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# Homefinder Somerset Policy

**March 2022**



## Homefinder Somerset 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 local authority 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
Nov 21	Policy updated with agreed changes from the 2021 Policy & Process Review	RW

## Homefinder Somerset Policy

### 1. Introduction

- 1.1 Homefinder Somerset is a choice based letting scheme that covers the 4 Somerset district councils: Mendip, Sedgemoor, Somerset West & Taunton, and South Somerset<sup>1</sup>.
- 1.2 This Policy explains how local authority and housing association homes across Somerset will be advertised and let. The Policy sets out:
- How to apply for housing
  - Who is eligible for housing
  - How applicants will be assessed and prioritised
  - How homes are advertised
  - How to bid for homes (bidding for a home tells us that you would like to be considered, but does not involve money)
  - How successful applicants are selected
- 1.3 Homefinder Somerset is a partnership between the 4 Somerset district councils and registered providers of social housing (commonly referred to as housing associations) working in Somerset.
- 1.4 All applicants are assessed in the same way, using the rules set out in this policy to ensure fairness and consistency.
- 1.5 Whilst all applicants are assessed in the same way, some partner housing associations may have different criteria to let their homes (for example the number of people that can live in a home of particular size etc.). Where this is the case any differences will be identified on the Homefinder Somerset website.

### 2. Aims of Homefinder Somerset

- 2.1 The key objectives of Homefinder Somerset 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

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<sup>1</sup> Homefinder Somerset covers the county of Somerset. This is the area covered by Somerset County Council and the 4 district local councils (Mendip, Sedgemoor, Somerset West & Taunton, and South Somerset). It does not include North Somerset, which includes Weston-Super-Mare, or Bath and North East Somerset. References to Somerset in this policy refer to the area covered by Homefinder Somerset.

### 3. The Scheme in Brief

- 3.1 Local authority and housing association homes available to let in Somerset will be advertised every week through Homefinder Somerset.
- 3.2 Households with active applications on the Homefinder Somerset register can look at details of the homes and apply for those that they are eligible for. This is called 'bidding', but it does not involve money.
- 3.3 The successful household will be selected from those that applied for a home based on:
  - Whether they meet any preferences for particular types of applicant that may have been specified in the advert
  - The band in which their application has been placed, which reflects their housing need
  - How long their application has been in that band

### 4. Who can apply

- 4.1 The Homefinder Somerset register is open to anyone over the age of 16 who is eligible. 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 (where it is not reasonable to occupy this property) , or are currently lodging with family and friends.
- 4.2 Married couples, civil partners and couples living together will receive equal treatment under this policy.
- 4.3 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.
- 4.4 The main applicant is the individual named as such on the Homefinder Somerset 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.
- 4.5 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. Please note that there are certain rules around immigration which may affect this.
- 4.6 Where the policy refers to the applicant this includes the main and any joint applicant(s).



### 5. Who is not eligible to join the Homefinder Somerset register

- 5.1 The Localism Act 2011 amended the Housing Act to redefine eligibility and introduced the concept of qualifying persons (see Section 6 below), and made clear that:
- (1) A local housing authority in England shall not allocate housing accommodation:
    - (a) to a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (2) or (4), or
    - (b) to two or more persons jointly if any of them is a person mentioned in paragraph (a).
  - (2) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is ineligible for an allocation of housing accommodation by a local housing authority in England unless he is of a class prescribed by regulations made by the Secretary of State.
  - (3) No person who is excluded from entitlement to universal credit or housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) shall be included in any class prescribed under subsection (2).
  - (4) The Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible to be allocated housing accommodation by local housing authorities in England.
- 5.2 Citizens of the United Kingdom, Republic of Ireland, Channel Islands and Isle of Man who have lived abroad for a number of years will have to pass the habitual residence test. They will not be eligible if they do not pass the habitual residence test.
- 5.3 Applicants who are not resident in the United Kingdom at the date of their application will not be eligible to join the Homefinder Somerset register.
- 5.4 Applicants will not be eligible to join the Homefinder Somerset register if they own a property that is reasonable for them to occupy. This includes households who are renting out a property that they own.
- 5.5 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 currently setting out which classes of persons from abroad are eligible or ineligible for an allocation is s.160ZA of the 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 the current regulations are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

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- 5.6 Eligibility will be assessed at the time of application and again at the time of any offer of accommodation as advised by the statutory 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.
- 5.7 As stated above, the legislation prohibits a joint tenancy being granted where one member of the household is ineligible. However, a tenancy can be granted to a person who is eligible where other members of their household are ineligible.
- 5.8 Households who are assessed as being eligible as defined above may be allocated social housing provided that they are accepted as qualifying persons (see below) by a Homefinder Somerset local authority.
- 5.9 People who are in doubt about whether they are eligible should seek detailed advice from their local authority's Housing Advice Team.
- 5.10 Applicants who have been denied the opportunity to register with Homefinder Somerset will be informed in writing of:
- The decision and the reasons behind it
  - Their right to appeal and how to do this

## 6. Qualifying Persons

- 6.1 The Localism Act 2011 provides local authorities with the power to determine for themselves what classes of persons are, or are not, persons qualifying to be allocated social housing in their areas
- 6.2 To be considered as a qualifying person, and join the Homefinder Somerset register, the main or joint applicant must meet a residence requirement or have a local connection to Somerset as set out below.
- 6.3 Applicants who do not meet the residence requirement or do not have a local connection to Somerset<sup>2</sup> **will not** be considered as qualifying persons.
- 6.4 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 any supported housing accommodation provided in Somerset.
- 6.5 To meet the Homefinder Somerset residency requirement, and be considered as a qualifying person, an applicant must have lived in Somerset for at least the last 2

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<sup>2</sup> As stated above, Homefinder Somerset covers the county of Somerset. This is the area covered by Somerset County Council and the 4 district local councils (Mendip, Sedgemoor, Somerset West & Taunton, and South Somerset). It does not include North Somerset, which includes Weston-Super-Mare, or Bath and North East Somerset. References to Somerset in this policy refer to the area covered by Homefinder Somerset.

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years, or three of the last five years. This criterion is in line with the Government guidance '1.

6.6 To meet the Homefinder Somerset local connection criteria, and be considered as a qualifying person, an applicant must either:

- a) Be employed in Somerset. Local Government Association guidelines define this as employment other than of a casual nature. For the purposes of this policy, the employment must be consistent paid employment for a minimum of the last 3 months with an average of 16 hours a week, and that the applicant's job requires them to work in, or travel to Somerset. Evidence will be required from an employer to confirm this. Or
- b) Needs to move to take up an offer of permanent employment of over 16 hours a week within Somerset and commuting to their new place of work from their existing home would be unreasonable. Or
- c) Have family connections in Somerset. Local Government Association guidelines define this as immediate family members (parents, siblings and non-dependent children) who have themselves lived in Somerset for five years and with whom there has been frequent contact, commitment or dependency. Confirmation will be sought from the applicant and their immediate family member that they have such a relationship. Only in exceptional circumstances would the residence of relatives other than those listed above be taken to establish a local connection, but the circumstances may be sufficient, and all cases will be considered individually. Or
- d) Demonstrate a need to move to Somerset to give or receive essential and critical medical or other support where significant harm would result if this were not provided.

6.7 Applicants that fall within the following categories **will additionally 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.



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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).
- f) Applicants applying for sheltered housing only, and who do not otherwise have a local connection to Somerset. Such persons will be placed in bronze band and will only be able to place a bid against sheltered housing vacancies identified by registered housing providers.
- g) Applicants who are fleeing domestic abuse or other violence providing that evidence to substantiate the claim exists.
- 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 Somerset but owed a duty of care under section 23C of the Children's Act 1989 by one of the Homefinder Somerset partner local authorities.
- l) A care leaver under the age of 21 who has been living in Somerset for at least 2 years, including sometime before they were age 16, who is owed a duty of care from another local authority outside of Somerset.
- m) Applicants that have had a main housing duty accepted by a local authority within Somerset under Part VII of the Housing Act.

## 7. Evidence requirements

- 7.1 Homefinder Somerset 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. Homefinder Somerset 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, except for household members under the age of five, where a full address history that matches their age must be supplied.

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### **Eligibility evidence (mandatory)**

- 7.3 Persons from abroad subject to immigration control will need to supply their immigration control paperwork to evidence their right to remain in the UK.

### **Local connection evidence (mandatory)**

- 7.4 Applicants establishing a local connection by residing in Somerset 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 Somerset; a contract of employment.
- b) If an applicant is proving a local connection by having to move to Somerset to take up employment; a contract of employment.
- c) If the applicant is proving a local connection by an immediate family member, the Homefinder Somerset 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 Homefinder Somerset care provider or 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.
- f) If the applicant is fleeing domestic abuse or other violence evidence must be provided from an appropriate agency, such as: the Police, Multi Agency Risk Assessment Conference (MARAC), Multi Agency Safeguarding Hub (MASH), Somerset Integrated Domestic Abuse Service (SIDAS), or Independent Domestic Violence Advisor (IDVA).
- 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 local authority 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 local authority and destroyed when the individual is housed.
- i) Care leavers; written confirmation from the care provider.
- j) Applicants that have had a main housing duty accepted by a local authority within Somerset under Part VII of the Housing Act; confirmation from the Housing Officer

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### **Identity and Address evidence (mandatory)**

- 7.5 Evidence to show the applicants current name, current address and national insurance number must be provided. A list of acceptable evidence is available on the Homefinder Somerset website.

### **Additional evidence**

- 7.6 Additional evidence can be supplied in support of an application at any time.
- 7.7 To ensure the banding and bedroom eligibility is correct additional evidence may be requested by the relevant local authority at any time.

## **8. Complete Applications**

- 8.1 An application is deemed complete and ready to assess to make active, when the relevant local authority 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 are awarded according to individual circumstances and the household make-up using the criteria set out in this policy. A banding will be awarded to each applicant based upon this assessment.

## **10. Management of applications**

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

### 11. Size of Property

- 11.1 Applicants can bid for properties that match the needs of their household. A household is defined as “any other person who normally resides with the applicants as a member of his/her family or any other person who might reasonably be expected to reside with the applicant” (Housing Act 1996). 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.

#### Bedroom Criteria

- 11.2 To calculate the bedroom eligibility one bedroom is usually allowed for each of the following:
- a) A single applicant or couple (married or unmarried)
  - b) Any two children of the same sex under the age of 16
  - c) Any two children under 10 irrespective of sex
  - d) Any other person aged 16 or over
  - e) Any other child, (other than a child whose main home is elsewhere)
  - f) A carer who does not live as part of the household but provides a household member with long term overnight care<sup>3</sup>
- 11.3 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. Local authorities 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.
- 11.4 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 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.

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<sup>3</sup> Under normal circumstances, an additional bedroom will not be given for a carer 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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- 11.5 When calculating bedroom entitlement members of the applicant's household not currently living as part of the household may be taken into consideration where any of the following are met:
- 11.5.1 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)
- 11.5.2 The applicant has adult child/children in full time education and their main and principle home is with the applicant. Where the child or children is in rented accommodation for the purposes of attending their full-time education course, 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).
- 11.5.3 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 (Mat B1 form). 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).
- 11.5.4 The applicant has been granted a relevant Court order, which sets out the living arrangements in respect of a child/children currently in care, a foster placement or living with another family member and as result of the order, the child or children will now live with the applicant on a permanent basis. Evidence will be required for this (e.g. a copy of the Court order or confirmation from Somerset County Council).
- 11.5.5 The applicant is an approved foster carer/ kinship or connected carer/ special guardian or adopter and requires an additional bedroom in order to meet statutory regulations/national best practice and standards for fostering. Evidence will be required for this (e.g. confirmation from Somerset County Council or evidence of a private fostering agreement).
- 11.5.6 The household needs to move a larger property 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. Evidence will be required for this (e.g. a copy of the Court order or confirmation from Somerset County Council).
- 11.5.7 Where the applicant is approved under a specialist fostering scheme which does not ordinarily involve children or young people residing in their home but has been assessed and approved to care for children/young people in their own home. Evidence will be required for this (e.g. confirmation from Somerset County Council).
- 11.5.8 The applicant's ability to care for a child/young person is being assessed by Somerset County Council, and the positive outcome of that assessment is only hindered by the absence of an additional bedroom. Evidence will be required for this (e.g. confirmation from Somerset County Council).



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### Additional Bedrooms

- 11.6 An additional bedroom over and above the calculated bedroom need of an applicants' existing household may be granted if one of the criteria detailed below are met. Evidence of the need for an additional bedroom must be provided. If agreed, households will be advised that this may cause an affordability issue and that it will be subject to agreement from the landlord if they are being considered for a property.
- 11.6.1 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 safeguarding professional report/letter.
- 11.6.2 If a child is disabled and cannot share a bedroom with another child because of their disability. 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) or evidenced in an Education, Health & Care Plan or an Early Help Assessment to confirm this.
- 11.6.3 In exceptional cases, where there is evidence from an appropriate health professional (e.g. specialist consultant) that a household member requires a separate room to sleep in, from a room where their clothes/ toys are stored, due autism, or a sensory processing disorder etc.
- 11.6.4 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.
- 11.6.5 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.
- 11.7 If an applicant wishes to place bids 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

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calculating the bedroom requirement. If the local authority agrees the bedroom reduction, the decision to offer housing at the decreased bedroom size will be up to the housing provider.

- 11.8 Partner housing providers may choose to allow applicants to bid 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.

### 12. Disrepair assessments

- 12.1 The condition of the current home may affect an applicant's banding. A qualified officer from the relevant local authority must inspect the property and identify any hazards under the Housing Health & Safety Rating System. If the applicant resides outside of Somerset, then the managing local authority partner will contact the respective local authority to arrange an inspection, if required.
- 12.2 Applicants are expected to have already raised the problem with the landlord in writing before a local authority officer visits. This will give the landlord the opportunity to carry out the necessary improvements before involving the local authority and possible enforcement action. Applicants should be made fully aware that if an Officer visits and identifies serious defects (Emergency and Gold Bands) the officer is under a statutory duty to take appropriate steps to ensure that the defects are remedied and this will involve contacting the landlord and/or agent
- 12.3 The type of hazards identified and the condition of the property will determine the band in which an application is placed as set out in Banding criteria section below. If the applicant is an existing social housing tenant, the relevant housing provider will be notified of the problem.

### 13. Financial Resource assessments

- 13.1 Affordable Housing provided through the Homefinder Somerset scheme is for people who are considered to have insufficient financial resources to meet their housing need. The financial resources available to each household will be assessed to determine whether they are sufficient to meet their housing need.
- 13.2 Partner Homefinder Somerset housing providers may have different policies relating to the levels of income and other assets of those households that they will accommodate. A successful bid 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.

#### **Household capital, equity and savings assessment**

- 13.4 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.
- 13.5 Applicants that have savings of over £16,000 or over £150,000 worth of equity in their current property will be deemed to be able to meet their own housing needs. Such households will normally have their applications placed in Bronze Band.

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- 13.6 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 when assessing whether they have sufficient resources to meet their own housing need.

### 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. Such households will normally have their applications placed in Bronze Band.
- 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 Given the current Local Housing Allowance levels the income thresholds for the Broad Market Rental Areas (BMRA) in Somerset are as follows:

BMRA name	1 bed self-contained	5 x Annual income	2 beds	5 x Annual income
Bath	£166.85	£43,381.00	£195.62	£50,861.20
Mendip	£111.62	£29,021.20	£143.84	£37,398.40
North Devon	£97.81	£25,430.60	£126.58	£32,910.80
Taunton & West Somerset	£103.56	£26,925.60	£136.93	£35,601.80
West Wiltshire	£119.67	£31,114.20	£149.59	£38,893.40
Weston-Super-Mare	£109.32	£28,423.20	£138.08	£35,900.80
Yeovil	£101.26	£26,327.60	£132.33	£34,405.80

BMRA name	3 beds	5 x Annual income	4 beds & above	5 x Annual income
Bath	£228.99	£59,537.40	£402.74	£104,712.40
Mendip	£179.51	£46,672.60	£230.14	£59,836.40
North Devon	£149.59	£38,893.40	£182.96	£47,569.60
Taunton & West Somerset	£164.55	£42,783.00	£207.12	£53,851.20
West Wiltshire	£182.96	£47,569.60	£230.14	£59,836.40
Weston-Super-Mare	£172.60	£44,876.00	£212.88	£55,348.80
Yeovil	£166.85	£43,381.00	£212.88	£55,348.80

- 13.10 Further information on the financial assessment are available from the relevant local authority. Information on Local Housing Allowance rates is available at: <https://lha-direct.voa.gov.uk/>

- 13.11 Payments of Attendance Allowance, Disability Living Allowance and Personal Independence Payment are fully disregarded from the Homefinder Somerset

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financial assessment but are included in the Homefinder Somerset financial hardship calculation for welfare banding.

13.12 Local authorities will consider each case individually. The financial thresholds for income and savings will not apply in the following situations:

- If it is agreed that the applicant could not meet their own housing needs on the private market. This may include households who own their own home. For example, because 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.
- The applicant has an overriding medical or support need
- The applicant is applying for sheltered housing from one of the Homefinder Somerset partner housing providers
- The applicant needs to be decanted from Homefinder Somerset partner housing provider property.
- The applicant has been left in a Homefinder Somerset partner housing provider property where the tenancy agreement states that the Homefinder Somerset 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 local authority 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 and/or welfare condition
- b) The impact the current property/environment has on that condition; and
- c) How moving to an alternative property would help the individual's medical or welfare issues or improve their general well-being



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- 14.4 Although the Homefinder Somerset 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, but is not limited to, an Occupational Therapist, a Doctor, a Community Psychiatric Nurse, a Consultant or Health Connector. A professional worker could include a Social Worker, Environmental Health Officer, Health Visitor, Village Agent, Housing Officer or a member of staff at a Registered Provider.
- 14.6 The Homefinder Somerset 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 if they confirm the impact of the applicant's home on their health or welfare.
- 14.7 To help achieve consistency and to assist decision-makers tables are set out below that detail likely levels of impact and examples of the circumstances that could lead to different priority banding being applied to those individuals.
- 14.8 The examples in the tables are illustrative and are not intended to be an exhaustive list. Each case will be reviewed on its merits.
- 14.9 Medical priority **will not** be awarded in the following circumstances:
- Health problems that are not affected by housing or cannot be improved by moving
  - Housing defects that can be rectified
  - Neighbour disputes
  - Anti-social behaviour<sup>4</sup>
  - Homeless households who have been provided with temporary accommodation<sup>5</sup>
  - Overcrowding (as priority is awarded separately for overcrowding)

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<sup>4</sup> The only exceptions will be cases where the local authority is satisfied that landlord, police, Anti-Social Behaviour team, or Environmental Health etc. have done everything possible to resolve the anti-social behaviour. An example might be where the landlord has a possession order but there will be some time before the offender is evicted, and there is a need to move the victim to avoid any further impact on their health and wellbeing. Any cases will need significant evidence from landlord, police, Anti-Social Behaviour team, or Environmental Health etc., and of the impact on the applicant's health

<sup>5</sup> Any health issues arising from temporary accommodation provided by a Somerset local authority should be challenged on the suitability of the accommodation. This exclusion may not be applied where someone's health has been severely affected by domestic abuse, and they need to move on from a refuge (or other similarly provided emergency accommodation) to build a stable life.

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- Time-related medical problems (e.g. pregnancy-related problems or a broken leg)
- If the situation can be resolved by equipment or minor adaptations which are immediately available

### 14.10 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.

Mental health problems cover a wide range of possible diagnoses. Please see the Mind website for a list of the different types of mental health problems: [www.mind.org.uk/information-support/types-of-mental-health-problems/](http://www.mind.org.uk/information-support/types-of-mental-health-problems/)

Table 2A (i) – Medical considerations

Impact	Impact current property has on medical issues	Band
Low	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 individual's 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 individual's current accommodation is so completely unsuitable that it would pose a significant threat to their life, or a significant risk of serious and permanent injury or disability should they remain in it or return to it	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 because it would pose a significant threat to their life, or a significant risk of serious and permanent injury or disability. This category</p>	<p><b>Significant</b></p> <p>The individual:</p> <ul style="list-style-type: none"> <li>- Has serious mobility or medical issues (e.g. epilepsy) and has no</li> </ul>
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<p>includes people who are unable to return home from NHS 'Step Down' beds.</p> <p>The individual:</p> <ul style="list-style-type: none"> <li>- 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, and their current home poses a significant threat to their life, or a significant risk of serious and permanent injury or disability.</li> <li>- 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, and their current home poses a significant threat to their life, or a significant risk of serious and permanent injury or disability.</li> <li>- 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, and their current home poses a significant threat to their life, or a significant risk of serious and permanent injury or disability.</li> <li>- Is prevented from having access to kidney dialysis, cancer treatment, or other similar essential treatment. Such a condition would be likely to be ongoing, rather than a temporary condition</li> <li>- Has suffered a sudden 'traumatic event', which is linked to their home, and living within their home will cause considerable distress (e.g. they were the victim of a sexual assault in their home). See also Emergency Band below.</li> </ul>	<p>access to a lift/stair lift (where it is not possible to fit a stair lift) and:</p> <ul style="list-style-type: none"> <li>○ 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).</li> <li>○ Has difficulty in managing the layout or size of property (toilet, bathing facilities).</li> <li>○ Is confined to the existing property as dependant on assistance to leave/return to the property.</li> <li>○ 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.</li> </ul> <p>Where a move would avoid the need for another service (e.g. Social Services) from having to provide a significant level of support. This might include for example residential care; overnight care provision, or other support with similar resource implications</p> <p>Where a move would avoid the continued inappropriate use of residential care or Extra Care</p> <p>Where the individual's inability to cope is solely and directly related to their current housing situation. It is causing a breakdown in essential relationships and is requiring urgent mental health intervention (e.g. from Child &amp; Adolescent Mental Health Service (CAMHS) or the Community Mental Health Team). The individual must be engaging with mental health services for priority to be awarded.</p>
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<p><b>Moderate</b></p> <p>The individual:</p> <ul style="list-style-type: none"> <li>- Has moderate mobility or medical issues and has access to a lift/stair lift and:</li> <li>- 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.</li> <li>- Has some difficulty in managing the layout or size of property (toilet, bathing facilities).</li> <li>- 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.</li> <li>- 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.</li> <li>- Is suffering from mental health problems that have existed for a significant period of time, and that are being exacerbated by their current housing. There is usually not only GP involvement, but also other specific mental health intervention (e.g. Child &amp; Adolescent Mental Health Service (CAMHS) or Community Mental Health Team). The individual must be engaging with mental health services for priority to be awarded.</li> </ul>	<p><b>Low</b></p> <p>The individual:</p> <ul style="list-style-type: none"> <li>- Has low mobility or medical issues and does not require a lift/stair lift or is already living in a level access, ground floor property.</li> <li>- Is suffering from generalised symptoms of asthma and eczema aggravated by the cold.</li> <li>- Has minor problems relating to recurring colds/asthma or regular depression or unusual allergies providing a link to the existing accommodation could be demonstrated.</li> <li>- Has mental health issues where the current home is a contributory factor. These will frequently be less severe presentations. They are likely to be prescribed medication, but not often be in receipt of ongoing support other than from their GP. The individual must be engaging with their GP for priority to be awarded.</li> </ul>
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### 14.11 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.

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### (ii) *Social welfare*

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.

Welfare priority will only be awarded where it is assessed that a household's financial problems are no fault of their own. For example, they have suffered a reduction in income outside of their control (e.g. due to an accident or redundancy etc.). Welfare priority will not be awarded where it is assessed that a household's financial problems were caused by their own decisions (e.g. expenditure or loans to cover non-essential/ luxury items etc.)

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

Impact	Impact current property has on welfare condition	Band
Low	Where an individual's housing circumstances has a low impact on their welfare.	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 current accommodation is so completely unsuitable that should the individual remain in it or return to it they would be a significant threat to their life/ or they would be at significant risk of serious and permanent injury or disability	Emergency

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

<p><b>Severe</b></p> <p>Elderly couple living in flat with large number of steps to the front door. Wife has mobility issues and is unable to leave or enter the flat</p>	<p><b>Significant</b></p> <p>The existing home seriously limits the care and support that can be provided to the individual</p>
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<p>without being carried in wheelchair by husband and neighbour.</p> <p>Applicant living in a touring caravan. Been diagnosed with cancer and undergoing chemotherapy. No access to running water so unable to wash or toilet.</p> <p>Household with 13-year-old daughter. Police investigating reported sexual abuse of daughter by a neighbour.</p>	<p>The environment in and around the home has a serious detrimental effect on the quality of life of the household. For example, a new mother with young baby who suffers from a range of mental health problems which impacts on the way she deals with stress, difficult situations and interactions with others. Lives in a second flat and subject to anti-social behaviour from a neighbour</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 of the household that are not covered elsewhere in the policy.</p>
<p><b>Moderate</b></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>The individual experiences moderate isolation and it can be demonstrated that a move to an area with more facilities will greatly improve quality of life, health &amp; wellbeing</p> <p>There is 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</p>	<p><b>Low</b></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>The individual experiences low isolation and it can be demonstrated that 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 which are not covered elsewhere in the policy.</p>

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members of the household which are not covered elsewhere in the policy.	
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### 15. Members of the UK Armed and Reserve Forces

- 15.1 This section clarifies the approach taken by the Homefinder Somerset 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.
  - 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 require local authorities to provide additional preference to applicants or a resident member of their household who might reasonably be expected to reside with them who fall within one or more of the categories below and who have urgent housing needs:
- 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

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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 partner local authorities have agreed to apply this legislation by backdating the Effective Date of the categories above by 2 years (as set out in Section 22):
- 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), partner local authorities and housing providers may 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, and set out in a Local Lettings Policy.
- 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. Victims of Domestic Abuse

- 16.1 Domestic abuse is unacceptable. It is defined in the Domestic Abuse Act 2021 as follows:
- (a) A and B are each aged 16 or over and are personally connected to each other, and
  - (b) the behaviour is abusive.
- (3) Behaviour is "abusive" if it consists of any of the following—
- (a) physical or sexual abuse;
  - (b) violent or threatening behaviour;
  - (c) controlling or coercive behaviour;
  - (d) economic abuse (see subsection (4));
  - (e) psychological, emotional or other abuse;
- and it does not matter whether the behaviour consists of a single incident or a course of conduct.
- (4) "Economic abuse" means any behaviour that has a substantial adverse effect on B's ability to—
- (a) acquire, use or maintain money or other property, or
  - (b) obtain goods or services.

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(5) For the purposes of this Act A's behaviour may be behaviour "towards" B despite the fact that it consists of conduct directed at another person (for example, B's child).

- 16.2 This section clarifies the approach taken by the Homefinder Somerset partners to victims of domestic abuse.
- 16.3 Every application is considered individually, but applications from victims of domestic abuse could be placed in either Gold Band or Silver Band as follows:
- Gold Band (Homeless): If one of the partner local authorities accepts the main homelessness duty.
  - Silver Band (Under Relief): If one of the partner local authorities accepts a relief duty.
  - Silver Band (Other Homeless): People fleeing domestic abuse who are not currently homeless. This might include:
    - o People in a refuge who have not yet been assessed as ready to move on to independent living
    - o People who have not yet fled
    - o People who have moved in with family or friends.
- 16.4 Applicants in a refuge who are ready to move on could be assessed as either:
- Gold Band (Ready to move on from supported housing): If the Move on form has been submitted and the local authority has assessed that the applicant is ready for independent living. This banding will be subject to the normal 3-month review to ensure that the applicant is bidding effectively and pursuing all appropriate options. Or
  - Silver Band (Under Relief): The applicant will be offered temporary accommodation immediately and have their application placed in Silver Band in the 'Under Relief' category. Accepting a Relief duty at an earlier stage would trigger a temporary accommodation duty as refuges are not seen as suitable temporary accommodation. If after 56 days it has not been possible to relieve their homelessness, and the applicant is assessed to be unintentionally homeless and in priority need, their application will be placed in Gold Band.
- 16.5 The local connection requirement will not apply to persons from outside of Somerset fleeing domestic abuse and who are at the time of application living in Somerset, in a refuge or other similarly provided emergency accommodation, or people fleeing domestic abuse from another part of the country who would be at risk in the area(s) where they have a local connection.

## 17. People who are rough sleeping

- 17.1 The Somerset Homelessness and Rough Sleeper Strategy makes clear that the 4 district councils are committed to support central government's commitment to combat rough sleeping.

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- 17.2 The strategy sets out actions to prevent rough sleeping and to enable people who are rough sleeping to move into and sustain accommodation.
- 17.3 People who are rough sleeping who make a homeless application will be assessed under Part VII of the Housing Act and will be placed in the Silver Under Relief category where appropriate. As with other applicants in this category, they may be placed in the Gold Band Homeless category if it has not been possible to relieve their homelessness after 56 days, and they have been assessed to be unintentionally homeless and in priority need.
- 17.4 People who are rough sleeping and have no other accommodation available to them who do not make a homeless application will be placed in the Silver Other Homeless category. The local authority will verify that an applicant is sleeping rough before awarding this priority

## 18. Banding Criteria

- 18.1 The individual circumstances declared on the Homefinder Somerset application will determine the banding of an applicant. The Homefinder Somerset scheme has four bands Bronze, Silver, Gold and Emergency. Each band has its own set of criteria.
- 18.2 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.
- 18.3 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.

## 19. Emergency Band Criteria

- 19.1 Applicants will have their application placed in the Emergency Band if their need for housing is assessed as so exceptional that they take priority over all other applicants, and that applying as homeless is not appropriate.
- 19.2 Emergency Band will only be issued to an applicant who requires an 'urgent' move to ensure their safety and welfare. Substantial evidence must exist before such a priority is awarded. Emergency Band will not be awarded if the applicant has moved from the accommodation where they were at risk (e.g. they have moved into temporary accommodation or in with friends or family).
- 19.3 An officer may award emergency band from the appropriate local authority in the following circumstances only.
- 19.4 There is a severe impact under the medical/welfare needs assessment; or
- 19.5 Emergency Band for urgent disrepair will only be given in an emergency, on the recommendation of a Housing Standards Officer or an Environmental Health Officer following a site visit. This will cover any defects in the property that cannot be remedied within an appropriate timescale, and where the most appropriate course



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of action would be to serve a Prohibition Order, Emergency Prohibition Order or to carry out emergency remedial works, but that property is safe for applicant to remain in the short term; or

- 19.6 To escape threats or acts of serious violence the police or another agency confirm that the risk exists, and the local authority agrees that there are no appropriate housing options available (e.g. temporary accommodation), **and** that the risk can be managed at the applicant's current home (e.g. the perpetrator is in custody). Evidence must be provided by the police or other appropriate agency; or
- 19.7 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
- 19.8 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).
- 19.9 The local authority managing the application will email the other 3 partner local authorities with the Emergency Band referral. Emergency Band will be awarded where a majority of local authorities agree. If there is a split decision the Homefinder Somerset Coordinator will be emailed for their decision.
- 19.10 Emergency Band 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.
- 19.11 Emergency Band for urgent disrepair will be automatically agreed upon confirmation from an Environmental Health/ Housing Standards Officer.
- 19.12 If an immediate decision is required a manager of the local authority administering the housing register application will consult with another manager from the other partner local authorities. The case, and subsequent decision must be reported to the next monthly Operational Group meeting.
- 19.13 Emergency Band is time limited and will last for 28 calendar days from the Effective Date. If the applicant has not applied for all properties that are suitable for their needs within this period, the band will be reviewed. Emergency Band would only be extended if there are valid reasons why the applicant did not bid for all suitable properties. If no suitable vacancy has arisen within this time, the emergency band will be renewed automatically.
- 19.14 If the emergency band is not renewed the applicant will be placed in the appropriate alternative band for their needs.
- 19.15 In cases where the Police or other relevant agency recommend an urgent move to escape violence or threats of violence, applicants must bid on properties away from the area where the violence or threat is or has been occurring.

### 20. Gold Band Criteria

- 20.1 Applicants will be placed in this band if an officer concludes that they meet one or more of the following criteria.

#### **Homeless**

- 20.2 A Somerset local authority has accepted a main housing duty under Part VII of the Housing Act 1996.

#### **Lack of bedrooms / Overcrowding**

- 20.3 Applicant who lacks at least two bedrooms in their current home or has been confirmed as overcrowded (defined as a category 1 hazard and/or Statutory overcrowded) by a Local Authority officer, unless evidence exists that proves the overcrowding is deliberate. Applicants who are sharing facilities are not included in this category and will have their application placed in Silver Band (see below).

#### **Harassment**

- 20.4 The applicant is a victim of harassment or violence including racial harassment at their current property within Somerset, 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 bid on properties away from the area where the harassment or violence is or has been occurring.

#### **Medical / Welfare**

- 20.5 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.

#### **Disrepair**

- 20.6 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.

#### **Ready to move on from supported housing**

- 20.7 If the applicant has resided within a short-term, supported housing project within Somerset and is deemed ready to 'move on' into independent accommodation. The Project Manager of the scheme must complete and sign the Homefinder Somerset 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

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bidding for homes, pursuing other options or there were no suitable homes available. If applicants are found to have not been effectively bidding for homes or pursuing other options their application will be placed in Bronze Band.

- 20.8 This category includes care leavers who are living in a short-term, supported housing project within Somerset and are deemed ready to 'move on' into independent accommodation.

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### Care leavers

- 20.9 A young person, who has been looked after, fostered or accommodated and has had a duty of care accepted under the Children Act in Somerset, who is ready for independent living and has a support plan in place<sup>6</sup>.
- 20.10 As stated above, care leavers who are living in a short-term, supported housing project within Somerset and are deemed ready to 'move on' into independent accommodation will be placed in the 'Ready to move on from Supported Housing' category.

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

- 20.11 Written confirmation has been received from the Homefinder Somerset 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.

### Cumulative need

- 20.12 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 local authority. Only 1 of the 3 homeless categories in Silver Band (Under Relief, Under Prevention or Other Homeless) will count towards cumulative need.

### Decants

- 20.13 Written confirmation has been received from the Homefinder Somerset housing provider that an applicant's existing property within Somerset 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.

### Tenancy succession

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<sup>6</sup> The definition of a Care Leaver is as follows.

- They are under 25
- They have been looked after by a local authority for a period of 13 weeks (or periods amounting to 13 weeks) which began after they reached 14 and ended after they reached 16 (referred to as a Former Relevant Care Leaver) or have been in care since becoming 16 for less than 13 weeks (referred to as a Qualifying Care Leaver)
- Has been assessed as ready for independent living by their Social Worker/ Personal Advisor/ Leaving Care Worker and has a support plan in place
- They are living in care, are homeless or at risk of homelessness
- If a care leaver was housed through Homefinder Somerset they would not normally be placed into this category again, unless there were exceptional circumstances.

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- 20.14 Written confirmation has been received from a Homefinder Somerset housing provider that an applicant has been living in an affordable housing property within Somerset 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 bids after a 9-month period.

### **Combined medical / disrepair**

- 20.15 The applicant has been awarded 'moderate' medical impact and 'medium' disrepair.

## **21. Silver Band Criteria**

- 21.1 Applicants will be placed in this band if an officer concludes that they meet one or more of the following criteria.

### **Medical / Welfare**

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

### **Disrepair**

- 21.3 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.

### **Lodgers / shared facilities**

- 21.4 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.

### **Lack of bedrooms**

- 21.5 Applicants lack one bedroom in their current home. This does not include applicants who are sharing facilities.

### **Other homeless**

- 21.6 Applicants who are homeless that do not fall into the Gold Homeless or Silver Under Relief categories. This will include applicants:

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- Owed the relief duty where it wasn't possible to relieve their homelessness within 56 days and the applicant was assessed as non-priority or intentionally homeless, so a main housing duty wasn't accepted.
- Where the Relief Duty has been ended due to the applicants deliberate non-cooperation.
- Where the Relief Duty has ended following the expiry of 56 days.
- Where the Relief or Main Duty has ended due to the applicant's unreasonable refusal of an offer.
- Who are sofa surfing. This will be considered on a case-by-case basis to determine whether the applicant is sofa surfing or is lodging with friends or family or in accommodation with shared living facilities
- People who are rough sleeping and have no other accommodation available to them who do not make a homeless application. The local authority will verify that an applicant is sleeping rough before awarding this priority

21.7 Applicants at risk of homelessness will **not** be placed in this category. Such households will be placed into the Silver Under Prevention category

21.8 This Band will be subject to a review after 6 months to assess whether the applicant is still homeless.

### **Under Prevention**

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

### **Under Relief**

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

### **Split families**

21.11 Applicants living in separate households not by choice but due to the lack of suitable accommodation available, and wish to be re-housed but who have not had a main housing duty accepted under Part VII Housing Act 1996. 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.



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### **Work**

- 21.12 Applicants who have or have secured permanent employment of more than 16 hours a week within Somerset and commuting to their new place of work from their existing home would be unreasonable.

### **Support**

- 21.13 Applicants who need to move nearer to local facilities or relatives, in order to receive, or give, essential and critical medical or other support or care within Somerset where significant harm would result if this was not provided.

## **22. Bronze Band Criteria**

- 22.1 Applicants will be placed in this band if an officer concludes that they meet one or more of the following criteria.
- 22.2 Households who have their application placed in Bronze Band will be advised that their application will automatically be closed if they have not logged in or bid in the previous year.

### **Adequately housed**

- 22.3 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.
- 22.4 This category will also include those applicants who had been placed in Gold Band as ready to move on to independent living under section 19.7 who were assessed at the 3 month review to have not been effectively bidding for homes or pursuing other options.

### **Medical / welfare override**

- 22.5 Applicant attracts Gold or Silver medical / welfare but has monies committed or works have begun to make adaptations to the current property

### **Owner occupiers**

- 22.6 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 local authority 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.

### **Medical / Welfare**

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

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### **Adequate financial resources**

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

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

- 22.9 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.

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

- 22.10 Applicant living in short term supported housing within Somerset 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.

### **Lodgers / shared facilities**

- 22.11 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.

### **Deliberately worsened circumstances**

- 22.12 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.

### **Sheltered housing / No local connection**

- 22.13 Applicants applying for sheltered housing that have no local connection. Applicants are only allowed to place bids against sheltered housing not general needs housing.

## **23. Application date & Effective date**

- 23.1 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.
- 23.2 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. The types of groups that will have a different Effective Date are set out below. This list is not exhaustive.
- 23.3 Applicants in short-term supported housing who are deemed ready to 'move on' into independent accommodation will be given an Effective Date of the date they moved into the supported housing.

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- 23.4 Homeless applicants where a main housing duty is accepted under Part VII of the Housing Act 1996 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.
- 23.5 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.
- 23.6 Tenants of partner housing providers living in Somerset 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.
- 23.7 To give additional priority to applicants who are or have served in the UK armed forces or Reserve Forces, or are the bereaved or ex-partner of someone who has served in the UK armed forces, and are in urgent housing need (see Section 17 for details) their Effective Date will be backdated two years from the date of application. Applicants in these groups can only have their Effective Date backdated once.
- 23.8 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 if it was not that date already.
- 23.9 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.
- 23.10 Where a joint applicant wishes to make an application in his or her own right the local authority reserves the right to apply the original application date of any joint active application to the new individual application.

## 24. Pets

- 24.1 Households registering with Homefinder Somerset are asked to confirm whether they have pets, and if so, what these are. This is because pets are not allowed in some homes that are advertised on Homefinder Somerset.
- 24.2 Assistance animals (e.g. guide dogs for the blind, hearing dogs etc.) are not classified as pets. Assistance animals should not be included as a pet on applications. Evidence of the need for an assistance animal is required from secondary health services (acute or community hospital) or the charity that provided the animal. Feedback from a GP would generally not be seen as sufficient. Emotional support or therapy dogs that are not recognised as assistance dogs and do not have identity card may be considered as pets. Landlords will make decisions on a case by case basis.

### 25. Decision making

- 25.1 Once an application is complete, the local authority 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 a bid against based on the information on the application form and any supporting evidence provided.
- 25.2 The local authority 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.

### 26. Notification

- 26.1 When a decision is made to accept an applicant onto the register, they will be notified, and that notification will include:
- A personal reference number
  - 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.
- 26.2 A statement confirming that it is the applicant's responsibility to report any change in circumstance
- 26.3 The Homefinder Somerset review procedure
- 26.4 Applicants not eligible to join the register, or are unable to prove a local connection, or be deemed not to have a local connection to Somerset will be notified giving the reasons for the decision.
- 26.5 If the applicant has been identified as potentially disadvantaged, including prison leavers, any carer or agency specified as part of their application will also be notified of decisions made under this section.
- 26.6 When an application has been closed, the applicant or their representative will be notified unless the current whereabouts of the applicant are unknown for any reason.

## 27. Change of Circumstances

- 27.1 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 local authority in writing or by completing an online change of circumstance.

**Examples of changes in circumstances that an applicant must report are:**

- Change of address
- 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 their savings or equity in 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 local authority and complete a new application within 28 calendar days of the date of the change of address occurring.

- 27.2 If, as a result of their change in circumstances, an applicant is no longer eligible to be included on the register (e.g. they no longer have a local connection to Somerset), their application will be closed. They may choose to re-apply should they become eligible again at a future date.

## 28. Annual renewal

- 28.1 When requested to do so, an applicant must complete a renewal application to confirm they wish to remain on the Homefinder Somerset register and to check the details on their application are complete and up to date.
- 28.2 If the renewal is not completed within 28 calendar days, the application will be closed and the applicant will be notified. If the applicant contacts the local authority within 28 calendar days of their application being closed, and indicates that 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.

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- 28.3 If an applicant has their application closed as a result of not completing the renewal process they 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. Exceptions may be made for applicants assessed as vulnerable.

## 29. Closing Applications

- 29.1 An application will be closed for the following circumstances:
- a) Applicant is housed through the Scheme<sup>7</sup>
  - b) Applicant request
  - c) Applicant has not responded to an application renewal request, within the specified time limit
  - d) Applicant ceases to qualify or becomes excluded
  - e) Applicant completes a mutual exchange
  - f) Applicant moves and does not provide a contact address
  - g) Applicant has not supplied the information requested within the specified time limit.
  - h) Applicant has died
  - i) Applicant is in Bronze Band and has not logged in or bid in the previous year
- 29.2 Where an applicant has been highlighted as vulnerable, the local authority will attempt to contact the applicant to check their circumstances before closing the application.

## 30. Review Procedure

- 30.1 Once an applicant has been notified of the outcome of their housing register application they have a right to request a review of the decisions set out below from their local authority. Reviews must be submitted in writing to the relevant local authority within 28 calendar days of the date on the notification and include the reason why the applicant believes the decision made is wrong, together with any additional information that the applicant believes is relevant.
- 30.2 Any applicant has the right for a review of the following decisions:
- a) Eligibility to join the register
  - b) Local connection

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<sup>7</sup> The application will be shown as Housed on the computer system



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- c) Banding
- d) Bedroom eligibility
- e) That all priority will be suspended because of unacceptable behaviour.
- f) Cancellation of the application

- 30.3 An officer who played no part in the original assessment will carry out the request for a review. The local authority 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 local authority 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.
- 30.4 If an applicant is dissatisfied with the review decision, they are advised to follow the local authority complaints process (see below). If additional information is received with the review request this will be considered and may lead to a new decision.
- 30.5 Homeless applicants have the right to request a review of certain decisions made by the local authority in respect of their homeless application. Within the Policy this includes the decision to discharge the main homeless duty to secure accommodation by providing suitable accommodation for the applicant, and the suitability of accommodation offered. Review decisions are proscribed by law and requests must be made within 21 calendar days of the applicant receiving notification of the decision.

## 31. Complaints

- 31.1 Any complaints about the applicant's Homefinder Somerset application should be directed to the local authority they have applied to. That local authority will aim to reply to all complaints within the timescales set in their own complaints procedure.
- 31.2 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.
- 31.3 If an applicant is dissatisfied with the outcome of the complaints process, they are advised to seek advice from a solicitor or the Citizens Advice Bureau.

## 32. Finding a Home

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

## 33. Advertising

- 33.1 All partner housing providers are committed to advertising their available properties as widely as possible. Properties are usually advertised on a weekly basis. Further

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information and guidance on how to access advertisements can be obtained from the partner local authorities.

### **Advertising Cycles**

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

### **Advertisement Deadlines**

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

### **Labelling Properties**

- 33.4 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.
- 33.5 The text of each advertisement would include such criteria; for example, a medical need for an adapted property or having certain age requirements for household members.

### **Labelling Caution**

- 33.6 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 of the allocation system and the requirement to give reasonable preference.
- 33.7 Properties may 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.

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

- 33.8 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 bids from applicants in the highest band **and** who have an identified support need in addition to the earliest application date.

### **Transfer Applications**

- 33.9 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 may be labelled giving preference to transfer applicants or transfer applicants in a

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specific band. 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, to ensure that this only accounts for a small proportion of properties advertised.

### Accepted Duty Homeless Cases

- 33.10 In order to fulfil its statutory duties towards homeless applicants and to create a through flow of temporary accommodation; a local authority with agreement from the housing provider may label properties to provide preference to applicants where a partner local authority has accepted a homeless duty.

### Sensitive Letting – individual properties

- 33.11 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 local authority and the relevant housing provider (where the local authority 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 local authority.

### Excluded Properties

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

### Difficult to Let

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

### Direct Lets

- 33.14 The aim of Homefinder Somerset is to provide choice for people seeking social housing in Somerset. Local authority and housing association homes will be advertised for let through Homefinder Somerset. This will include:
- General needs housing
  - Sheltered homes

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- Disabled adapted properties which the landlord determines to have relatively common adaptations.

33.15 However, there will be some exceptional situations where this will not be possible. For example:

- Where a landlord needs to make an urgent management move (e.g. so that a tenant can escape serious violence or harassment, or the threat of serious violence, or to resolve serious issues affecting a particular area or block
- Homes which have substantial and/or specialist adaptations, which may be directly offered to a household with matching needs.

33.16 In such cases the home will be let as a direct offer rather than being advertised through Homefinder Somerset.

33.17 These exceptional cases will be agreed between the local authority and landlord. The reasons will be recorded and monitored. 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 on the scheme.

### Local Lettings Policies

33.18 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.

## 34. Bidding on a property

34.1 Where an applicant meets the eligibility criteria of the advert, they may place a bid for that property before the end of the advertising cycle.

34.2 Applicants can place up to three bids per advertising cycle.

34.3 Applicants can withdraw bids and re-use them against other properties until the close of the advertising cycle.

34.4 Applicants should only place bids against properties that they are genuinely interested in moving into.

34.5 Bids **do not** have to be placed every week.

34.6 If a property is withdrawn after applicants have bid for it, because for example the tenant of that particular property has failed to vacate the property or the property has been incorrectly labelled, the housing provider will inform the top applicant that the property is no longer available

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### Automatic Bids

- 34.7 When used, automatic bids are placed by the computer system immediately following the closure of the advertising cycle.
- 34.8 The applicant or applicant's representative can request automatic bids.
- 34.9 Households that are in Emergency Band, are homeless or at risk of homelessness, are expected to use their 3 weekly bids against any suitable properties advertised through the Homefinder Somerset scheme. Households in Emergency Band, Gold Band Homeless, Silver Under Relief and Silver Under Prevention will be advised that they may have proxy or automatic bids placed on their behalf, where the local authority managing their application determines that this is appropriate. The local authority will ensure the properties are suitable for the household in line with the Homelessness (Suitability of Accommodation) (England) Order 2012.
- 34.10 Where an applicant is placed in Gold band for tenancy succession, if after a period of 9 months they are not actively bidding for suitable accommodation then automatic bids may be placed on their behalf.
- 34.11 Before automatic bids are placed, the relevant local authority will carry out an assessment as to what type of property would be suitable and in what location.
- 34.12 Automatic bids will usually be limited to the areas where the applicant has expressed a preference to move to.

### 35. Selection Procedure

- 35.1 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 a bid for each property. The successful applicant will normally be the applicant who is in the highest band with the longest Effective Date.
- 35.2 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.
- 35.3 Applicants with identified support or medical needs that bid 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.
- 35.4 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.

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- 35.5 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.
- 35.6 Each individual housing provider is responsible for the verification of the successful applicant. Any discrepancies in the application will be referred back to the managing local authority. This may result in a change in banding and, or bedroom eligibility
- 35.7 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.
- 35.8 Where an applicant places a bid for more than one property successfully, they will be given a period (normally 48 hours) in which to decide which property they will accept.
- 35.9 If an applicant is being considered for a property, they show as offered on the short list. This prevents the applicant from making any bids for other properties until they refuse the property or are rejected.
- 35.10 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 a bid against other suitable properties.
- 35.11 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.
- 35.12 An applicant identified as being unsuitable to be a tenant due to landlord-related debt (recharges such as service charges, costs associated with damage caused to a property or court costs etc) 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.
- 35.13 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.
- 35.14 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 local authority may



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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 applicant's current issues.

35.15 When offering properties housing providers should have regard to the housing needs of the applicant as per their banding reason.

35.16 It is the housing provider's responsibility to explain their reasons for not offering properties to applicants including any housing providers lettings policies

### 36. Refusals

36.1 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.

36.2 Records will be maintained on the number of refusals an applicant makes and the reason for the refusal.

36.3 If a homeless applicant (where a main housing duty has been accepted) refuses a reasonable offer of accommodation, the local authority will consider its continuing duty towards them and may discharge that duty, subject to the statutory review process.

36.4 With the exception of applicants in Gold Band due to homelessness, 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. At this time applicants may lose their original Effective Date.

### 37. False Information and Deliberately Worsening Circumstances

37.1 Applicants who are found to have deliberately given false information on their Homefinder Somerset register application will have their application reviewed immediately. This may result in any decision on eligibility or priority being changed as a result. If an applicant is re-housed as a result of false information given, 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.

37.2 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).

### 38. Data Protection

- 38.1 In accordance with our legal obligation under the 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.
- 38.2 All personal data will be processed in accordance with the requirements of the Data Protection Act 2018.
- 38.3 Individuals are entitled to request details of their personal data held by the four local authorities. A charge may be made for providing this information.
- 38.4 After a period of six years data associated with closed or housed applications will usually be automatically deleted from the computer system.

### 39. Equal Opportunities

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

### 40. Social Inclusion

- 40.1 All partners of Homefinder Somerset believe that applicants should be given assistance to access the housing register and search for suitable properties.
- 40.2 Applicants that lack capacity in decision making, particularly around changes in accommodation or who have learning difficulties may be assisted in the following ways:
- 40.3 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.
- 40.4 Disadvantaged applicants are able to nominate a person (including family members, friends or professional worker) to place bids on their behalf or to help them place bids against any suitable properties.
- 40.5 In the small number of cases where the applicant has no support Homefinder Somerset staff could set automatic bids up so the computer system would automatically place bids for suitable vacancies.
- 40.6 All partners of the Homefinder Somerset scheme will make sure that the system is as accessible as possible. This will be achieved through the usability of the system,

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its interaction with accessibility software and the language used in the Homefinder Somerset scheme being in clear plain English.

### **41. Dangerous offenders and potentially dangerous offenders**

- 41.1 In the interests of public protection, it is essential that the Police and Probation Service can 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.
- 41.2 All four local authorities within the scheme have signed up to the Avon and Somerset Public Protection Accommodation Protocol, together with Avon and Somerset Constabulary and the Probation Service in order to exchange information on any applicant who has been convicted of a serious offence. Any applicant who confirms on their application form that they are a dangerous offender, or who is suspected, or accused, of being the same, will be subjected to the provisions set out in the information exchange protocol.
- 41.3 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 as set out below.
- 41.4 Applications will be made using the information provided by the Police or Probation Service. Evidence of local connection and evidence of identity will not be requested to activate the application. Applicants referred and accepted through the Public Protection Accommodation Protocol will be given a high priority and a long effective date to assist in securing housing.
- 41.5 The Protocol is only for specific offender groups, and does not guarantee the provision of a tenancy. The Protocol sets out the referral process.
- 41.6 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 local authorities or Probation will place bids on behalf of any applicant who falls within this category.

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

- 42.1 The local authorities are committed to assisting NWMS to re-house intimidated witnesses where possible. NWMS only deal with the most urgent relocation cases, where the safety of the witness is seriously at risk.
- 42.2 NWMS relocation places witnesses outside the individual's normal local authority area; they do not deal with relocations within a local authority area. Local authorities that have housed a witness would not be approached for a further 6 months.

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- 42.3 NWMS works with police forces and housing providers to streamline the process of re-housing intimidated witnesses when it is unsafe for them to pursue the normal homelessness route.
- 42.4 NWMS works with local authorities in accordance with the provision of the Housing Act 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).
- 42.5 To protect the security of witnesses and reduce the risk of unintentional disclosure NWMS will only share limited information with local authorities and the housing providers.
- 42.6 A NWMS member of staff will make applications and will notify the nominated NWMS local authority contact of the name the application has been made under. Evidence of local connection and evidence of identity will not be requested.
- 42.7 Witnesses will be given a high priority and a long Effective Date to assist in securing safer housing. NWMS staff will place bids on behalf of any applicant who falls within this category.

## 43. Policy Review

- 43.1 The Homefinder Somerset scheme will be reviewed annually between June and September to ensure that the policy meets its stated objectives and complies with legislative changes. The local authorities will agree any changes that need to be made to the policy and/ or operation of the scheme because of the policy review.
- 43.2 Changes will only be made to the Homefinder Somerset Policy following the annual review, except in exceptional circumstances (e.g. new government legislation etc.).

## 44. The Ombudsman

- 44.1 If an applicant is not satisfied with the action taken by either the local authority 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

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LGO Advice Team on 0300 061 0614

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

### 45. APPENDIX 1 - Glossary of Terms

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

**Banding Scheme** - The system currently used by the Homefinder Somerset scheme to determine the priority of an applicant's 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.

**Bid** - To be considered for a property, applicants are required to place a bid for a property. No money is involved in this process.

**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.

**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/hhsrsoperatingguidance>

**Housing Act** - Housing Act 1996

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

**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 bid 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 local authorities 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.



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