

**Borough of Broxbourne**



# **Allocations Policy**

**January 2019**

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# 1 The Housing Needs Register

## 1.1 Introduction

Under Section 106 of the Housing Act 1985 and section 168 of the Housing Act 1996, it is the duty of every authority to publish a summary of its scheme for the allocation of its housing accommodation and its rules for allocations including transfer and mutual exchanges. The scheme and the rules must be available at its principal office for inspection, without charge, by members of the public.

This document sets out the allocations scheme and the Council's rules. It is available for inspection at all Council offices and on Broxbourne Online [www.broxbourne.gov.uk/housing](http://www.broxbourne.gov.uk/housing).

**Broxbourne Council does not own any properties, so this is the allocation scheme for determining priorities for the nomination of applicants to Registered Social Landlords.** An applicant will be offered accommodation by a Registered Provider (RP), usually a Housing Association. This policy is fully compliant with all relevant legislation and Codes of Guidance.

The Borough of Broxbourne is an area where demand for affordable housing is greater than the supply of social housing available. The purpose of this policy is to target the available supply of homes to the people most in need, based on the number of points each application is awarded. The more points an application has been awarded the greater the need for re-housing. We work out points on the basis of the information provided on an application form, so forms should be completed in full.

## 1.2 Aims and Objectives

- To discharge the Council's statutory duties as contained in Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, and the Localism Act 2011.
- To contribute to achieving the Council's aims and priorities with particular regard to equality, choice, eliminating poverty and disadvantage, achieving successful sustainable communities and meeting local housing need.
- To enable properties to be let as quickly as possible.
- To ensure that the lettings process is simple, clear and accessible to applicants.
- To utilise the scarce supply of social housing within the district in order to maximise re-housing opportunities.

To ensure a range of household types are given access to social housing including working households on lower incomes and those making a community contribution.

## 1.3 The Common Housing Register

Broxbourne Council administers a Common Housing Register (CHR) for applicants for social housing provided by registered providers (RP's) throughout the district.

All of the RPs listed participated in the Broxbourne Scheme:

- B3 Living
- Paradigm Housing Association

- Metropolitan Housing Trust
- Aldwyck Housing Association
- Hightown Praetorian and Churches Housing Association
- Hastoe Housing Association
- Home Group
- Sanctuary Housing

The CHR is a database, maintained by the Council, of everyone who has applied for housing, and includes RP tenants seeking a transfer as well as applicants seeking to become a tenant for the first time.

## **1.4 Administration of the CHR**

The Council administers the CHR in partnership with participating RP's. The CHR is a database of everyone who has applied for housing through the allocation scheme, who is eligible to receive an offer, and an applicant's 'status' on the CHR. These factors can affect whether an applicant receives an offer, when they do, and what type of property they receive (if any). Full details of the application process are set out in this document.

Through the CHR each applicant's housing needs are assessed and a level of priority given expressed as a number of points. The guiding principle is that the applicant with the highest level of points for a property will be allocated that property, subject to a number of exceptions (which are set out in this document).

The CHR establishes the size of the property an applicant is eligible for.

The policy also sets out how properties are matched including details of the CBL (Choice Based Lettings) Scheme, and how priority is afforded to RP tenants for a proportion of properties on offer amounting to 25% of total lettings.

## **1.5 The Lettings Plan**

The Allocations Policy determines individual priority. The policy also sets targets between the two broad categories of housing applicant, namely:

- Tenants of RPs participating in the CHR who are seeking a transfer (Transfer List)
- Applicants seeking to become RP tenants (Homeseeker List)

The current targets are that 25% of all lettings will be to tenants and 75% to applicants, although this may be reviewed periodically. In order to achieve this, in some cases priority will be given to tenants seeking a transfer under the allocation scheme. (The operation of this process is set out in this document).

The Policy also sets percentage targets as to the type of properties going to each of the two categories, subject to periodic review.

The Council also takes the view that the policy should support efforts to prevent homelessness wherever possible and to manage its consequences, and that this should be viewed as an explicit aim of the policy.

There is, however, provision to introduce a quota to homeless households for a limited period of time, where it is deemed that the local housing situation has changed to the extent that the points awarded to statutory homeless households under this policy have ceased to engender the degree of 'reasonable preference' required under the relevant legislation.

The specific circumstances where this may occur, and how the policy will be implemented, are set out in the body of this document.

## **1.6 Equal Opportunities**

The Council is committed to securing equality of opportunity in all aspects of its activity as a service provider. This means that every effort is made to ensure that all sectors of the community have equal access to services offered by the Council and its RP partners. No person will receive less favourable treatment than others because of gender, disability, age, ethnic or national origin, marital status, religion, creed, sexual orientation or responsibility for dependants.

The Council is required by Section 166 of the Housing Act 1996 (as amended by the Homelessness Act 2002), to ensure advice and information is available about the right to make an application for housing and to provide assistance to anyone likely to have difficulty making an application for housing.

The Housing Needs Service will provide assistance to any member of the public who needs help to make an application for housing, and will offer to help anyone who is thought to have a difficulty in completing an application or providing information due to a disability, illness or language difficulties.

To monitor the effectiveness of this policy, applicants will be asked to complete a section in the application form describing their ethnic group and any disability.

Information on the Allocation Scheme will be made available in alternative formats and languages on request. The Council will make sure that all people have equal access to our services and are not treated less favourably on grounds such as age, sex, religion, sexuality or disability.

## **1.7 Disclosure of Information**

Section 166(4) of the Housing Act (1996) as amended by the Homelessness Act (2002) does not allow the Council to tell any other members of the public if a person is on the register, or give any other information about them.

The Council may not confirm to a member of the public other than the applicant, that the applicant has registered an application for housing. Officers are unable to discuss the details of any application with another member of the public, even members of the applicant's family, without the applicant's written permission.

The Council will take reasonable steps to ensure that any member of the public is indeed the applicant before dealing with the enquiry.

In certain circumstances, disclosure will become necessary e.g. to process an application, where applicants have particular needs for support without which they would not be able to

maintain a tenancy or to prevent and detect fraud. For instance, information could be disclosed to housing officers, occupational health officers, doctors, Social Services, the Police, the Probation Service, other local authorities and registered social landlords on a need to know basis.

By signing the application form, the applicant is agreeing that this may take place.

## **1.8 Access to Advice and Information**

The Council's Housing Needs Team provides a free advice and assistance service to all housing applicants and tenants seeking a transfer covering all aspects of this policy. This includes dealing with enquiries on the following issues:

- Who can apply for housing through the CHR and how to go about it.
- The processes and procedures that an applicant will need to comply with, to successfully register.
- How they are likely to be treated under the scheme including the level of priority awarded (as expressed through the points scheme), what accommodation the applicant is entitled to, and the chances of receiving an offer, insofar as this can be meaningfully given.
- The lettings process including the functioning of the CBL scheme, offers outside of CBL, and any special circumstances that might be applicable.

## **1.9 Data Protection**

Computer records are covered by the Data Protection Act 1984. This controls the use of computers in the collection, storage, processing and distribution of personal data.

The Act also gives rights to all individuals about whom information is recorded. These rights include the rights of access to the information and the right to challenge the accuracy of that information.

Requests for access to data must be made in writing to the Housing Needs Manager. Information will be provided within 40 days of the application. No fee is charged for this service, although we will charge £10 for a full file copy.

## **1.10 Information on the Housing Register**

Under Section 166 of the Housing Act 1996, a person on the Housing Register of a local authority is entitled:

- To see the entry relating to him/herself and to receive a copy of it free of charge, and
- To be given such general information as will enable him/her to assess how long it is likely to be before accommodation appropriate to his/her needs becomes available for allocation.

Information will be provided to each applicant following registration at no charge. Copies of the information are available from the Housing Needs Service at Bishops' College.

## **2 Applying to go on the Register**

### **2.1 Procedure**

Details can be found on the *Homeoption* website at <http://www.homeoption.org/>

### **2.2 Age**

To register a person must be 16 years old, although the case will generally be suspended until the applicant is 18.

### **2.3 Household Composition**

The Council will generally only accept applications from single applicants (with or without children) or a couple (with or without children).

Applications from other households (e.g. consisting of 3+ generations of the same family or 2 or more siblings) will be considered, but will only be accepted where there are clear reasons to do so.

### **2.4 Change of Address and/or Circumstances**

When their circumstances change, applicants should immediately complete a Change of Circumstances form so that the Housing Needs Service's records are accurate and applicants receive all the points to which they are entitled. Examples of changes in circumstances which must be reported are as set out below:

- A change of address, for themselves or any other person on their application.
- A change in medical condition.
- Any additions to the family or any other person joining their application.
- Any member of the family or any other person included in the application who has left the accommodation.
- Any criminal convictions (with the exception of driving offences), ASBO's or ASBI's relating to the applicant or any member of their household.

The Housing Needs Service will be glad to give advice on any change in applicants' eligibility or prospects for an offer.

### **2.5 Deliberately Worsened Circumstances**

Applicants who deliberately worsen their housing circumstances may not benefit from their actions either: i) by way of increased priority on the housing needs register or ii) by way of becoming eligible for an offer or nomination of accommodation.

If the Council has reason to believe that applicants have deliberately worsened their housing circumstances, points will not be awarded for the new circumstances, but will retain the level of priority given for their previous accommodation, or in the case of a new applicant they will be given points to reflect their previous circumstances.

## **2.6 Home Visits**

A home visit may be conducted to verify information applicants have provided. If an applicant is a RP (housing association) tenant, the landlord may wish to visit to check the condition of the property before an offer can be made. Applicants should cooperate with the officer conducting the visit, as their application will not be made 'Live' until this has taken place.

## **2.7 Criminal Convictions**

Applicants will be required to complete a declaration on the application form setting out any criminal convictions, ASBO's, ASBI's or any other type of injunction that relate to any member of the applicant household in the last 6 years.

Failure to disclose such information or to update the Council on any new convictions, orders or injunctions will result in the application being cancelled.

The Council reserves the right to conduct checks of any relevant law enforcement or other agency to verify applications and to disclose information in relation to any of the above, to any relevant agency, RP or other statutory or voluntary agency, as it deems appropriate.

The Council may conclude that applicants who hold a record as set out above may be deemed as ineligible or suspended (having regard to the seriousness of the offences and their materiality to the possible conduct of any tenancy granted) and the Council may choose to limit the areas or types of accommodation that an applicant may bid for under the scheme.

The Council may also, where it is considered appropriate, bar an applicant from bidding under the CBL Scheme. In these circumstances and where the applicant is not otherwise barred or suspended, the Council can make a direct offer under the policy, where the applicant has sufficient points and is otherwise eligible to receive an offer.

Nothing contained in this clause is intended to contravene the *Rehabilitation of Offenders Act (1974)*. 'Spent' convictions covered by this legislation need not be disclosed under this clause.

## **3 Status of Applications**

The Localism Act (2011) amended the Housing Act 1996 so as to enable the Council to determine who is a 'qualifying person' to appear on the housing register. This sets out who is a qualifying person who is eligible to register.

### **3.1 Eligibility**

#### **3.1.1 Residency**

In order to qualify to go on the Common Housing Register applicants must be resident in the Borough of Broxbourne continuously for a period of 5 years prior to the application being made.



Household members of an applicant who would not be eligible to register on residency grounds may be included within the household (subject to meeting the relevant criteria) but may not be an applicant or joint applicant).

The following are exceptions:

- Persons normally resident in Broxbourne, having resided there for 5 years but temporarily living outside Broxbourne whilst:
  - receiving medical or respite care
  - living in supported housing
  - studying at a school, college or university
  - serving a custodial sentence
  - adhering to bail conditions
- Persons serving in the HM Forces or having been discharged in the previous 5 years in line with *Members of the Armed Forces – the allocation of housing regulation 2012*. Such persons (all other things being equal) shall be regarded as qualifying without regard to current or previous residency.
- A person who is a social housing tenant and needs to move to the borough because they work in the district or needs to take up an offer of work in the district and
  - Have been awarded 25 location points under this scheme (reflecting a reasonable preference under s.166(3)(e) of Housing Act (1996)
  - Meet all criteria as set out below (3.3 Social Housing Tenants Right to Move).
- Persons in accommodation located outside of Broxbourne where it has been provided or enabled or otherwise agreed by the Borough of Broxbourne pursuant to a duty under the homelessness legislation including a homelessness prevention or discharge of homelessness duty. Residency time accrued under this arrangement will be regarded as equivalent in all respects as that of residency within the Borough for the purpose of this policy.
- An assured tenant of a Registered Provider participating in the CHR who is a Borough Resident regardless of the length of residency (and assuming the applicant is not ineligible or on hold for some other reason) so long as they have been the tenant of the dwelling they currently occupy for at least one year.
- An assured shorthold tenant (AST) of a Registered Provider placed in that accommodation by Broxbourne Council pursuant to an ongoing duty under the homelessness legislation (also known as ‘temporary self-contained’) and where:
  - The dwelling to be allocated pursuant this exception is limited to allocation of the accommodation that the applicant currently occupies.
  - The tenancy is at least one year old.
  - All things being equal, the dwelling to be allocated would be available for allocation as a general needs property.
  - In the opinion of the landlord the AST has been conducted satisfactorily.
  - The allocation would constitute a discharge of all and any duties under the homelessness legislation.
  - Both the Council and landlord consent to this exception being made.

- An applicant who is not resident in the borough, or who is resident but does not meet the residential criteria, shall, at the discretion of the Council, be regarded as eligible where:
  - They are of pensionable age; and
    - Are seeking sheltered, Flexi Care or other housing designated for elderly persons
    - They wish to move to Broxbourne to receive support from a close family relative who is permanent resident of the borough and has been for at least 5 years
    - There are no factors (save that of residency) that would otherwise render them ineligible or subject to suspension under this policy

In exercising discretion the Council will have regard to the demand for such housing from eligible residents, and the general availability of the property for letting.

- An applicant who is resident in (having been nominated by this Council), and who is deemed eligible to move from one of the following:
  - Springboard H.A. specialist accommodation i.e. Eleanor Cross Road, Brampton Close
  - Cadmore Lane Supported Housing Project.
- A person accepted under the full housing duty s.193(2) or 195(2) of the Housing Act (1996) by the Borough of Broxbourne.

A person who is resident in the Borough of Broxbourne and who is deemed to have a reasonable preference for accommodation as defined by the Housing Act (1996), with each case to be considered on merit.

### **3.2 Other Eligibility Criteria**

The following classes of person shall also be considered ineligible:

- An applicant who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996), or is otherwise in a group or category of person deemed ineligible by law.
- An applicant who has deliberately given false or misleading information or withheld relevant information in connection with their application with the intention of obtaining accommodation to which they would be ineligible for or otherwise not entitled. An act or omission in good faith or one that is unintentional or is immaterial shall not be counted for this purpose.
- An applicant (or a member of their household) that the Council is satisfied, is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- An applicant who is unable to sustain a tenancy (such as a result of medical factors, learning disability, mental health or some other issue) even with appropriate support, or is unwilling to accept appropriate support.

- An applicant, or any member of their household who has a leasehold or freehold interest in a home in the UK or elsewhere, unless exceptionally agreed that this should be waived. For applicants seeking retirement housing and/or flexi housing this can be disregarded (see 3.4.5).
- The spouse/civil partner of an owner occupier who is able to exercise rights of occupation of that property by any statutory or other provision.
- A person who is only living in Broxbourne having been temporarily housed in Broxbourne by another council.
- An applicant who has been evicted from a tenancy by a social landlord in the last 5 years for a breach of tenancy.

An applicant who is deemed able to make their own housing arrangements, including any household which has capital exceeding £16,000 (or whatever capital savings cap is applicable under the housing benefit regulations at the time) or a household that earns more than £60,000 per annum. At the discretion of the Council this can be waived for applicants seeking retirement housing, and should be disregarded for applicants deemed to require Flexi Care housing.

### **3.3 Social Tenants**

#### **3.3.1 Social Tenants Resident In Broxbourne**

Any social tenant resident in Broxbourne may (all other things being equal) register and their application will be treated the same as all other applicants.

However, tenants of, or properties managed by an RP that participates in the CHR qualify to go on the Transfer register.

Social Tenants resident in the Borough of Broxbourne whose landlord does not participate in the CHR may (subject to meeting all the requirements of this policy) register as home seekers.

#### **3.3.2 Social Tenants Resident Outside of the Borough – Right to Move**

Social tenants resident outside of the Borough of Broxbourne are ineligible to register on the Broxbourne Housing Register unless they meet the following criteria.

- They are employed in, or have been offered employment in the Borough of Broxbourne
- They have been awarded 25 location points reflecting the need to move to the district because of the tenants work in the district or the need to take up an offer of work in the district where failure to take up such a job would cause hardship.
- The applicant resides more than 40 miles from the place of employment in the borough unless there are exceptional circumstances.
- The employment, or offer of employment must be of a permanent nature and amount to a minimum of 16 hours per week.
- The applicant must meet all other criteria on the housing register.

Where an applicant meets all of the above criteria they shall be regarded as eligible to register as a home seeker, and their application will (all things being equal) be treated as any other resident (or otherwise qualifying home seeker) applicant, with the following exceptions:

- They shall be eligible for only one offer of accommodation following a successful bid on the HomeOption website. In the event of a refusal they shall no longer be regarded as eligible under this scheme.
- Offers under this arrangement will be subject to a quota (see 9.6).

### **3.3.3 Operation of the Transfer List**

Under the Common Housing Register arrangements the Council is required to ensure a certain proportion of properties are given to qualifying resident RP tenants (25%), so some properties will be ring-fenced to tenants only. RP tenants seeking to benefit from these arrangements (including downsizers) must be:

- Ordinarily resident in the dwelling of which they are a tenant as their principal and only home.
- Able and willing to give vacant possession of the dwelling to the landlord when they move under these arrangements.
- They, and all members of the household seeking to transfer, are resident in the property, are known to the RP landlord and are authorised to be resident.
- Able to demonstrate a clear and credible plan to meet the accommodation needs of any persons residing in the dwelling (for whatever period of time) who will not be taking up residency in any new tenancy allocated within this ring fence. For the purpose of this clause an application under the homelessness legislation does not constitute a clear and credible plan.
- Have been the tenant of the dwelling they currently occupy for at least one year unless both the Council and Registered Provider, at their own discretion, agree to waive this requirement which will be determined on a case by case basis.
- Not be housed in a RP property pursuant to a duty under the homelessness legislation (including temporary self-contained accommodation).

RP tenants who have not been resident for 5 years shall be regarded as eligible under this policy so long as they meet all of the criteria set out above, and are not otherwise ineligible or subject to a suspension.

## **3.4 Becoming Eligible**

The guiding principle is that where applicants are regarded as ineligible the Council will only consider making the applicant eligible, where the applicant can demonstrate that those factors that led to this status are no longer applicable (e.g. that they, and all members of their household, are suitable persons to be tenants, where previously this was not the case), and that they are now willing and able to comply with the terms and conditions of a tenancy.

### **3.4.1 Subject to Immigration Control**

Only where the applicant is deemed eligible under the relevant legislation will the applicant be eligible for the list (all other things being equal).

### **3.4.2 False or Misleading Information**

Where an applicant is deemed ineligible as a result of deliberately giving false or misleading information, they shall be deemed ineligible for a minimum of one year.

### **3.4.3 Unacceptable Behaviour**

Where an applicant is deemed ineligible on the grounds of unacceptable behaviour they shall be deemed ineligible for an indefinite period, and will only be deemed eligible where they can demonstrate that the relevant behaviour has been addressed.

### **3.4.4 Unsuitable to be a Tenant**

Where an applicant has a physical or learning disability or mental health or other medical factors that would affect their ability to sustain a tenancy the Council will consider whether they would be able to do so if appropriate care and support were provided. The Council will also have regard to the Disability Discrimination Act (1995). Where it is determined that an applicant could maintain a tenancy with such support, any bar will only be lifted where the applicant demonstrates that they are willing to cooperate with such support as is deemed necessary.

In coming to a view as to what support is deemed necessary, the Council will have regard to the views of other relevant professionals e.g. social services, health services, police or the probation service.

Where a person is regarded as being unable to sustain a tenancy for some other reason other than a medical factors determination will be made on a case by case basis.

### **3.4.5 Homeowners**

Exceptions will only be made where the applicant has been accepted under a full housing duty under the homelessness legislation, as a result of the loss of the relevant property that is owned.

Owner occupiers who are elderly and would, all things being equal, qualify for retirement and/or flexi care housing may on a case by case basis be deemed eligible. In determining eligibility the Council shall have regard to:

- The means of the applicant and their ability to make alternative arrangements. This includes the value of any equity in any property that is owned (for applicants for retirement housing). For applicants deemed to require Flexi Care this element should be disregarded when determining eligibility.
- The degree to which they would benefit from placement into sheltered/Flexi Care.
- The demand for such housing from applicants who are eligible under this scheme, and for whom no exception under this or any other clause has been applied.

### **3.4.6 Evicted from a Social Tenancy**

Persons evicted from a social tenancy will be ineligible for a minimum of one year and will only be made eligible where they can demonstrate that the factors that led to the eviction have been addressed (e.g. repayment of rent arrears). However, this is without prejudice to any other eligibility criteria (such as suitability to be a tenant) that may be applicable on a case by case basis.

### 3.4.7 Residency

Applicants may only be eligible on residency grounds where they are able to demonstrate they are residents of the Borough of Broxbourne having been so for 5 years, unless one of the exceptions set out is applicable.

## 3.5 Suspended Applications

A Suspended case is one that is otherwise eligible to go on the Common Housing Register, but is not eligible to receive an offer of accommodation.

Suspended status will apply in the following circumstances:

- The applicant is living elsewhere on a temporary basis pursuant to employment, education, medical care, other forms of rehabilitation or custody and intends to return to the Borough (and would qualify as a *resident* under 3.1.1).
- An applicant is in supported accommodation and is not yet ready to move.
- Where the Council is assessing or re-assessing a case to determine eligibility, status or some other factor that would determine any other material aspect of an application. This would include an application under the homelessness legislation and change of circumstances assessments.
- The applicant has asked that their application be suspended.
- There are extenuating circumstances which means it is inappropriate for a person to move at a particular time.
- Applicants during their first period (six months) in a privately rented home provided under the Private Rented Assistance Scheme/Simple Lets or any successor scheme of this type.
- There are, or have been in the calendar month prior to the successful bid being made, rent arrears or other debts to the Council or a RP, for example current or former rent arrears, a recharge for damage to a property (or where social a landlord has reason to believe such a charge may be justified and is being assessed) or an outstanding private rented deposit loan, but where the applicant is not regarded as ineligible.
- Where the applicant has obtained a Debt Relief Order or is bankrupt and where there were rent arrears or other housing related debts to the Council or a RP participating in the CHR prior to the issuing of the relevant order.
- Where an applicant has made 3 successful bids under the CBL scheme and refused all of the offers.
- Where an applicant has been served a Notice Seeking Possession by an RP. This lasts until the NSP is revoked, lapses or a suspended or full order is granted.
- Where an applicant is in the process of buying a property under the Right to Buy or the Right to Acquire or otherwise in the process of purchasing a property.
- Where an applicant has been found intentionally homeless. This will last one year from the date of the homelessness decision.
- Where a person has been:
  - accepted under the full housing duty s.193(2) of s.195(2) of the Housing Act (1996) by the Borough of Broxbourne (but does not meet the five year residency qualification).

- Are resident in the Borough and the Council has accepted that they have a reasonable preference (but where they do not meet the five year residency qualification).
- An applicant who was:
  - on the Housing Register at the point that this policy became 'live' (being December 6<sup>th</sup> 2013) and
  - was in receipt of 400 residency points at that point;
  - not resident for five years (or otherwise eligible under this scheme) at the point of the 'go live' date.
  - subject to a suspension under this clause as at 31<sup>st</sup> March 2014.

Applicants who would, all other things being equal, be suspended under this clause but were recorded as being 'live' as at 31 March 2014, may not benefit from this clause. Such an applicant shall be regarded as ineligible until they meet the eligibility criteria when they shall be required to make a fresh application.

## **3.6 Lifting Suspensions**

### **3.6.1 Housing Related Debts**

Applicants who owe a housing related debt to the Council (or to an RP who is a signatory to the CHR) will be suspended on the CHR until such time as the debt is paid in full.

Where a person is suspended having obtained a Debt Relief Order or are bankrupt the criteria for reinstatement shall be the repayment of the debt to which the relevant order relates or a period of two years from the date the relevant order is issued, whichever is the sooner.

Applicants who make, and keep to, a repayment agreement may, on a case by case basis, and solely at the discretion of the Council (or RP), have the suspension lifted.

In exercising such discretion the Council/RP shall have regard to:

- The size of the debt.
- The reasons for it the debt accruing including the degree of culpability of the applicant, insofar as it is known.
- The degree of commitment to repay the debt including the amount paid off, and/or the number of months to which an applicant has kept to any repayment schedule agreed with the Council/RP.
- The means of the applicant.
- Any ancillary financial implications that might fall on the Council/RP as a result of any decision to suspend or lift a suspension.

Where suspended status is lifted, the applicant will be required to continue to keep to any agreed repayment schedule (or any other conditions set by the Council or RP), or the application will be suspended again.

### **3.6.2 Refusal of offers**

Following 3 refusals the application will be suspended for one year (see 9.13). The operative date for this suspension is the date of the refusal of the third and final offer.

### **3.6.3 Intentionally Homeless**

Where a household is deemed intentionally homeless the application will be suspended for one year.

### **3.6.4 Under Notice from a RP**

The case will be suspended until the notice is lifted by the RP or a Court.

### **3.6.5 Right To Buy/Other Property Purchase**

The case is suspended until the process is complete (in which case the applicant would in all probability be ineligible) or abandoned.

### **3.6.6 Ineligible Cases Suspended at Go Live**

An applicant who is on the register by virtue of 3.5.12 (having been on the register at 'go live' but not having met the 5 year residency criteria), will, at the request of the applicant, be made live (all other things being equal) once they have been resident for 5 consecutive years or otherwise fulfil the residential criteria in 3.1.

### **3.6.7 Discretion of the Council/Registered Providers**

Where a case is suspended in circumstances where the Council (or an RP) has exercised discretion under this policy, regardless of whether it has taken advice from a third party or not in coming to a view, it is for the Council alone (or in the case of discretion exercised by a Registered Provider that RP) to determine whether and when to lift the suspension.

In certain circumstances the severity and/or urgency of an applicant's needs may be judged to override other considerations. This will be considered on a case by case basis.

### **3.6.8 Accepted Homeless Cases not meeting Residency Requirement**

An applicant meeting this criteria shall only be made live when they are deemed to have met the five year residency requirement.

## **3.7 Live**

The 'Live' status applies where the application has been approved for offers, following the submission and checking of all documentation, arrears history and other relevant information. **This is the only status that enables applicants to receive or bid for an offer of a home.**

## **3.8 Under Offer**

This applies where an applicant has been allocated a home through the allocation process, and has not yet formally accepted the offer. Where an applicant is 'Under Offer' for a home they may not bid or receive additional offers.



### **3.9 Offer Accepted**

Where an applicant has accepted an offer and has, or is waiting to move into their new home this status will apply. Applicants with this status may not bid for another home.

### **3.10 Removed**

An application will be removed if the applicant withdraws their application, or fails to respond to their annual review letter.

An application will also be cancelled if an applicant has succeeded to or been assigned a secure tenancy or an assured tenancy of a registered social landlord.

### **3.11 Housed**

This applies where an applicant who has received and accepted an offer from a RP outside of the CHR arrangements will have their application cancelled.

## **4 Annual Review of Applications**

In order to keep the Housing Register up to date, applicants will be required to renew their application when required by the Council. Unless otherwise stated this will be annually.

Three months prior to the applicant's registration anniversary a prompt will be displayed on screen when the applicant logs into their HomeOption page. The applicant may complete the renewal at any time during this three month period.

On the first day of the month of the applicants registration anniversary if they have not logged on and confirmed they wish to remain on the register they will receive a further notification through email (if email address is known) or letter if no email address on file .

The applicant will be asked to log on to their HomeOption page and confirm they wish to remain on the register. They are given a further 28 days to do this.

Failure to re-register within those 28 day the applicant is send another notification informing them that if they do not log on to their HomeOption page within the next 21 days and complete a Change of Circumstance Form their application will be cancelled.

Failure to complete the Change of Circumstance Form within those 21 days the application is removed from the system and will not be reinstated.

## 5 Applicant Preferences

The Council aims to meet people's requirements in terms of choice of accommodation, but must do so in the context of availability of accommodation by size and location.

Under the Choice Based Lettings process, applicants will be free to exercise choice by deciding which properties to bid for, within the limits defined in this policy. Full details of the operation of the CBL Scheme are available in the Scheme User Guide.

However, there are a number of circumstances where the CBL Scheme will not be applicable. In these circumstances the applicant is entitled to express preferences as to the area and type of property offered. Although there is no guarantee that these preferences can be met, the Council will seek to comply with them wherever possible, and wherever it is reasonable to do so.

### 5.1 Area

Applicants must choose a **minimum** of three letting areas from the following areas:-

- Broxbourne (N)
- Bury Green (S)
- Cheshunt High Street (S)
- Dewhurst Estate (S)
- Flamstead End (S)
- Goffs Oak (S)
- Hammond Street (S)
- Holdbrook (S)
- Hoddesdon North (N)
- Hoddesdon South (N)
- Hoddesdon Town (N)
- Rosedale (S)
- Rye Park, Hoddesdon (N)
- The Springs (N)
- Turnford (N)
- Waltham Cross (S)
- Wormley (N)

### 5.2 Property Type

Applicants are free to nominate their preferences as to the type of property they may be offered, subject to the limitations set out in Section 8. However, where the Council makes a direct offer, there can be no guarantee that the preferences will be met, and some preferences (e.g. for a house) are very unlikely to be met.

### 5.3 Homeless Households

Applicants who have applied to the Council as homeless and to whom the Council has accepted a duty under Part VII of the Housing Act 1996 are able to bid under the CBL Scheme.

However, in certain circumstances it may be necessary to make a direct offer of accommodation in which case the applicant will be required to choose between the following areas:

- North of the Borough (marked N)
- South of the Borough (marked S)
- Any area of the Borough

Applicants requesting either North or South of the Borough may request additional individual lettings areas from within the other part of the Borough. These are indicated on the application form.

The Council may agree to offering accommodation in more specific areas, in exceptional circumstances, e.g. if the applicant needs to be nearer special needs schooling, employment or is the main carer for a relative.

## 5.4 Other Circumstances

The Council may restrict the choices available to an applicant if, in conjunction with the Police/Probation, it agrees that such a restriction is necessary to safeguard the public interest.

## 6 Points Scheme

Points are awarded according to an applicant's particular needs and circumstances when assessed against the defined criteria below:

### 6.1 Legislative Background – Reasonable Preference

Under Section 167 (2) of the Housing Act 1996, the Council must give 'reasonable preference' to:

- People who are accepted as homeless under Part VII of the Housing Act 1996;
- People who are owed a duty by any RP under section 190(2), 193(20) or 195 (2) of the 1996 Housing Act (or under section 65(2) or 68 (2) of the Housing Act 1985) or who are occupying accommodation secured by any RP under section 192(3);
- People occupying insanitary or overcrowded housing or other unsatisfactory housing conditions;
- People who need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or others;
- People who need to move on medical, disability or welfare grounds.

The legislation allows the allocation scheme to take account of other factors relevant to the needs of the local area in determining which applicants are to be given preference, providing these additional factors do not dominate the scheme at the expense of the reasonable preference groups defined above.

### 6.2 The Points Scheme Summary

	Points
Waiting Points	5 per

5 Points awarded each year on the anniversary of the application (backdated to the time of the application)	annum
<b>High Priority</b>  Under-occupation by a tenant of a Registered Provider Staff re-housing Registered Provider Decants	200
<b>Separated Family</b>  Separated family points will only be awarded to households who have lived together in the past are now apart for no other reason than lack of accommodation, and who are either:  <ul style="list-style-type: none"> <li>• Married or in a civil partnership.</li> <li>• Have a child or children together.</li> </ul>	25
<b>Medical</b>  Once assessed by medical advisor: Medical Moderate medical Major medical Extreme medical	20 50 100 200
<b>Room Deficiency (New Applicants and Existing Tenants)</b>  (Rooms of less than 50 square feet will not be counted) Points will be awarded according to the difference between a household's entitlement and the current situation. 1 Room Lacking 2 Rooms Lacking 3 Rooms Lacking 4+ Rooms Lacking Mixed Sex Sharing – additional points to the above where members of opposite sex are required to share a room when not in a relationship or parent/carer and one child is 10 years and over Bedsit – living in a bedsit with a dependent child Applicants who are placed into temporary accommodation pursuant to a duty under Part VII of the Housing Act 1996 will be awarded these points, where relevant, after one year has elapsed from the award of the homeless points. Applicants awarded 100 Homelessness Points (as defined by 6.3.11) shall be regarded as exempt from the one year requirement	25 50 100 200 25  25
<b>One Bedroom Priority Need</b>  Extra points for couples, pregnant women and those with weekend access to children and therefore entitled to a one bedroom flat.	20
<b>Lack of Facilities</b>  Awarded if lacking one or more of the following: bathroom, hot water supply, kitchen, toilet except where as a result of disrepair.	50

Applicants who are placed into temporary accommodation pursuant to a duty under Part VII of the Housing Act 1996 will be awarded these points, where relevant, after one year has elapsed from the award of the homeless points.	
<b>Shared Facilities</b>	
Awarded if sharing one or more of the following: bathroom, hot water supply, kitchen, toilet except as a result of disrepair with:	5
Family	10
Friends or others	15
In a house in multiple occupation	
Applicants who are placed into temporary accommodation pursuant to a duty under Part VII of the Housing Act 1996 will be awarded these points, where relevant, after one year has elapsed from the award of the homeless points. Applicants awarded 100 Homelessness Points (as defined by 6.3.11) shall be regarded as exempt from the one year requirement	
<b>Domestic Violence and Harassment</b>	25
Points for households suffering harassment or violence, i.e. domestic violence, witness intimidation or racial harassment, in or around the accommodation that they occupy as their principal and only home. In all cases this is to be approved by a manager and reviewed after three months.	
<b>Location/Hardship</b>	25
Applicants who need to move to a particular district or locality where failure to do so would cause hardship to themselves. For those wishing to move to the district the award of points under this clause shall be limited to those wishing to move under (and otherwise qualifying under) the 'Right to Move' provisions set out in this policy. In all cases this is to be approved by a manager.	
<b>Homelessness</b>	100
These will be awarded in the following circumstances: Applicants accepted as homeless under Part VII of the Housing Act 1996 and who occupy accommodation as defined in 6.3.11 At the discretion of the Council , to applicants considered to be threatened with homelessness and in priority need as defined by the Housing Act (1996) (See 6.3.11 for details)	
<b>Homelessness: Discharge of duty/Long Term Temporary Accommodation</b>	25
Applicants accepted as homeless under Part VII of the Housing Act 1996 who have had this duty discharged following the Council securing accommodation in the private sector or who occupy Long Term Temporary accommodation (See 6.3.12 for details)	
<b>HM Forces</b>	10
The award shall be made in accordance with the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 – see 6.3.12	
<b>Care Leavers</b>	200
This will apply where:	

The applicant is in the care of Hertfordshire County Council pursuant to Children's Act (2004) and who is eligible for a permanent offer under this policy and any Protocol agreed between Hertfordshire County Council in regard to care leavers by virtue of holding an appropriate local connection.

In the joint view of the Housing Assessment Manager and Hertfordshire County Council Children's Services the applicant is ready to leave care and would be able to maintain a tenancy.

The application of care leavers not deemed to be meet the criteria in this clause (but who would otherwise be eligible for a permanent offer) will be assessed under clause 7.4 (Direct Offers – Care Leavers)

## **6.3 Points Scheme: Definitions and Rationale**

### **6.3.1 Waiting Points**

5 points will be awarded for each complete year the applicant has been on the Housing Register, with the award falling on the date of the original application.

### **6.3.2 High Priority**

- **Under-occupation**

Social Housing tenants giving up at least one bedroom can be awarded points under this heading. Offers may be up to one bedroom more than required, if the RP agrees to it. The relevant landlord will be consulted to decide if arrears should be a bar to such a move.

Applications from households residing in separate socially rented dwellings but who wish to reside together may be considered under this clause, but only where the total number of bedrooms occupied in the 2 dwellings exceed the households entitlement under the scheme, i.e. the number of bedrooms being given up exceed the number that would be occupied.

For separated households, and those that are/would be subject to withdrawal of Housing Benefit because of under occupation, an additional bedroom will not be permitted under this clause.

- **Staff re-housing**

The Council will make this award to Council and B3 Living staff who meet the criteria set out in the terms and conditions of their employment, and are otherwise eligible under the scheme. Under this clause there shall be discretion to waive all or any of the eligibility criteria, to be exercised by the organisation employing the member of staff.

- **Registered Provider ‘Decants’**

Where a RP, who is a signatory to the CHR, wishes to decant a property or properties in the Borough, for the purpose of site redevelopment, refurbishment or some other factor that requires the building to be vacant prior to the commencement of works, then secure/assured tenants of that RP may, with the agreement of the RP and the Council be afforded High Priority. Where re-development is proposed which includes the development of social rented housing, the agreement of the Council will only be forthcoming where the Council is afforded nomination rights to the newly developed homes. Such moves shall be regarded as transfers under the Lettings Plan. See also 7.1 – Management Moves.

### **6.3.3 Separated Family**

Separated family points shall only be awarded to households who have lived together in the past are now apart for no other reason than lack of accommodation, and who are either:

- Married or in a civil partnership
- Have a child together

The case will be assessed on the basis of the best accommodation occupied by a member of the separated household. At least one applicant must be resident in the Borough and be eligible.

Separated family points will not be awarded to RP tenants in any circumstances.

### **6.3.4 Medical Priority**

The Council will consider medical information in relation to applicants and/or any member of their households for the purpose of assessing priority on the CHR. When assessing the level of priority the Council will consider the following:

- The nature of the medical condition;
- How this is affected by the applicant’s current accommodation;
- How the condition will be improved by the provision of alternative accommodation, having regard to the housing stock that might reasonably be expected to be available for letting through the CHR.

The categories of award are:

- **Extreme**

There is a critical need to move. The current housing situation is seriously injurious to health and interferes with quality of life to an intolerable degree.

- **Major**

The applicant is experiencing considerable difficulty as a result of their current housing, impacting the applicant on a daily basis. A move to more appropriate accommodation would reduce the adverse effect.

- **Moderate**

Where the applicant's current accommodation will have a clear impact on the applicant's health. Although not as significant as extreme or major, the health condition can be alleviated by the provision of alternative accommodation.

- **Medical**

Where the applicant's current accommodation will have some impact on the applicant's health and where alternative accommodation would alleviate the condition.

Clients in receipt of a medical award will be restricted to bidding for the type of property recommended by medical advisor, where such a recommendation has been made.

### 6.3.5 Room Deficiency

The guiding principle is that the points are awarded according to the difference between the accommodation the applicant is entitled to under the policy (Section 9) and the number of rooms there are in the dwelling they currently occupy (determining what constitutes a *dwelling* for the purpose of this exercise is a matter of fact and will be determined on a case by case basis).

In assessing room deficiency the Council:

- Discounts the following rooms: kitchen, bathroom, other rooms less than 50 square feet.
- It is assumed that any other room not on the list e.g. second reception can be used as a bedroom as long as it is suitable for that purpose.

In calculating the number of rooms an applicant occupies, the following definitions shall be used:

<b>Current Situation</b>	<b>Defined as (number of Rooms)</b>
Sharing room/no definable room (e.g.	0



<b>Current Situation</b>	<b>Defined as (number of Rooms)</b>
sleeping on friend's floor on a temporary basis)	
Own room in shared house (including parental home), bedsit or studio flat	1
1 bed dwelling	2
2 bed dwelling	3
3 bed dwelling	4
4 bed dwelling	5

In calculating the entitlement the following definitions shall be used:

<b>Entitlement</b>	<b>Defined as (number of Rooms)</b>
Bedsit (Studio)	1
1 bed dwelling	2
2 bed dwelling	3
3 bed dwelling	4
4 bed dwelling	5

The calculation of room deficiency is:

Entitlement (defined as number of rooms) *minus* current situation (defined as number of rooms) = Room deficiency.

Where an applicant's circumstances do not appear to readily fall into one of the definitions as set out in their current situation, or where there is otherwise a degree of uncertainty, the Council will consider the situation on its own merits in coming to a view as to the level of points to be awarded under this entitlement.

The Council may also award a lower number of points under this entitlement, where it has reason to believe that the applicant's accommodation arrangements have been contrived for the purpose of deriving benefit from this entitlement. An example would include an applicant who claims to share a room in a dwelling that also contains rooms that appear to be empty, and to which the applicant might reasonably be said to have access.

Any lower award made will be based upon what the Council considers to be a reasonable arrangement having regard to the particular circumstances of the case.

The definition of a bedsit for this purpose is a dwelling that consists of one habitable room, and either a self-contained or shared kitchen or bathroom.

Other awards under this clause are as set out in the summary.

Mixed sex sharing points and bedsit sharing points will only be agreed where the Council is satisfied that the sleeping arrangements optimise the use of the available space and not so as to benefit from this award.

### **6.3.6 One bedroom priority**

These points are as set out in the summary, and recognise the additional housing needs of the eligible groups (all other things being equal), compared with single applicants.

### **6.3.7 Lack of Facilities**

These are awarded if the applicant lacks (for reasons other than disrepair) one or more of the following: bathroom, kitchen, hot water supply, internal toilet.

### **6.3.8 Shared Facilities**

These are awarded where the applicant shares one or more of the following: bathroom, kitchen, hot water supply and internal toilet, except where the necessity to share arises from disrepair to equivalent facilities of which the applicant has exclusive use.

The definition of a HMO (House in Multiple Occupation) for the purpose of this award is a matter of fact and degree, and includes, but is not necessarily limited to, all licensed HMOs. Award of these points is at the discretion of the Council.

### **6.3.9 Domestic Violence/Harassment**

As in the summary.

Applicants would generally be expected to provide evidence of the harassment, although the Council will consider representations from appropriate professionals in coming to a view. This includes RPs, Police, Social Services or other relevant bodies.

The award will be reviewed after three months to determine whether the award remains appropriate having regard to any changes in circumstances, further incidents of harassment and the views of any other relevant agencies involved.

### **6.3.10 Location**

Applicants who need to move to a particular district or locality where failure to do so would cause hardship to themselves. For those wishing to move into the district the award of points under this clause shall be limited to those wishing to move under (and otherwise qualifying under) the 'Right to Move' provisions set out in this policy. In all cases this is to be approved by a Manager.

### **6.3.11 Homelessness/Threatened with Homelessness**

Homeless points are awarded in the following circumstances:

- Where an applicant is accepted for the full homeless duty under the homelessness legislation by Broxbourne Council, and is accommodated in

temporary accommodation deemed to be for short term use. This is limited to the following:

- A local authority hostel managed by Broxbourne Council
  - Any accommodation provided by the authority and booked on a nightly basis or otherwise deemed short term
  - A women's refuge
- Where an applicant is threatened with homelessness (as defined by the homelessness legislation) within 28 days, and on a case by case basis, where they are threatened with homelessness within 56 days, where this is agreed by the Housing Assessment Manager, or any other person so designated by the Head of Service for Housing.

Any award of Homelessness points under this clause will end in the following circumstances:

- Where the homelessness duty ends (for whatever reason) including where the household is deemed intentionally homeless under the relevant legislation or the duty is discharged.
- Where the applicant ceases to occupy accommodation provided under any homelessness duty

Any points award to an applicant threatened with homelessness shall be removed should the applicant cease to be threatened with homelessness.

For the avoidance of doubt only one award of 100 points can be made under this clause. Threatened with homelessness points and homelessness points cannot be awarded on a cumulative basis (so as to amount to 200 points).

Applicants threatened with homelessness where the Council has reason to believe may be likely to be regarded as intentionally homeless may be subject to Section 2.5 of this policy (Deliberately Worsened Circumstances), in which case no award under this clause may be made.

### **6.3.12 Homelessness Discharge of Duty/Long Term Temporary Accommodation**

This will be awarded where

- a homeless duty owed by Broxbourne Council is discharged into accommodation (including the private sector) other than by way of an allocation under Part VI of the Housing Act (1996)
- an applicant is placed in 'long term' temporary accommodation being:
  - a temporary self contained dwelling provided by B3 Living housing association or any other RP on a temporary basis.
  - A private sector leasing property provided under a scheme where the Council has nominated the applicant.
  - A private sector property enabled by the Council under the Simple lets scheme.

### **6.3.13 Armed Forces**

The following shall be eligible for an award of 10 points under this criteria:

- Person serving in the regular forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service;
- a person formerly serving in the regular forces, and who has been discharged no more than 5 years prior to the date of the application for housing first being made;
- a person who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of the person's spouse or civil partner who was serving in the regular forces and whose death was attributable (wholly or partly) to that service;
- a person serving or formerly serving in the reserve forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

Persons made an award under this criteria are entitled to retain the points allocation until such time as a permanent offer of accommodation is accepted.

## **6.4 How Applications are Prioritised under the Points Scheme**

Each eligible application to the CHR is assessed by the Council, to determine and give an award of points against the various criteria set out in the points scheme.

Once assessed, applicants are ranked on the CHR according to their points total, on the appropriate bedroom size list or lists. Applicants with higher numbers of points are considered to have higher priority, and all other things being equal, will be made an offer ahead of an applicant with lower points.

Under the CBL Scheme only those applicants expressing an interest for (i.e. bidding for) a given property will be considered for that property (see 9.6).

There are a number of circumstances where a live applicant, or in the case of CBL, the bidder, with the highest points will not be considered the highest priority for a given property. This occurs in the following circumstances:

- Lettings Plan (9.1)
  - Ring fencing of properties to tenants
  - Homeless applicants residing in temporary accommodation (in certain circumstances);
- Choice Based Lettings (9.6), where only applicants bidding for properties are considered.
- Other reasons as set out in 9.10 (Bypassing Applicants).

## **7 Direct Offers**

There are a number of circumstances where applicants will need to be moved urgently and/or as a matter of high priority, and so the points scheme needs to be

disregarded in their case. These are set out below. Unless otherwise stated applicants will receive one direct offer of accommodation pursuant to any clause under this heading.

## **7.1 Management Moves**

Social rented tenants of a partner RP requiring a management move on an emergency basis will receive one offer only of as close as possible to like for like. A management move may be agreed for one of the following reasons:

- Serious harassment of a tenant.
- Significant disrepair that cannot be reasonably rectified with the tenant in situ.
- To enable the RP to manage their housing stock in circumstances where this could not reasonably be achieved without a move (e.g. to enable sale with vacant possession and/or any other criteria in 6.3.2 – Registered Provider Decants).
- Any other circumstance as agreed by both the RP and the Council.

Cases will be agreed by a joint Council and partner RP panel and (where relevant) will normally include corroborative evidence from the police (harassment) or other relevant professionals (other). Approvals for such a move will be reviewed after three months if no offer is made. Cases in other social housing or other tenures will be dealt with under homelessness/prevention procedures.

Like for like means an applicant will be offered a property of the same size, and type as the one they are leaving. If the applicant is in the top 10% of the transfer list and needs larger accommodation, appropriate size housing may, with the agreement of the Council and RP be offered. In exceptional circumstances, and with the consent of both the Council and the RP a property may be offered on a basis other than 'like for like', where it is considered appropriate to do so.

Under this arrangement applicants will generally be made one direct offer, and whilst consideration will be given to applicants' area preferences, no guarantee can be made.

## **7.2 National Witness Mobility Scheme/Multi-Agency Protection Panel**

Very occasionally, the Council is asked by these bodies to house applicants urgently, in order to protect them or to enable the police to supervise them properly. Each case will be considered on its own merits, although the Council will have regard to the volume of applications of this sort.

Under this arrangement applicants will generally be made one direct offer, and whilst consideration will be given to applicants' area preferences, no guarantee can be made

Under this criteria, the Council may, at the discretion of the relevant Head of Service, waive any relevant eligibility criteria in determining eligibility for housing.

### **7.3 Temporary Accommodation**

Nominations of accepted homeless households to temporary self-contained tenancies in permanent (or other) RP stock.

### **7.4 Care Leavers**

The Council will consider applications from people who are currently placed in the care of HCC (Hertfordshire County Council) or in a foster placement arranged by HCC. If the applicant is currently residing within the Borough of Broxbourne, or if they were resident in Broxbourne prior to going into care, and wish to return here, they may register. When a local connection is established, care leavers will normally be offered a Foyer place, where appropriate, with any permanent re-housing whether directly or from the Foyer, by way of one direct offer. They will require a guarantor if they are under 18. Prior to a placement being offered the Council will require details in writing of a Care Plan and/or Support Package.

In coming to any decision regarding a housing allocation to a care leaver under this policy the Council will have regard to any operating protocol or agreement between the Council, HCC and the relevant housing provider(s).

Unless there are exceptional circumstances the offer will normally be of a bedsit (studio flat).

Applicants will receive one direct offer under this clause.

Care leavers deemed to meet the criteria in the points scheme ('Care leavers') will not be eligible to a direct offer under this clause

### **7.5 Borough Emergency/Homelessness**

In certain circumstances the Council may make one direct offer to Homeless households outside the points scheme.

This will occur where:

- There are exceptional circumstances such as a local emergency or major incident resulting in the displacement of significant numbers of households.
- Where there is a significant upswing in local homelessness levels, resulting in unacceptable pressures on the supply of temporary accommodation, and where it is deemed in the public interest to prioritise homeless households in this way.

This arrangement will only be triggered by the Group Manager (Corporate Services) in consultation with the relevant Cabinet Member for housing who shall determine the:

- Property types/size to be allocated under the policy.
- The percentage of properties to be allocated in this way as a proportion of all lettings.
- The period of time in which this policy shall be invoked.
- Which types of temporary accommodation to which this clause shall apply.

Where allocations are made under this provision – households (who are of an appropriate size for the property type/size being allocated in accordance with the above) will be housed on a date order basis with the operative date being how long the applicant has been in temporary accommodation.

This policy shall only be operational for a period of four months maximum, unless extended by the Cabinet.

## **7.6 Non Statutory Successions**

An RP who is a participant in the CHR, may at their own discretion allow an applicant to succeed to a tenancy where there is no statutory right to do so, so long as the property is of the appropriate size under this allocations scheme. Where the property is not of the appropriate size, an alternative property of the appropriate size may be allocated under this clause. Such an allocation shall be regarded as a transfer under the lettings plan.

## **7.7 Persons Requiring Disabled Adapted Properties**

Vacant properties which are adapted (or which are suitable for adaptation) or which are potentially suitable for applicants with a substantial disability or other special needs may be let outside of the Points Scheme.

Wheelchair adapted/accessible accommodation may be ringfenced for applicants who require this type of dwelling (as agreed by an Occupational Therapist approved to carry out such assessments), and allocated based on need, including, but not limited to relative points levels.

Where properties are significantly adapted in other ways (e.g. wet room) the Council reserves the right to give priority to applicants who require these adaptations over those who do not, regardless of the level of points.

An allocation may also be made outside points order in the case of a RP tenant who is willing to transfer from a property which she/he does not require and which is particularly suitable for an applicant with special needs.

## **7.8 Hard to Let Properties**

Where a property is deemed 'hard to let', it may be offered directly to any applicant (including any suspended applicants) who, in the view of the Council, may be interested in it.

Generally properties will only be deemed hard to let once no interest has been expressed in at least two bidding rounds under the CBL scheme.

## **7.9 Renewal of Fixed Term Tenancies**

Where a Housing Association agreed to renew a tenancy originally granted for a fixed term pursuant to the Localism Act (2011), this shall not be regarded as an allocation for the purpose of this policy.

## **7.10 Statutory Homeless Cases**

Statutory homeless applicants in receipt of 100 homeless points will automatically be subject to *autobidding*.

## **7.11 Medical Cases and Other Vulnerable Persons**

Applicants with an award of extreme medical (e.g. terminally ill persons) where a direct offer is considered the most appropriate way of meeting their needs.

## **7.12 Returning from Institutions**

Applicants who, with the agreement of their landlord have given up a social housing tenancy to go into an institution (e.g. prison) and are returning. This will always be on a like for like basis regardless of any change of circumstances in the intervening time (with the exception of relevant medical factors).

## **7.13 Relationship Breakdown – Housing Association Tenants**

In the event that:

- A person who is a joint tenant of B3Living (or any other social landlord who has adopted a policy commensurate with this and who is a signatory to the Common Housing Register) issues notice to quit and brings to the end a joint tenancy: **and**
- B3Living (or any other social landlord who has adopted a policy commensurate with this and who is a signatory to the Common Housing Register) requests it in writing, pursuant to a policy they have formally adopted on relationship breakdown;

the Council shall nominate a person to be allocated that relevant dwelling outside the points scheme so long as the following applies:

- the nominee was a joint tenant of the dwelling immediately prior to the issue of the notice;
- the nominee was not the party that issued the notice that brought the tenancy to an end (unless exceptionally agreed by the Council and RP landlord);
- the dwelling in question is of the appropriate size for them under the terms of this scheme).



Where all of the above is applicable but the dwelling in question is of a size larger than that regarded as meeting the person's needs under this scheme – they shall be made a direct offer of an alternative home commensurate with their needs under this scheme.

Only one party to a joint tenancy may be allocated a home under this clause.

## 7.14 Specialist Accommodation

A direct offer will be made for residents of the following housing schemes who are deemed eligible to move:

- Springboard H.A. specialist accommodation i.e. Eleanor Cross Road, Brampton Close.
- Cadmore Lane Supported Housing Project.

## 8 Entitlements

### 8.1 Size of Property Offered

Under the policy one bedroom will be allowed for:

- Every adult couple.
- Any other adult aged 16 or over.
- Any 2 children of the same sex aged under 16.
- Any 2 children who are 10 years or younger.
- Any other child under 16.

The table below is a guideline. In the event that there is an application not covered by this, the policy principle set out above will be applied.

Bedsit	Single person
1 bedroom	Single person over the age of 35 Single person under the age of 35 not subject to the single room rate and who can demonstrate the means to pay rent through means other than housing benefit Single person with access to children (who are under the age of 16) Couple Pregnant woman
2 bedroom	Couple or single parent with: one child two children of the same sex 16 or under two children under 10
3 bedroom	Couple or single parent with: Two children of the opposite sex where one is 10 or over Two children of the same sex where one is 16 or over

	<p>Three children in any other combination unless at least 2 of the children are over 16</p> <p>Four children where 2 pairs of children would be expected to share a room as detailed above (see 2 bedroom)</p>
4 bedroom	<p>Couple or single parent with:</p> <p>Six children where all of the children are under 10</p> <p>Five children</p> <p>Four children where 2 pairs of children would not be expected to share a room as detailed above</p> <p>Three children where at least 2 of the children are over 16.</p>
5 bedroom	<p>Couple or single parent with six or more children unless all of the children are under 10</p>

Social housing tenants moving from larger accommodation to smaller may be allowed up to one bedroom more than they need, unless the applicant is restricted from doing so under this policy (see 6.3.2).

An applicant household requiring, an additional bedroom for medical reasons (and where a recommendation to this effect has been made by the Medical Advisor), may at the discretion of the Council be entitled to an extra bedroom under this clause.

Applicants needing 4 or 5 bed accommodation, may, on a case by case basis and with their agreement, be permitted to bid for 3 bed properties with the agreement of the Council (or RP in the case of a tenant of a RP participating in the CHR). Where this is agreed, and in the event of a successful bid the final say on any allocation will rest with the RP of the dwelling concerned.

With the exception of an applicant who is a tenant 'downsizing under clause 6.3.2 only applicants where at least one of the children in a household is under 16 will be permitted to bid for houses. For the purpose of this clause a bungalow made available for general needs shall be regarded as a house.

## **9 Matching Properties and Applicants**

### **9.1 Lettings Plan – Tenants and Applicants**

The Council operates a Common Housing Register in conjunction with RP partners. Under these arrangements, all of the partners have agreed to make available all of their void properties to applicants on the CHR.

All RP tenants resident in the Borough wishing to move should register on the CHR, and they will be pointed in accordance with this policy.

Applicants and tenants may bid for all properties advertised under the CBL Scheme, unless otherwise indicated. In some instances lettings will be ring-fenced for tenants (T only) only, some for Housing Register only (H only). Properties open to all applicants will be marked H/T.

Under the CHR, it is intended that tenants will receive 25% of all lettings and Housing Register cases 75%

Where properties are ring-fenced to either tenants (T) or applicants (H) this will be clearly indicated in the advertisement under the CBL Scheme.

The precise number of properties that will be ring-fenced is not known, as the number and proportion of lettings going to each group through non-ring-fencing will need to be monitored, as such lettings form part of the overall 25%/75% Lettings Plan.

All other lettings either outside of the points scheme and/or by direct letting will be counted for the purpose of the Lettings Plan.

The overall outcome therefore should be 75% lettings to applicants and 25% to tenants.

In order to qualify for the (T) ring-fence, the landlord of the RP tenant must be a participant in the CHR. Currently these are:

- Aldwyck
- B3 Living
- Metropolitan Housing Trust
- Paradigm
- Hastoe
- Home Group
- Sanctuary Housing
- Hightown Praetorian and Churches

Tenants must also meet all criteria set out in 3.3 of this policy.

Tenants of other RPs and Local Authority tenants may, all other things being equal, bid for non-ring-fenced (H/T) properties, and will be treated alongside all other applicants.

The rationale for this is that the participant RPs have agreed to give up the 25% of nominations of their own dwellings that they are entitled to under existing nomination agreements and placed them in the CHR, for allocation by the Council. In return the Council has agreed to comply with existing nomination agreements by guaranteeing that 25% of all nominations will go to tenants via the ring-fence.

## **9.2 Lettings Plan: Property Types and Location**

It is the intention of the Lettings Plan that, all things being equal, the type and location of dwellings should be split so as to reflect the overall intentions of the Plan. This means that 75% of a given property type, in a given location will be open to all bidders and 25% will be ring-fenced (or will otherwise be let) to tenants.

The exception to this is that the Council has agreed that 66% of **all** houses available for letting will be ring-fenced for tenants. However, this will be subject to periodic review.

Where a points award on medical grounds is made, and there is an additional recommendation for a property type, the applicant may only bid for that property type.

### **9.3 Lettings Plan: Statutory Homeless Cases**

Homeless Applicants are entitled to bid in exactly the same way as all others under this policy, and they receive a level of points reflecting the need to give them reasonable preference under the legislation.

However, this policy allows, where circumstances deem it necessary, the revision of this lettings plan, so as to ensure that homeless households continue to receive reasonable priority under the scheme. Details of this are set out elsewhere in the document. Such a revision to the plan can only be made by the Director of Finance in consultation with the Cabinet Member with responsibility for housing, and for a limited period only.

### **9.4 Local Lettings Schemes**

In some cases the Council may operate a local lettings policy in line with S167 (2E) of the Housing Act (1996) enabling housing authorities to allocate accommodation to people of a particular description whether or not they fall within the reasonable preference categories. An example of where this scheme would apply would be to keep child density low on estates, especially on new build developments.

### **9.5 Lettings Plan: Households in Work or Making a Community Contribution**

As part of the authority's policy to support households in employment and who otherwise make a community contribution, the Council has agreed that up to 25% of lettings will be ring-fenced for resident (i.e. resident for the purpose of this policy) households who meet this criteria.

This will form part of a local lettings plan and will be advertised as such under the CBL Scheme. Applicants bidding successfully under this clause will be required to provide evidence that they meet the criteria in order for the nomination to go forward.

The following shall also be deemed to qualify under this clause (all other things being equal):

- An applicant who is in paid employment for a minimum of 16 hours per week and who has a contract of employment, or is an agency worker or is self-employed (for tax purposes).
- Temporary work may be considered as employment where:
  - it is of sufficient duration (a minimum contract of 6 months) or;
  - the applicant can demonstrate that the temporary contract is part of a pattern of ongoing employment of this type. Casual or seasonal work (e.g. a student employed in the holidays) shall not be regarded as employment for the purpose of this clause.
- The Council will require three months of wage slips including the most recent in order to qualify under this clause. Self-employed persons will be required to demonstrate an ongoing and viable business, including proof of income or accounts for the last year to qualify.

An applicant who is currently:

- A registered foster carer.
- A retained fire fighter.
- A police special constable.
- A person who served in HM forces for a minimum of 5 years having enlisted from an address in the Borough and was honourably discharged.
- A serving Reservist in either the Maritime Reserve, Territorial Army or RAF Reserve.
- A person who undertakes defined and regular voluntary work that makes a positive contribution to the wider community may, at the discretion of the Council, be eligible to receive enhanced priority under this clause.

## **9.6 Lettings Plan: Right to Move**

Persons accepting an offer under this clause will be eligible for one offer of accommodation reflecting the need to relieve hardship.

Offers under this clause will be subject to a quota of no more than 1% of lettings from the Homeseeker list in any one year. Where the number of offers in any one year is less than 1% there shall be no mechanism to roll these over to subsequent years.

For the purpose of calculating 1% the number of lettings to the homeseeker list in the previous year shall form the basis of that calculation.

## 9.7 Choice Based Lettings

A key aim of the Homelessness Act (2002) was to facilitate the introduction of allocations schemes that offer applicants a more active role in choosing their accommodation. As a specific requirement of the 2002 Act, local authorities must include in their scheme a statement of their policy on offering applicants a choice of accommodation or the opportunity to express preferences about the housing to be allocated to them.

Details of the scheme can be found in the scheme guide found at [www.Homeoption.org](http://www.Homeoption.org) "Scheme User Guide".

## 9.8 Number of Offers

An applicant bidding successfully for a dwelling under CBL may receive three offers, be it in writing or verbal unless they are in a category for which there are different arrangements. However, in the event of a refusal after a third successful bid the applicant will be suspended for one year from the date of the third refusal, unless there are compelling reasons why this should not be the case.

## 9.9 Statutory Homeless Households

Homeless households will be made *one* offer under the scheme. All applicants in receipt of Homelessness points (100 points) and in temporary accommodation will also be subject to *autobidding*.

Temporary accommodation is (for the purpose of this part of the allocation policy) is defined as:

- All of the Council hostels including those leased from a third party.
- Bed and breakfast accommodation.
- All supported accommodation not set up to provide a permanent housing solution.

### Autobidding

Autobidding occurs where certain classes of applicant are automatically put forward for properties offered CBL, regardless of whether the applicant expresses such a preference themselves.

Under the autobidding procedure -all statutorily homeless households in receipt of 100 homelessness points will be subject to autobidding.

Where a statutorily homeless applicant refuses a reasonable offer (however such an offer is arrived at), the Council will (all other things being equal) discharge its homelessness duty if the property is held to be suitable for the applicant's needs. In these circumstances the right to occupy temporary accommodation will be brought to an end.

## 9.10 Type of Offers

Offers are made by the landlord RP, not the Council. Depending upon the circumstances of the applicant and the policy of the RP this could be:

- An assured tenancy.
- A fixed term tenancy of a length generally no less than 5 years (or in exceptional circumstances no less than 2 years).
- A one year Starter Tenancy.

## 9.11 Bypassing Applications

The council may also bypass 'Live' applications in the following circumstances:

- A sensitive allocation is necessary or a local lettings policy is in operation, for example where sheltered or older person designated blocks are being de-designated.
- A property is purpose built or significantly adapted for a person with a disability.
- The property is on the ground floor or is a bungalow, in order to ensure it is occupied by someone who needs it, for example on medical grounds.
- An applicant in high housing need has a special requirement which can only be met by a specific property.
- An applicant has pets and the property being allocated is not suitable for certain pets or pets are not permitted.
- A nomination to a registered social landlord would not meet the rules of that landlord concerning income, household size, pet ownership etc.
- The applicant is a tenant of a RP and the RP has informed the Council that they have breached their tenancy, and are not eligible to be made an offer. This includes rent arrears, anti-social behaviour or because the property is in a poor state due to neglect or damage that is the responsibility of the tenant.
- There are rent arrears or other debts outstanding within the last calendar month to the Council or a RP, for example current or former rent arrears, a recharge for damage to a property (or where social a landlord has reason to believe such a charge may be justified and is being assessed) or an outstanding private rented deposit loan.
- The Council is satisfied that the offer of a particular property would not be in the public interest having regard to community safety and cohesion.
- An applicant qualifies (or does not qualify) under a local lettings plan.
- The Council has been unable to carry out a home visit.
- The applicant is of pensionable age but who is not a borough resident, but is otherwise eligible under this scheme, where there is high or exceptional demand for a given property or type of property from residents. In exercising discretion under this clause the Council will consult with the relevant RP which owns the property concerned.

- The applicant does not fit the criteria as per the advert on HomeOption System.

## **9.12 Withdrawal of Offers**

The Council may withdraw an offer in the following circumstances:

- The property is not suitable for the applicant's needs.
- The Council has decided that the applicant is not entitled to the offer.
- The applicant is a tenant of a RP and their current property is in a poor condition.
- The applicant has not responded to an offer within five days of the offer being made, unless the allocating officer has agreed a longer period.

If an offer is withdrawn the Council will tell the applicant the reason why in writing and will ask the applicant to contact the Council immediately.

## **9.13 Refusals**

Where an applicant bids successfully but refuses the property, it will count as one of their three offers unless one of the following circumstances prevails:

- The size of the property is not suitable in accordance with the policy.
- The applicant has significant medical needs that render the property unsuitable. The Council will expect a satisfactory explanation as to why this information was not given to the Council before the offer was made.
- The offer is in an area where the applicant is at significant risk of violence or harassment or another very significant risk, and there was a strong reason why the Council was not informed previously as to why the area was not safe.
- The acceptance of a property can be shown to cause financial hardship.

# **10 Accommodation Designated for Older People**

Housing associations have some properties which are available exclusively for residents aged 60 or over. In exceptional circumstances allocations may be made to an applicant who is younger if for example, they have particular medical problems or there are no suitable applicants aged 60 or over on the waiting list.

## **10.1 Retirement Housing**

These properties comprise bungalows, studio apartments and flats throughout the Borough. They are usually connected to the 24-hour emergency alarm service should the tenant need assistance.

## **10.2 Retirement Housing with Support**



Retirement housing with support comprises bungalows, studio apartments and flats within a self-contained 'scheme'. Each flat in the scheme is linked to a 24-hour emergency alarm service should the tenant need help. The scheme also has an experienced support worker who provides appropriate housing support to tenants, encourages social activities and looks after the buildings and grounds. They do not offer assistance with shopping, cleaning, cooking or personal care (if the tenant needs support with these, please see 'extra care' below). The scheme also has additional social and domestic facilities, such as a communal lounge and garden.

### **10.3 Retirement Housing with Flexi Care**

Designated Flexi Care units will be allocated outside of the points scheme by a Panel comprising:

- Borough of Broxbourne
- B3L (Or the scheme landlord where not B3L)
- HCC Health and Community Services
- Care Agency (where appropriate)

The Panel shall determine who shall be eligible for such schemes and in what priority order.

The full procedure can be found at Appendix 2.

## **11 Reviews, Complaints and Exceptions**

### **11.1 Review Procedure**

Under the Housing Act 1996, an applicant has the specific right to request a review of the following decisions affecting their application:

- Not having been included on the Housing Register.
- Removal from the Register other than at the applicant's request.
- The applicant considers that they have not been awarded the correct points.
- The reasonableness of any offer made.
- The status of an application.

If an applicant disagrees with any other decision on their application or feels that their application has been assessed unfairly, they should follow the Council's complaints procedure. Details of the procedure are available on the Council's website [www.broxbourne.gov.uk](http://www.broxbourne.gov.uk), or in the leaflet 'How to Comment on the Council and its Services', which is available from the Council offices and One Stop Shops.

### **11.2 Changes to The Allocation Scheme**

Where the Council is adopting a major policy change which affects the Housing Register it will notify everyone concerned who is registered and will carry out such consultation as is reasonable.

### **11.3 Exercise of Discretion/Exceptions to Policy**

**11.3.1** Where, this policy specifically allows for the exercise of discretion, such discretion may be exercised by the relevant Head of Service.

**11.3.2** Where a request is made to exercise discretion outside of this policy (an exception to policy), or where it is regarded as appropriate to do so by the Council or in the case of an RP tenant, by the relevant RP in consultation with the Council, such discretion may only be exercised by the relevant Director in consultation with the Cabinet Member with responsibility for housing.

**11.3.3** The relevant Director may, in consultation with the Cabinet Member with responsibility for housing make amendments of a minor or administrative nature, where it is deemed appropriate to do so.

## Appendix 1 –Registration Procedure

Details of the Registration procedure can be found at [www.homeoption.org](http://www.homeoption.org)

## Appendix 2

B3 Living: Local Lettings and Eligibility Policy for Flexi Care Housing Schemes	AH03 /1
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### 1. Introduction

- 1.1. Flexi Care allocations and lettings are slightly different, as there needs to be an assessment for the care services required. As such Health and Community Services are a key stakeholder and applications for this type of accommodation need to be dealt with separately to others.
- 1.2. Flexi Care is independent living with onsite care and support. B3Living will not accept referrals where there is a lack of capacity or where the individual has dementia which is causing challenging behavior. This is defined as 'walking with purpose', aggression or inappropriate behavior towards other service users and staff.

### 2. Policy Aims

- 2.1 The policy aims to engage all partners in progressing a clear and time appropriate assessment process. It also aims to ensure that the allocations are appropriate and that clients are capable of independent living.

### 3. Accommodation Details

#### 3.1. Emmanuel Lodge

- 3.2. The accommodation comprises of 25 one bedroom flats and 5 two bedrooms. All have built-in wardrobes. They have a fully fitted kitchen with oven and hob. The flats are wheelchair accessible. Some of the bathrooms have low level access entry showers.
- 3.3. The scheme has extensive communal facilities including the 'snug' which is a reception room with TV, surround sound system, computer, Wii console, lounge/dining area, laundry, two kitchens, hairdressers room, assisted bathrooms and showers , lift, gardens and pond, Carers office and a guest room.

### **3.4. Wormley Court**

- 3.5.** The accommodation comprises 31 one bedroom flats. The scheme has communal facilities including lounge/dining area with TV, computer, Wii console, laundry, kitchen, lift, Carer's office, guest/assessment room and two large gardens. All flats have built-in wardrobes and are wheel chair accessible.
- 3.6.** Wormley Court also has an assessment flat which can be used on a short term basis following agreement at panel.

## **4. Application and Allocation process**

### **4.1. Application process**

- 4.2.** Applicants must complete the Council's housing register application form, which is available from the Council offices, website, One Stop Shops and B3 Living offices at Scania House.
- 4.3.** The application is registered with the Council and then forwarded to B3Living. An initial desk top assessment is carried out by the Head of Rehousing to establish whether the applicant meets the initial criteria. Any referrals which would not be suitable will be informed in writing by B3Living.
- 4.4.** Referrals which meet the aims and ethos of Flexi Care receive a housing needs assessment by B3Living and Saga staff. This will take place within 7 working days. If the assessment indicates the client meet the initial eligibility for Flexi Care they will be added to the Flexi Care housing waiting list, in the suggested band (this can be amended when assessed by Health and Community Services).
- 4.5.** The completed assessment form is sent to Seek and Solve for further assessment, by Health and Community Services , if necessary. The application is presentation by the housing team at the next panel meeting.
- 4.6.** Where possible assessments should take place in the applicants own home or a Flexi Care scheme to establish their housing, support and care needs. If this is not possible an assessment may be carried out in hospital. Should the applicant be 'out of borough' a representative will request an assessment from the applicants allocated Social Worker or Community Care Worker.
- ### **4.7. Allocations Panel**
- 4.8.** The B3Living representative will present each case at panel including our proposed band. This can be updated, if necessary following a further assessment by Health and Community Services.
- 4.9.** The allocations panel will undertake the following tasks in the application process for an application to be considered:

- Oversee all applications for a tenancy.
- Determine eligibility against the allocation process and Local Lettings Policy (for which specific criteria applies see 3.2 and 3.4.5 of the scheme).
- Confirm the housing and care support needs of applicants, the suitability and sustainability of current care arrangements and/or current accommodation.
- Consider applicant's ability to manage in a Flexi Care environment.
- Monitor care hours availability in line with a banding system.
- Confirm the dependency level as assessed by Health and Community Services
- Decide on how to deal with any complex applications.
- Review any exceptional circumstances, for example homelessness.

The panel meets every 4- 6 weekly to minimise voids.

## **5. The Flexi Care panel consists of:**

- Broxbourne Council Manager/Representative.
- HCC Health and Community Services Manager.
- HCC Health and Community Services, Social worker/Community Officer.
- B3Living Senior Retirement Coordinator.
- B3Living Lettings Coordinator.
- Care Provider (Saga).
- Specialist Mental Health Social Worker.
- The Chair of the panel will be a Service Manager, HCC.

**5.1.** A waiting list will be maintained by the Housing Options team at the Borough of Broxbourne.

**5.2.** It is anticipated that referrals will come from a variety of sources, in Health and Community Services, housing, relatives, carers, self-referral, GP or health professional.

**5.3.** All applicants are assessed based on the eligibility criteria. Should the panel not approve an application, full details as to the reasons why will be sent to the client in writing explaining why the eligibility has not been met. This will be administered by B3Living.

## **6. Eligibility Criteria**

**6.1.** To be eligible for Flexi Care housing, an applicant (**or if a couple one or both of the applicants**) must usually:

- 6.2. Be in housing need and eligible under the allocation scheme – this includes situations where the present living situation may no longer be suitable because care and other facilities cannot realistically be provided there.
- 6.3. Be aged 60 or over, or registered disabled with assessed care needs and a **lifestyle suited** to living in a community of older people. All cases will be considered on their own merit. A joint application can be made where one partner is without care needs.
- 6.4. Require assistance with daily living tasks, and/or personal care. This may be undertaken by domiciliary care agency or a family member.

## 7. Dependency levels

- 7.1. Under the new flexi care arrangements a balanced community is key to ensuring service users receive the appropriate levels of care. Therefore the needs of residents are placed into 3 main bands:

<b>Band 1</b>	<b>Band 2</b>	<b>Band 3</b>
Up to 3 hours care (Band 1 includes no care)	3-10 hours care	over 10 hours

- 7.2. The accommodation within Flexi Care has been divided up to ensure a balanced community.

## 8. Target Groups

- 8.1. Services users who may benefit from Flexi Care may include:

People whose needs are unpredictable and therefore more difficult to meet with predetermined time units of care, for example:

- Those with Parkinson’s Disease.
- Those with conditions making them prone to falls.
- Those with mental health needs such as depression, however challenging behaviour cannot be managed within the Flexi Care environment.

People with degenerative conditions where a move to Flexi Care housing could prolong independent living, initially this may include clients with a relatively small care package, for example:

- Those in the early stages of dementia where settling in early on is important and independent living is still appropriate.
- Those with Rheumatoid Arthritis or Multiple Sclerosis.

- 8.2.** People who are highly vulnerable and at risk, making access to support and care invaluable, although their actual care package may not be large, including:
- Those with high levels of anxiety.
  - Those who are socially isolated.
  - Those who are being abused.
- 8.3.** Applicants will usually be living in the Borough of Broxbourne for at least five years or be able to demonstrate a local connection.
- 8.4.** Applicants must have a desire to maintain their independence, and be able to benefit from the features of Flexi Care Housing – independence, tenancy, own space and life style with care given on flexible care model.

## **9. Allocations process**

- 9.1.** There are 4 main drivers for consideration:
- Individual.
  - Health and social care.
  - Needs of scheme.
  - Housing needs.
- 9.2.** There needs to be a balance between the person who may be most in need as opposed to the person who is most likely to settle and succeed in the long term.
- 9.3.** The Allocation panel will ensure tenants enter at an optimum time – early stages of dementia (but still able to make relationships, function within a daily routine, have some knowledge of their surroundings), during recovery from an episode of depression, or coming out of hospital after illness. However regard will be given to the Common Housing Register which B3Living has signed up to. Where there are a number of clients in a category, with the same number of points, time on the waiting list will determine priority. An example of how the waiting list may look is as follows:

Band 1 Low Needs	Band 2 Medium Needs	Band 3 High Needs
Mrs Jones 505 points	Mr Smith 600 points	Mr Green 300 points
Mrs Smith 510 points	Mr Jones 460 points	Mrs Smith 290 points
Mrs Baker 300 points	Mrs Black 10 points	Mr White 200 points
Mrs Barker 50 points		

- 9.4.** To ensure that tenants are protected from significant harm, exceptions can be made to the allocation process after consultation and agreement with the Head of Rehousing from B3 Living and the HCC Locality Manager. This will also assist in emergency situations.

- 9.5. The Care Agency and Health and Community Services are responsible for keeping the panel up to date with the levels of need within the scheme. Furthermore, when a vacancy has arisen the information will be used to ascertain which band the void will fall into.
- 9.6. Applicants may have restricted mobility, but be able to cope in a supportive environment. Some people may need a variety of aids and equipment to enable them to function appropriately.
- 9.7. Applicants will be able to make this a home for life, until their health deteriorates to a point where long term nursing care is required.

## **10. Lettings**

- 10.1. B3Living will notify Broxbourne Council when a vacancy arises, including which band the vacancy falls into. The Allocations Team will consult with the waiting list and send a nomination to the Letting Team.
- 10.2. The Lettings Team then prepares the offer letter, and confirms to Health and Community Services that referral has been accepted.
- 10.3. The sign up process takes place in the Flexi Care scheme.
- 10.4. B3Living are signed up to the common housing register, as such all nominations are processed through the Housing Options department. If a void becomes available and only a B3Living assessment has been carried out, the Head of Rehousing will write to the relevant HCC Manager requesting an urgent assessment date. B3Living will not allow properties to accrue void loss for more than 7 days. Should the urgent assessment not be carried out the Borough of Broxbourne will nominate the next person on the Flexi Care housing waiting list in the appropriate band.

## **11. Appeal Process:**

- 11.1. Applicants will be entitled to appeal against decisions made by the Allocations Panel. Clear refusal reasons must be given in writing to the applicant. All appeals will be addressed to the Housing Services Manager at B3Living. The Housing Services Manager will consult with the Chair of the panel on any appeals made. The joint decision of the Housing Services Manager and the Chair will be final. Appeals might be against the refusal to give priority status, exclusion from the waiting list etc.
- 11.2. The applicant will be made aware of the decision within 14 days.

## **12. The Complaints Procedure**

- 12.1. Applicants who are not satisfied with the way their application has been dealt with should use Broxbourne Council's complaints procedure. Such complaints might include applications that have gone missing, not been dealt with quickly enough etc.



- 12.2.** Applicants who are not happy with the way their care needs assessment has been carried out would use Hertfordshire County Councils complaints procedure.
- 12.3.** Applicants, who have exhausted the Complaints Procedure and remain unsatisfied, have the right to take their complaint to the relevant Ombudsman Scheme.

## **Appendix 3 - Glossary**

**CHR** – Common Housing Register – a database of everyone who has applied for housing provided by a Registered Provider. This includes applicants seeking to become a tenant for the first time as well as RP tenants seeking a transfer.

**RP** – Registered Provider – also known as a Housing Association or Registered Social Landlord. A Registered Provider is a private non-profit making organisation that provides housing for people in need of a home at below market costs.

**HA** – Housing Association (see above)

**CBL** - Choice Based Letting – an on-line system which enables eligible housing register applicants to express an interest in a property which is suitable for their needs when it becomes available. Applicants that are 'live' on the Housing Register can use the system to view accommodation that is available for letting each week and can choose to 'bid' for a property.

**ASBO** – Antisocial Behaviour Order – a civil order made against someone who has engaged in anti-social behaviour, designed to limit and correct the recipient's behaviour by, for example, preventing them from going to certain areas/ shops. Violating an ASBO can incur up to five years imprisonment. This means getting an ASBO does not give you a criminal record, but breaking the ASBO could. They are a long-term measure (usually lasting at least 2 years).

**ASBI** – Antisocial Behaviour Injunction - an injunction that prohibits someone from engaging in housing-related anti-social conduct. The injunction will specify what the person is prohibited from doing. They are usually sought by Local Authorities, the Police or Registered Providers. A breach of the injunction can result in the arrest of the individual. They are a short-term measure (usually lasting around 6 months).

**AST** - Assured Shorthold Tenancy – this is a type of agreement between tenant and landlord that is most commonly used in the private rented sector. It contains information such as the rental price, the deposit amount, the start and ends dates of the tenancy and whether it can be ended early. The terms must be fair and comply with the law.

**NSP** – Notice Seeking Possession – this is served on a tenant by a landlord when the landlord wants to end the tenancy usually because the tenant has breached the terms of the tenancy e.g. they have not paid their rent or committed serious antisocial behaviour. A tenant has 28 days to respond to a notice seeking possession.

**HCC** – Hertfordshire County Council – Broxbourne Council is a district council in a 'two tier' system. It falls under the 'upper tier' which is Hertfordshire County Council. Hertfordshire County Council is responsible for delivering adult social care services in all of the districts in the county.

