed under this heading providing a link to the existing accommodation could be demonstrated.</p>

### 14.10 Welfare

#### (i) General Welfare

An assessment of the property and the local environment the individual is currently living in will be made to establish whether the individual has access to reasonably comfortable, affordable and secure living standard based on the information provided. Consideration of the general housing circumstances in the district, the availability of facilities, resources and services in the property and the local environment where the individual lives in will be taken into account as well as the ability of the individual to access them.

#### (ii) Social welfare



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An assessment of the quality of life that includes factors such as the quality of the environment, services available (gas, electric, water, public transport), level of crime, extent of drug abuse, availability and distance of essential social services, individuals place of work, education as well as religious and spiritual aspects of life. The age, physical or learning disability, behavioural difficulties and threats to the individual will be considered as well as the impact on the rest of the household.

### (iii) Financial hardship

A full assessment of the household's income and expenditure will be undertaken to determine if the cost of the current accommodation is affordable or if it is creating financial hardship that cannot be resolved within a reasonable period of time.

Table 2B (i) – **Welfare considerations**

Impact	Impact current property has on welfare condition	Band
Low	Minor impact, where an individual's welfare issues has a low impact on the existing housing circumstances.	Bronze
Moderate	Moderate impact, where there is a clear relationship to an individual's welfare issues and the existing housing circumstances.	Silver
Significant	Significant impact, where the individuals welfare issues makes it unreasonable to remain in the current accommodation	Gold
Severe	Severe impact, where the individuals welfare issue could be life threatening	Emergency

Table 2B (ii) – **Welfare considerations**

<p><b>Severe</b></p> <p>Individual suffers dizzy spells and arthritis lives alone in old caravan in grounds of a house in rural area. Only mains service is electricity. Fetches water from an outside cold water tap and uses an Elsan bucket toilet situated some distance from the caravan. Dangers include cold during the winter and potential falls when collecting water or using the outside toilet.</p>	<p><b>Significant</b></p> <p>The existing home seriously limits the care and support that can be provided to the individual</p> <p>The environment in and around the home has a serious detrimental effect on the quality of life of the household</p> <p>Remote location of property resulting in isolation and it can be demonstrated a move to an area with greater facilities will significantly improve quality of life, health &amp; wellbeing</p> <p>High financial hardship created by the cost of the current property which is unsustainable and cannot be resolved</p> <p>Significant cumulative need to move due to several welfare factors for one or all members</p>
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	of the household that are not covered elsewhere in the policy.
<p><b>Moderate</b></p> <p><i>For cases where an individual's welfare has a moderate impact and a clear relationship to existing housing circumstances.</i></p> <p>The existing home moderately limits the care and support that can be provided to the individual</p> <p>The environment in and around the home has a moderate detrimental effect on the quality of life of the household</p> <p>Moderate isolation whereby it can be demonstrated a move to an area with more facilities will greatly improve quality of life, health &amp; wellbeing</p> <p>Moderate financial hardship created by the cost of the current property, which may be resolved within 6 months with debt intervention.</p> <p>Moderate cumulative welfare need to move due to some welfare factors for one or all members of the household are not covered elsewhere in the policy.</p>	<p><b>Low</b></p> <p><i>For cases where an individual's welfare has a low impact on the existing housing circumstances</i></p> <p>The existing home has little impact in the care and support that can be provided to the individual</p> <p>The environment in and around the home has a low detrimental effect on the quality of life of the household</p> <p>Low isolation whereby it can be demonstrated a move to an area with more facilities will slightly improve quality of life, health &amp; wellbeing</p> <p>Low financial hardship created by the cost of the current property, which can be resolved within 6 months.</p> <p>Low cumulative welfare need to move due to some welfare factors for one or all members of the household not covered elsewhere in the policy.</p>

### 15. Members of the UK Armed and Reserve Forces

- 15.1 This section clarifies the approach taken by the HFS partners to members of the UK Armed and Reserve Forces.
- 15.2 As set out in Section 6 above, the local connection provision will not apply to:
- a) Serving members of the British armed forces, or those that have served in the last 5 years.
  - b) Serving members of the British armed forces who need to move because of a serious injury, medical condition or disability sustained that was wholly or partly attributable to their service.
  - c) Bereaved spouses or civil partners of those serving in the British regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

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- d) Serving or former members of the British Reserve Forces who need to move because of a serious injury, medical condition or disability sustained that was wholly or partly attributable to their service.
- e) The ex-partner of a serving member of the British armed forces, or those that have served in the last 5 years, that has separated in the last 12 months (evidence required from the Welfare Officer or other Military support officers).

15.3 The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 came into force in November 2012, requiring local authorities to provide additional preference to households who fall within one or more of the reasonable preference categories and who have urgent housing needs, where the applicant or a resident member of their household who might reasonably be expected to reside with them satisfies one of the following categories:

- a) S/he is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- b) S/he formerly served in the regular forces,
- c) S/he has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- d) S/he is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

15.4 The Somerset local authorities have agreed to apply this legislation by backdating the Effective Date of the following groups by 2 years (See Section 21):

- a) Applicants who have previously served in the Armed Forces
- b) Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained that was wholly or partly attributable to their service.
- c) Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
- d) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained that was wholly or partly attributable to their service.
- e) The ex-partner of a serving member of the British armed forces, or those that have served in the last 5 years, that has separated in the last 12 months (evidence required from the Welfare Officer or other Military support officers).

15.5 As well as awarding additional preference to serving and former members of the armed forces and their families in urgent housing need (see above); Homefinder Somerset partner local

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authorities and landlords will agree locally whether to set aside a proportion of properties for former members of the Armed Forces under a local lettings policy. Such a decision will be determined by locally agreed priorities and an assessment of the local housing market.

- 15.6 Local authorities will not take into account any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service into account when assessing whether they have sufficient resources to meet their own housing need (See Section 13).

### 16. Banding Criteria

- 16.1 The individual circumstances declared on the HFS application will determine the banding of an applicant. The HFS scheme has four bands Bronze, Silver, Gold and Emergency. Each band has its own set of criteria.
- 16.2 If an applicant has more than one housing need, which meets criteria in different bands, the application will usually be placed in the higher band.
- 16.3 Applicants who accept an offer of housing that does not fully meet their housing needs and who subsequently reapply to the housing register with no change in their circumstances, will normally be placed in the bronze band.

### 17. Emergency Band Criteria

- 17.1 'Emergency Band' will only be issued to an applicant who requires an 'urgent' move to ensure the applicant's safety and welfare for whatever reason. Substantial evidence must exist before such a priority is awarded.
- 17.2 An officer may award emergency band from the appropriate LA in the following circumstances only.
- 17.3 There is a 'severe impact' under the medical/welfare need; or
- 17.4 A Housing Standard Officer or Environmental Health Officer (EHO) confirm the property is in urgent disrepair and it would be dangerous for the applicant to return; or
- 17.5 The police or other agency state it is unsafe to return to the home due to threats or acts of violence; or
- 17.6 Confirmation has been received from a hospital that an applicant is bed blocking (also referred to as medically optimised for discharge) and they are unable return to their home due to its unsuitability; or
- 17.7 The applicant, or a member of their household, has suffered a sudden 'traumatic event', which is linked to their home, and living within their home will cause considerable distress (e.g. sexual assault).
- 17.8 The local authority managing the application will email another partner local authority with the Emergency Band referral. Emergency Band will be awarded where both authorities agree. If there is a split decision a third local authority or the Homefinder Somerset Coordinator will be

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emailed for their decision. Please note that Emergency Band cases for delayed discharge/ bed blocking will be automatically agreed upon confirmation from an appropriate health professional, subject to the normal consideration of income, savings etc.

- 17.9 If an immediate panel decision is required a manager of the LA administering the housing register application will consult with another manager from the other partner LA's. The case, and subsequent decision, must be reported to the next monthly Operational Group meeting.
- 17.10 Emergency Band is time limited and will last for 28 calendar days from the effective date in band. If the applicant has not applied for a property suitable for their needs within this period the band will be reviewed. If no suitable vacancy has arisen within this time, the emergency band will be renewed automatically.
- 17.11 If the emergency band is not renewed the applicant will be placed in the appropriate band for their needs.
- 17.12 In cases where the Police or other relevant agency recommend an urgent move to escape violence or threats of violence, applicants must express an interest on properties away from the area where the violence or threat is or has been occurring.

## 18. Gold Band Criteria

### 18.1 Homeless

Applicant accepted as homeless by a local authority within the HFS area under Part VII of the Housing Act 1996, (as amended by the Homelessness Act 2002) including Rent (Agricultural) Act Cases.

### 18.2 Lack of bedrooms / Overcrowding

Applicant who under the HFS policy bedroom eligibility calculation lack two bedrooms in their current home or have been confirmed as overcrowded (defined as a category I hazard and/or Statutory overcrowded) by a Local Authority officer, unless evidence exists that proves the overcrowding is deliberate. This does not include applicants who are sharing facilities.

### 18.3 Harassment

The applicant is a victim of harassment or violence including racial harassment at their current property within the HFS area, providing evidence exists to substantiate the claim from the Police or a Housing Officer. Referring agencies must complete the Homefinder Somerset Harassment Form. This band will last for three months but it may be extended for a further three months if the harassment or violence is continuing and evidence is provided to confirm this. Applicants must express an interest on properties away from the area where the harassment or violence is or has been occurring.

### 18.4 Medical / Welfare

The applicant meets the significant impact criteria under the medical/welfare assessment. If public monies have been committed or works begun to adapt the applicant's property to meet the applicants housing needs the applicant may be moved to bronze band.

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### 18.5 Disrepair

Category 1 hazards Bands A - C (Housing Health & Safety Rating System) have been identified in the property by a qualified officer that cannot be resolved or reduced to a Category 2 hazard within 6 months and the landlord of the property has been advised.

### 18.6 Ready to move on from Supported Housing

If the applicant has resided within a short-term, Supported Housing, project within the HFS area and is deemed ready to 'move on' into independent accommodation. The Project Manager of the scheme must complete and sign the HFS move on form. This Band will last for 3 months. Following a review it may be extended for a further 3 months if applicants are assessed to have been effectively bidding for homes, pursuing other options or there were no suitable homes available. If applicants are not assessed to have been effectively bidding for homes or pursuing other options their application will be placed in Bronze Band.

### 18.7 Care leavers

A young person, who has been looked after, fostered or accommodated and has had a duty of care accepted under the Children Act in the HFS area, who is ready for independent living and has a support plan in place.

### 18.8 Existing tenants of HFS partner landlords who are seeking to downsize from a large (4+ bed) property

Written confirmation has been received from the HFS housing provider that the applicant is seeking to downsize from a 4+ bed property. This will include those tenants seeking to downsize from a 3-bed home with a dining/ parlour room that could be used as a fourth bedroom. This priority will be reviewed after 3 months to ensure that applicants are bidding effectively.

### 18.9 Cumulative need

The applicant has four or more silver band housing needs with the exception of those applicants that are found to be intentionally homeless by the relevant LA.

### 18.10 Decants

Written confirmation has been received from the HFS housing provider that an applicant's existing property within the HFS area is subject to major works such as disposal, rebuilding/renovation or re-designation and the existing tenants needs to move in the next 12 months so the required work can be started.

### 18.11 Tenancy succession

Written confirmation has been received from a HFS housing provider that an applicant has been living in an affordable housing property within the HFS area but has no legal right to succession of that property. The housing provider intends to pursue possession of the property, or the applicant needs to move to a different property in order to make best use of stock. The applicant will be subject to automatic expressions of interest after a 9-month period.

### 18.12 Combined medical / disrepair



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The applicant has been awarded 'moderate' medical impact and 'medium' disrepair award from the Silver Band.

### 19. Silver Band Criteria

#### 19.1 Medical / Welfare

The applicant meets the moderate impact criteria under the medical/welfare assessment.

#### 19.2 Disrepair

A qualified officer has identified one of the following hazards (Housing Health & Safety Rating System) in the property and the landlord has been advised:

- Category 1 hazards Bands A - C that can be resolved or reduced to a Category 2 hazard within 6 months, or
- Category 2 hazards Band D, or
- 4 Category 2 Hazards of any rating.

#### 19.3 Lodgers / shared facilities

Applicants that have dependent children and are lodging with friends or family or in accommodation with shared living facilities. This will take precedence over any lack of bedroom requirements.

#### 19.4 Lack of bedrooms

Applicants lack one bedroom in their current home under the HFS policy bedroom eligibility calculation. This does not include applicants who are sharing facilities.

#### 19.5 Other homeless

Applicant is homeless / threatened with homelessness but has not been accepted by the HFS partners under Part VII of the Housing Act 1996 or who have nowhere to live (e.g. no fixed abode 'NFA'). This band cannot be awarded until 2 months before the expiry date of a valid notice to quit.

#### 19.6 Under Prevention

Applicants who are working with their local authority to prevent potential homelessness. Applicants who have agreed and are adhering to a Personal Housing Plan developed in partnership with their local authority.

#### 19.7 Under Relief

Applicants who have become homeless and who are nevertheless working with their local authority to resolve their homeless situation. Applicants who have agreed and are adhering to a Personal Housing Plan developed in partnership with their local authority.

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### 19.8 Split families

Applicants living in separate households not by choice but due to the lack of suitable accommodation available, and wish to be re-housed but have not been accepted by the HFS Partners under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002). This includes those who may not have been living as part of the household at the time of the application, but whom it would be reasonable to expect to live with the applicant, as part of his/her household. This will take precedence over any lack of bedroom requirements.

### 19.9 Work

Applicants who can evidence they have or have secured permanent employment of more than 16 hours a week within the HFS area and commuting to their new place of work from their existing home would be unreasonable.

### 19.10 Support

Applicants who are able to demonstrate the need to move nearer local facilities or relatives, in order to receive, or give, essential and critical medical or other support or care within the HFS area where significant harm would result if this was not provided.

### 19.11 Fleeing Domestic Abuse

Applicants that have made an application for housing as they have fled domestic abuse. Evidence from supporting organisations would be required.

Domestic Abuse is defined<sup>1</sup> as:

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexual orientation. The abuse can encompass, but is not limited to psychological, physical, sexual, economic and emotional forms of abuse.

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape, and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten a person

## 20. Bronze Band Criteria

### 20.1 Adequately housed

Applicants that are currently living in a property that is considered adequate for the households needs in terms of size and facilities. This includes applicants living in affordable housing, properties they own or partly own or tenants of private landlords.

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<sup>1</sup> Domestic Abuse Bill 2019 - 2021



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This category will also include those applicants who had been placed in Gold Band as ready to move on to independent living who were assessed at the 3 month review to not have been effectively bidding for homes or pursuing other options.

### 20.2 **Medical / welfare override**

Applicant attracts gold medical / welfare but has monies committed or works have begun to make adaptations to the current property

### 20.3 **Owner occupiers**

Applicants who are owner-occupiers including shared equity properties, whose home is not suitable for their needs and who have sufficient equity within the property to obtain suitable alternative accommodation. The LA will consider each application on an individual basis. High medical impact or disrepair problems may over-ride this rule and place the applicant in a higher band.

### 20.4 **Medical / Welfare**

Applicants awarded a low impact under the medical/welfare assessment.

### 20.5 **Adequate financial resources**

Applicants deemed to have adequate financial resources to meet their own housing needs.

### 20.6 **Accepted an offer that doesn't meet needs**

Applicants who accept an offer of housing that does not fully meet their housing needs and who subsequently reapply to the housing register with no change in their circumstances.

### 20.7 **No housing need**

The applicant has no identifiable housing need.

### 20.8 **Supported housing / care leavers not ready for move on:**

Applicant living in short term supported housing within the HFS area or are care leavers but have not been assessed by the scheme manager or social services as being ready to move on to independent living.

### 20.9 **Lodgers / shared facilities**

Applicants with no dependent children that are lodging with friends or family or in accommodation with shared living facilities. This will take precedence over any lack of bedroom requirements.

### 20.10 **Deliberately worsened circumstances**

Households that have been assessed as having deliberately worsened their housing circumstances by moving into accommodation that is unsuitable for their needs and /or by taking no action to improve their circumstances, which can be evidenced, may be placed into bronze band.

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### 20.11 Sheltered housing / No local connection

Applicants applying for sheltered housing that have no local connection. Applicants are only allowed to place expressions of interest against sheltered housing not general needs housing.

## 21. Application date & Effective date

- 21.1 All applications are given an '**Application Date**'; this is the date the application is treated as being received. This date determines how long an individual has been on the housing register and is usually the date the application is made.
- 21.2 All applications are also given an '**Effective Date**' this is the critical date for allocation purposes. The Effective date is the date the applicant was placed in their current band, for most applicants this will be the same as their application date.
- 21.3 Applicants in short-term supported housing and are deemed ready to 'move on' into independent accommodation will be given an effective date of the date they moved into the scheme.
- 21.4 Homeless applicants accepted under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) will be given an effective date of the date that a relief duty was accepted by the local authority, unless they are already in Gold band for other needs.
- 21.5 Care leavers with a care plan in place and confirmation they are ready to move on will be given an effective date of the date they reach their 16th birthday.
- 21.6 Tenants of partner housing providers living in the Somerset area in a property that is subject to major rebuilding/renovation works or re-designation and a decant is required for the work to be started will have their effective date backdated a year from the date of application. Backdating under this priority cannot be earlier than 12 months before the proposed start date of the works commencing.
- 21.7 To give additional priority to the following groups the effective date will be backdated two years from the date of application. Applicants in these groups can only have their Effective Date backdated once.
  - a) Applicants who have previously served in the Armed Forces.
  - b) Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained that was wholly or partly attributable to their service.
  - c) Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
  - d) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained that was wholly or partly attributable to their service.

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- e) The ex-partner of a serving member of the British armed forces, or those that have served in the last 5 years, that has separated in the last 12 months (evidence required from the Welfare Officer or other Military support officers).
- 21.8 When an applicant first applies to join the register, the application and effective date are usually the same. If there is a change in the applicants' circumstances resulting in a move to a higher band, the effective date will be amended to the date the change is reported. If an application is moved into a lower band, the effective date will be amended to the application date.
- 21.9 Where an applicant whose application has previously been closed wishes to re-join the housing register at a later date, their new application date and effective date will be the date they re-apply.
- 21.10 Where a joint applicant wishes to make an application in his or her own right the relevant LA reserves the right to apply the original application date of any joint active application to the new individual application.

## 22. Decision making

- 22.1 Once an application is complete, the LA will aim to assess the application within 21 calendar days. Applicants are placed into a band and awarded a bedroom eligibility that reflects their household circumstances and determines the size of the property they can place an expression of interest against based on the information on the application form and any supporting evidence provided.
- 22.2 Where it is identified at the initial application stage there is evidence an applicant has broken their existing or previous tenancy conditions the applicant will be advised that any expression of interest for a property may be unsuccessful. On request, applicants will be informed of the facts of their case.
- 22.3 The LA will aim to assess applications that have been updated by the applicant submitting a change of circumstance or completing the renewal process, within 21 calendar days of the submission date or the date any mandatory evidence that is required is received.

## 23. Notification

- 23.1 When a decision is made on an application, the applicant will be notified and that notification will include:
- A personal reference number to allow expressions of interest for properties
  - The band the application has been placed in together with the reason
  - The size of property the applicant is eligible for
  - The effective date in band
  - A statement confirming that a breach in existing or previous tenancy conditions could affect an offer of tenancy.

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- 23.2 A statement confirming that it is the applicants responsibility to report any change in circumstance
- 23.3 The HFS review procedure
- 23.4 Applicants not eligible to join the register or are unable to prove a local connection or be deemed to have a local connection to the HFS area will be notified.
- 23.5 If the applicant has been identified as potentially disadvantaged, including prison leavers, any carer or agency specified will also be notified of decisions.
- 23.6 When an application has been closed, the applicant or their representative will usually be notified. Unless the cancellation is a result of correspondence being returned 'invalid addresses', 'gone away' or 'addressee unknown'.

## 24. Change of Circumstances

- 24.1 A change to the information supplied on the initial application could result in a change of banding and, or bedroom eligibility. Once registered for housing the applicant has a responsibility to report any change of circumstance to the LA in writing or by completing an online change of circumstance.
- 24.2 **Examples of changes in circumstances that an applicant must report are:**
- Change in household members
  - Change in medical or welfare condition of any household member
  - Changes/alterations to the condition of the property they live in
  - Changes in income of any household member
  - Changes in capital including the inheritance of any capital or property of any household member
  - The inclusion or exclusion of domestic pets
  - They no longer wish to remain on the housing register
  - Where a landlord has carried out improvements to remove previously identified hazards
  - If an applicant changes address and wishes to remain on the housing register they must contact the managing LA and complete a new application within 28 calendar days of the date of the change of address occurring.
  - If an applicant is no longer eligible to be included on the register, their application will be closed. They may choose to re-apply should they become eligible again at a future date.

## 25. Annual renewal

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- 25.1 When requested to do so, an applicant must complete a renewal application to confirm they wish to remain on the HFS register and to check the details on their application are complete and up to date.
- 25.2 If the renewal is not completed within 28 calendar days, the application is closed and the applicant will be notified. If the applicant contacts the LA within 28 calendar days of their application being closed; and indicates they still wish to be considered for housing the application will be reinstated from their last application date. In this situation, the renewal process will be started and must be completed. Failure to complete the renewal process again will result in the closing of the application but the applicant will receive no further notification.
- 25.3 If an applicant not identified as being vulnerable does not reply to a renewal request it will be assumed that housing is no longer required and the application will be closed within 28 calendar days of the original review request letter being sent. The applicant will have to apply again if they later want re-housing. In such cases, an applicant will lose their previous band effective date and application date. The new application and effective date will be determined by the date the new application is made.

## 26. Closing Applications

- 26.1 An application will be closed for the following circumstances:
- a) Applicant request
  - b) Applicant has not responded to an application review, within the specified time limit
  - c) Applicant ceases to qualify or becomes excluded
  - d) Tenant completes a mutual exchange
  - e) Applicant moves and does not provide a contact address
  - f) Applicant has not supplied the information requested within the specified time limit.
  - g) Applicant has died
- 26.2 Where an applicant has been highlighted as potentially disadvantaged, the LA will attempt to contact the applicant to check their circumstances before closing the application.
- 26.3 If an applicant is housed through the HFS scheme, their application will be closed and they will show as housed on the computer system.

## 27. Review Procedure

- 27.1 Once an applicant has been notified of the outcome of their housing register application they have a right to request a review of their LA assessment. Reviews must be submitted in writing to the relevant LA within 28 calendar days of the date on the notification and include the reason why the applicant believes their banding or ineligibility to join the register is wrong, together with any additional information that the applicant believes is relevant.

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27.2 Any applicant has the right for a review of the following decisions:

- a) Eligibility to join the register
- b) Local connection
- c) Banding
- d) Bedroom eligibility
- e) That all priority will be suspended because of unacceptable behaviour.
- f) Cancellation of the application

27.3 An officer who played no part in the original assessment will carry out the request for a review. The LA will aim to advise the applicant of the outcome of the review within 28 calendar days of the receipt of the review request. If the LA is unable to respond within this period the review request will be acknowledged within 14 calendar days giving a realistic timescale for a full reply.

27.4 If the applicant is dissatisfied with the outcome of the review then they can request a further review through the relevant LA complaints procedure.

27.5 If additional information is received with the review request, the review process will stop. The new information will be treated as a change in circumstances and in the first instance; an appropriate officer will reconsider the banding and bedroom allocation. The applicant will have the right to request a review of the new assessment.

27.6 **Homeless applicants** have the right to request a review of certain decisions made by the LA in respect of their homeless application. Within the HFS Common Lettings Policy this includes the decision to discharge the main homeless duty to secure accommodation by providing suitable accommodation for the applicant.

27.7 If a homeless applicant wishes to request a review of the suitability of accommodation offered, this should be requested before the end of the period of 21 calendar days beginning with the day on which they receive the LA's final offer letter.

## 28. Complaints

28.1 Any complaints about the applicant's HFS application should be directed to the LA. The relevant LA will aim to reply to all complaints within the timescales set in their own complaints procedure.

28.2 Any complaints regarding the labelling of advertised property e.g. size, amenities or if a successful applicant is not offered the accommodation for any reason should be directed to the housing provider for that property.

## 29. Finding a Home

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- 29.1 Once applicants have been accepted on the HFS housing register and notified of their banding, bedroom eligibility and reference number, they can start to look for a property of their choice.

### 30. Advertising

- 30.1 All partner housing providers are committed to advertising their available properties as widely as possible. Computers may be available for public use in some Local LA and housing provider offices and local libraries. Properties are usually advertised on a weekly basis.

#### 30.2 Advertising Cycles

The weekly advertising cycle opens on a Wednesday at a minute past midnight and closes the following Sunday at a minute to midnight.

#### 30.3 Advertisement Deadlines

All adverts carry a deadline by which time expressions of interest for properties must be placed. This is normally the end of the advertising cycle.

#### 30.4 Labelling Properties

To help make best use of their stock housing providers may apply eligibility criteria to a property so only applicants that meet the criteria will be considered for the property.

The adverts text would include the criteria for example, a medical need for an adapted property or having certain age requirements for household members.

#### 30.5 Labelling Caution

The general effect of labelling can be seen to compromise the extent to which vacancies will be let to the highest priority applicant as described under the banding criteria. It is important for each housing provider to minimise such labelling in order to maintain transparency to the allocation system.

- 30.6 Properties will only be available to applicants in certain 'Bands' according to the size and type of the property, the number of annual vacancies and level of demand. For example, a three-bedroom property in a high demand area may only be advertised to 'Gold' Band applicants, areas where there is low demand may be offered to both Gold and Silver Band applicants, or in some cases, all bands.

#### 30.7 Supported Accommodation (e.g. sheltered)

In addition to the banding criteria, all partner housing providers may wish to ensure that supported accommodation is allocated to those who have not only a housing need but also a 'support' need. Housing providers will look to accept expressions of interest from applicants in the highest band **and** have an identifiable support need in addition to the earliest application date. This support need will be verified.

#### 30.8 Transfer Applications

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All partner housing providers are keen to ensure that they make the best use of their own stock. To achieve this, a certain proportion of properties advertised will be labelled giving preference to transfer applicants or transfer applicants in a specific band. For example the silver band and in some cases preference will also be given to existing tenants of that housing provider. The number of properties labelled as such will be monitored on a regular basis.

### 30.9 **Accepted Duty Homeless Cases**

In order to fulfil its statutory duties towards homeless applicants and to create a through flow of temporary accommodation; a LA may label properties allowing only households who have an active homeless application cascading from Gold Homeless duty, Silver Relief duty then Silver Prevention duty. In some circumstances, a LA might use any of the bands individually to give preference to this group.

### 30.10 **Sensitive Letting** – individual properties

Occasionally there may be a requirement to assist in dealing with issues that impact on a small, specific location. This may be to:

- Reduce the concentration of certain needs groups which are impacting on housing management
- Promote a mixed and sustainable community by seeking to select/not select households with particular characteristics
- On these occasions following a discussion between the LA and the relevant housing provider (where the LA is not the housing provider itself) certain property labels e.g. minimum age of household members may be used. The decision to apply particular requirements will be made by the relevant HFS LA.

### 30.11 **Excluded Properties**

All partner housing providers are committed to advertising as many of their vacant properties as possible through the CBL system. However extra care vacancies, which are allocated jointly with Somerset County's Community Directorate (Social Services), are not usually advertised through the HFS scheme.

### 30.12 **Difficult to Let**

If a vacancy cannot be filled via the CBL scheme, the property may be re-advertised on a wider basis in conjunction with the LA.

### 30.13 **Direct Lets**

There will be occasions, when certain properties will not be advertised and maybe let directly to applicants. The reasons for these exclusions will be agreed between the LA and the housing provider on a case-by-case basis and the reasons recorded and monitored. However, even if the property has been excluded from the scheme, the let will be processed as a direct let and the outcome of the letting will still be included within the feedback of the scheme.



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### 30.14 **Local Lettings Policies**

A property may be labelled in accordance with an agreed local lettings policy, which may include rural exception sites and some new build sites that may be restricted to local residents through section 106 planning agreements.

## 31. **Expressing an interest (Bid) on a property**

- 31.1 Where an applicant meets the eligibility criteria of the advert, they may place an expression of interest for that property before the end of the advertising cycle.
- 31.2 Applicants can place up to three expressions of interest per advertising cycle.
- 31.3 Applicants can withdraw expressions of interest and re-use them against other properties until the close of the advertising cycle.
- 31.4 Applicants should only place expressions of interest against properties that they are genuinely interested in moving into.
- 31.5 Expression of interest **do not** have to be placed every week.
- 31.6 The number of times that an expression of interest is placed has no bearing on whether or not an individual is offered a property, this is based solely on the housing needs and waiting time of the individual on the housing register.
- 31.7 Households that are homeless or at risk of homelessness, are expected to use their three weekly expressions of interest against any suitable properties advertised through the HFS scheme. Households in Gold Band Homeless and Silver Under Relief will be advised that they may have proxy bids placed on their behalf, where the local authority managing their application determines that this is appropriate. The LA will ensure the properties are suitable for the household in line with the Homelessness (Suitability of Accommodation) (England) Order 2012.
- 31.8 When used automatic expressions of interest are placed by the computer system immediately following the closure of the advertising cycle.
- 31.9 The applicant or applicant's representative can request automatic expressions of interest.
- 31.10 Where an applicant is placed in gold band for tenancy succession, if after a period of 9 months applicants are not actively expressing an interest for suitable accommodation then automatic expressions of interest may be placed on their behalf.
- 31.11 Before an automatic expression of interest is placed, the relevant LA will carry out an assessment as to what type of property would be suitable and in what location.
- 31.12 Automatic expressions of interest will usually be limited to the areas where the applicant has expressed a preference to move to.
- 31.13 If a property is subsequently withdrawn after an applicant has successfully placed an expressions of interest, because for example the tenant of that particular property has failed to vacate the

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property or the property has been incorrectly labelled, the housing provider will inform the successful applicant that the property is no longer available

- 31.14 If an applicant is being considered for a property they show as match suggested on the short list. This prevents any further expressions of interest being placed for other properties until they are either formally offered the property or are skipped.
- 31.15 If an applicant has been matched to a property but there is going to be a considerable delay in the applicant being able to move in, the housing provider will inform the applicant and give them the option to be 'unmatched' from the property so they can place an expression of interest against other suitable properties.

## 32. Selection Procedure

- 32.1 Once the advertising cycle has closed the computer system will generate a prioritised shortlist for each property advertised. The housing providers will review the shortlists and consider the applicants that have placed an expression of interest for each property. The successful applicant will normally be the applicant who is in the highest band with the longest effective date.
- 32.2 In the situation where there are two households with the same band and effective date the housing provider will contact both households to assess who is in the greatest housing need, taking into account cumulative preferences and who is most suited to the property.
- 32.3 Where an advert has been placed with more than one preference setting and no applicant meets all the preference criteria the shortlist will be ordered in accordance with the remaining preferences set for the property.
- 32.4 Each individual housing provider is responsible for the verification of the successful applicant and discrepancies in the application will be referred back to the managing LA. This may result in a change in banding and, or bedroom eligibility
- 32.5 Each applicant will be given the opportunity to view the property before making a final decision on whether to accept or refuse it. Following contact from the housing provider, applicants will be expected to view a property within 48 hours and will be expected to make a decision on any offer within 48 hours of receiving the offer.
- 32.6 Where an applicant places an expression of interest for more than one property successfully, they will be given a period (normally 48 hours) in which to decide which property they will accept.
- 32.7 Housing providers will take account of an applicant's tenancy history. If existing or previous tenancy conditions have been broken for which there are statutory grounds for possession e.g. rent arrears or anti-social behaviour, or the applicant or a member of their household have committed acts of physical violence against staff or other residents the housing provider may decide they are not suitable as a tenant and will not consider them for a tenancy for a defined period of time. There is not a 'blanket ban' against applicants with an unsuitable tenant history, each case will be considered on its own merit alongside each applicant's relative housing need taking account of the individual housing providers lettings policies.

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- 32.8 If an applicant has been identified as being unsuitable to be a tenant and no attempt has been made to rectify the situation then the applicant may not be allocated the property despite a successful expression of interest.
- 32.9 An applicant identified as being unsuitable to be a tenant due to housing debt but who has since cleared the debt or has entered into an agreement to repay the debt and this has been maintained over a reasonable period should update their application to show this and supply evidence to be added to their application.
- 32.10 If an applicant was identified as being unsuitable to be a tenant due to the anti- social behaviour of a member of their household and that individual is no longer part of their household, the applicant should update their application to confirm this.
- 32.11 Applicants with identified support or medical needs that express an interest for sheltered or supported housing vacancies will have priority over other applicants within the same band irrespective of whether those with no identified support needs have an earlier effective date, providing adequate support is on place.
- 32.12 Preference may be given to local residents who may be economically or socially driven from their community due to a lack of affordable housing. This may be due to planning restrictions like section 106 agreements or to ensure sustainability of the parish where there is a clearly proven local housing need.
- 32.13 Housing providers will only offer a property to applicants meeting any advert criteria and who pass verification of their application.
- 32.14 If an applicant is in emergency band to escape violence or threats of violence, or gold band due to harassment the housing provider or the LA may choose not to offer that property to the applicant even if they are top of the shortlist if in their opinion the location of the property is in the same general area and is unlikely to address the applicants current issues.
- 32.15 When offering properties housing providers should have regard to the housing needs of the applicant as per their banding reason.
- 32.16 It is the housing provider's responsibility to explain their reasons for not offering properties to applicants including any housing providers lettings policies

## 33. Refusals

- 33.1 If an applicant decides to refuse an offer of accommodation, at either the accompanied viewing, or when an initial verbal offer is made, the housing provider will consider the next applicant on the shortlist.
- 33.2 Records will be maintained on the number of refusals an applicant makes and the reason for the refusal.
- 33.3 If a homeless applicant (where a full duty has been accepted) refuses their one reasonable offer of accommodation, the LA will consider its duty towards them as a homeless household discharged, subject to the statutory review process. The LA may decide to use its power to

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discharge the homeless duty with a suitable Private Rented Sector Offer. In either case the gold band status for accepted as being homeless will end.

- 33.4 With the exception of gold band homeless, any applicants who refuse three formal offers for suitable accommodation will have their case reviewed. They will be advised that if they subsequently refuse one further offer they will be suspended from expressing an interest in properties for a period of 3 months from the date of the last refusal. After 3 months the applicant will be reassessed and placed in the band appropriate to their circumstances and may lose their original effective date.

### 34. False Information and Deliberately Worsening Circumstances

- 34.1 Applicants who are found to have deliberately given false information on their HFS housing register application will have their application reviewed immediately. This may result in the band / bedroom originally awarded being changed as a result. If an applicant is re-housed through false information, steps may be taken to end the tenancy and court action may be taken which could result in the applicant receiving a large fine and, or a prison sentence.
- 34.2 All housing providers in this agreement are committed to taking legal action against any applicant found to have gained a tenancy based on false information in their application form (Section 171 of the Housing Act 1996).

### 35. Data Protection

- 35.1 In accordance with our legal obligation under the General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018, the Privacy Notice that is available on the Homefinder Somerset website sets out how we will process applicants' personal data, the lawful basis for doing this, and the rights that applicants have.
- 35.2 All personal data will be processed in accordance with the requirements of the General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018.
- 35.3 Individuals are entitled to request details of their personal data held by the four LA's. A charge may be made for providing this information.
- 35.4 After a period of six years data associated with closed or housed applications will usually be automatically deleted from the computer system.

### 36. Equal Opportunities

- 36.1 All partners of HFS scheme are committed to a fair and equitable housing policy and to providing equal opportunities for all when allocating available properties.
- 36.2 Any concerns or allegations that a partner organisation has not acted appropriately should be made directly to the partner organisation.

### 37. Social Inclusion

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- 37.1 All partners of HFS believe that applicants should be given assistance to access the housing register and search for suitable properties.
- 37.2 Applicants that lack capacity in decision making, particularly around changes in accommodation or who have learning difficulties may be assisted in the following ways:
- 37.3 If the applicant agrees, staff may contact any professional or voluntary workers from health or Social Services with whom the applicant is involved to ensure they understand the procedures and that necessary support is provided. All agencies funded by Local Government should be in a position to provide their clients with help on housing issues.
- 37.4 Disadvantaged applicants are able to nominate a person (including family members, friends or professional worker) to place expressions of interest on their behalf or to help them place expressions of interest against any suitable properties.
- 37.5 In the small number of cases where the applicant has no support HFS staff could set auto expressions of interest up so the computer system would automatically place expressions of interest for suitable vacancies.
- 37.6 All partners of the HFS scheme will make sure that the system is as accessible as possible. This will be achieved through the usability of the system, its interaction with accessibility software and the language used in the HFS scheme being in clear plain English.

## 38. Dangerous offenders and potentially dangerous offenders

- 38.1 All four LA's within the scheme have entered into an agreement to use the Somerset Multi-Agency Protocol in dealing with dangerous offenders in order to exchange information on any applicant who has been convicted of a serious offence. Any applicant who confirms on their application form, or who is suspected, or accused, of being a dangerous offender, will be subjected to the provisions set out in the information exchange protocol.
- 38.2 There is not a blanket ban preventing dangerous offenders from being included on the housing register. However, before any known offender is offered housing, full consultation will be undertaken with the relevant support agencies to assess the risks involved.
- 38.3 Some dangerous offenders will be given a high priority so that the relevant agencies can continue to monitor them. The Somerset Multi-Agency Protocol is only for specific offender groups, only covers referrals from the Public Protection Team and Avon and Somerset Constabulary and does not guarantee the provision of a tenancy.
- 38.4 Re-housing of dangerous offenders will be carried out in consultation with the relevant agencies to minimise the risk to the public and with the long term aim of influencing the successful accommodation and resettlement of the offender, thus minimising the risk of re-offending and protecting the public and victims of offenders. The LA's or Probation will place expressions of interest on behalf of any applicant who falls within this category.
- 38.5 In the interests of public protection, it is essential that the Police and Probation Service are able to control and monitor the behaviour and activities of dangerous offenders. This task is made more difficult if such offenders do not have a fixed address or are housed in circumstances that make it difficult for the agencies to monitor them appropriately.

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- 38.6 Applications will be made using the information provided by the Public Protection Team. Evidence of local connection and evidence of identity will not be requested to activate the application.
- 38.7 Dangerous Offenders will be given a high priority and a long effective date to assist in securing housing.

### **39. The National Witness Mobility Service (NWMS)**

- 39.1 The Serious Organised Crime and Police Act 2005 includes legislation which means LA's have a duty to take 'reasonable steps' to provide assistance to protect providers when requested to re-house intimidated witnesses. NWMS only deal with the most urgent relocation cases, where the safety of the witness is seriously at risk.
- 39.2 NWMS relocation places witnesses outside the individual's normal LA area; they do not deal with relocations within a LA area. LA's that have housed a witness would not be approached for a further 6 months.
- 39.3 NWMS works with police forces and housing providers to streamline the process of re-housing seriously intimidated witnesses when it is unsafe for them to pursue the normal homelessness route.
- 39.4 NWMS works with LAs in accordance with the provision of the Housing Act 1996 and the Homeless Act 2002. Under the Housing Act, LA's have a duty to investigate where they believe individuals are threatened with homelessness. Seriously intimidated witnesses are likely to be considered homeless, either because it is not reasonable for them to remain in their current home (s.184) or because they are suffering domestic violence (s.177). The Act defines domestic violence as violence from a person with whom the witness is associated, or threats of violence from such a person, which are likely to be carried out.
- 39.5 To protect the security of witnesses and reduce the risk of unintentional disclosure NWMS will only share limited information with LA's and the housing providers.
- 39.6 A NWMS member of staff will make applications and will notify the nominated NWMS LA contact of the name the application has been made under. Evidence of local connection and evidence of identity will not be requested.
- 39.7 Witnesses will be given a high priority and a long effective date to assist in securing safer housing. NWMS staff will place expressions of interest on behalf of any applicant who falls within this category.

### **40. Policy Review**

- 40.1 The HFS scheme will be reviewed annually between June and September to ensure that the policy meets its stated objectives and complies with legislative changes. The HFS Management Board will agree any changes that need to be made to the policy and/ or operation of the scheme because of the policy review.
- 40.2 Following the annual review, a Barrister will be commissioned to review any agreed changes, and ensure that the policy reflects any legislation, guidance or case law from the previous year.

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40.3 Changes will only be made to the HFS Common Lettings Policy following the annual review, except in exceptional circumstances (e.g. new government legislation etc.).

### 41. The Ombudsman

41.1 If an applicant is not satisfied with the action taken by either the LA or a registered housing provider of social housing **and has exhausted the complaints procedure available**, they can send a written complaint to the ombudsman.

For **housing provider complaints** contact the:

Housing Ombudsman Service, 81 Aldwych, London, WC2B 4HN

Tel: 0300 111 3000 Minicom 020 7404 7092

Email [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Web address: [www.ihos.org.uk](http://www.ihos.org.uk)

For **local authority complaints** contact the:

Local Government Ombudsman, PO Box 4771, Coventry, CV4 DEH

LGO Advice Team on 0300 061 0614

Web address: [www.lgo.org.uk](http://www.lgo.org.uk)

## 42. APPENDIX I - Glossary of Terms

**Advertising Period** - The number of days in which an applicant has the opportunity to 'place an expression of interest' for a home once it is advertised.

**Closing of applications** – this will mean the closing of an application on the system.

**Choice Based Lettings (CBL)** - The system for the allocation of social housing. CBL offers more choice and involvement for applicants in selecting a new home. It is an open, transparent and customer-based approach in the allocation of properties.

**Express an Interest** - To be considered for a property, applicants are required to place an expression of interest for a property. No money is involved in this process.

**The Housing Health and Safety Rating System** is a way of assessing properties to calculate the level of hazard (category 1, 2 etc.) or risk to health of a vulnerable household living or residing in that property. <http://www.communities.gov.uk/housing/rentingandletting/housinghealth/> and <http://www.communities.gov.uk/publications/housing/hhrsoperatingguidance>

**Housing Register** - A list of applicants registered for affordable / LA properties.

**Banding Scheme** - The system currently used by the HFS scheme to determine the priority of an applicants housing need. Banding is allocated to the applicant to reflect their current circumstances and future housing need. The banding allocated determines the applicant's position in the waiting list for a particular type/size/location of a home.

**Property Label** - A description of the property being advertised as available to let. The label will generally include a photograph, location, type of property, number of bedrooms, type of heating, any disabled adaptations, whether there is a garden or not, if pets are accepted and other features. The label will indicate who may be eligible to express an interest for the property. This could include, for example, where a local connection may be required, if there is an age restriction or the property has adaptations.

**Housing Provider** – This is a term introduced by the Housing and Regeneration Act 2008 applying to housing associations registered with the Homes and Communities Agency. Registered Housing Providers have access to Social Housing Grant public funding for the capital costs of providing housing.

**Shortlist** - Once the deadline has passed for registering an interest in a property, a list of those that have expressed an interest, who have met the advertising criteria for each individual property, is generated by the computer system. Generally, the applicant offered the property would be the person who has been in the highest housing needs band for the longest period.

**Social Rented Housing** - Housing of a high standard provided by LA's and Registered Housing Providers below market cost for households in housing need. It operates on a basis of accepted and regulated standards of good practice in relation to physical conditions, management, allocation, equal opportunities and accountability. The Homes and Communities Agency sets the maximum rent levels.

**Supported Housing** – Each partner LA will decide on the criteria that define supported housing within their own area for the purposes of this policy.