



CHOICE-BASED LETTINGS Allocations Policy

November 2007

This policy, whilst approved by the Executive Committee of North East District Council on 31st January 2007, only becomes operative from the time of the launch of the Choice Based Lettings scheme.



No English? No problem

We want all of our citizens to be able to understand the information we provide about our services.

If you have any difficulty reading or understanding this information please contact us by telephoning 01246 231111.

We can also provide information in large print, braille and audio tape versions.



☎ **01430 457390** (CANTONESE) 廣東話

☎ **01430 457391** (MANDARIN) 國語

本市政府關心閣下，我們希望區內所有的市民都能夠使用我們所有的服務。請致電上列這一號碼，可用廣東話或國語和我們交談。

☎ **01430 457392** (ITALIAN)

Noi ci prendiamo cura di voi. Il nostro obiettivo è quello di dare a tutti i nostri clienti la possibilità di accedere ai nostri servizi. Per parlare in **italiano**, chiamate questo numero

☎ **01430 457394** (URDU) اُردو

ہم احساس کرتے ہیں۔ ہم چاہتے ہیں کہ ہمارے صارفین ہماری تمام سروسز سے استفادہ حاصل کریں۔ اگر آپ کسی سے اُردو میں بات کرنا چاہیں تو اس ٹیلیفون نمبر پر رابطہ کریں

☎ **01430 457395** (POLISH)

Dbamy o naszych klientów. Pragniemy, by wszyscy mogli skorzystać z całości oferowanych przez nas usług. Aby porozmawiać w języku **polskim**, wybierz ten numer telefonu.

☎ **01430 457396** (PUNJABI)

ਅਸੀਂ ਦੇਖ-ਭਾਲ ਕਰਦੇ ਹਾਂ। ਅਸੀਂ ਚਾਹੁੰਦੇ ਹਾਂ ਕਿ ਸਾਡੇ ਸਾਰੇ ਗਾਹਕ ਸਾਡੀਆਂ ਸਾਰੀਆਂ ਸੇਵਾਵਾਂ ਤੱਕ ਪਹੁੰਚ ਕਰ ਸਕਣ। ਕਿਸੇ ਨਾਲ **ਪੰਜਾਬੀ** ਵਿਚ ਗੱਲਬਾਤ ਕਰਨ ਵਾਸਤੇ, ਇਸ ਨੰਬਰ ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

☎ **01430 457397** (OTHER LANGUAGES)

Contents

Section 1	Aims & Principles	Page 4
Section 2	Overview	Page 5
Section 3	Housing Register Eligibility Criteria	Page 6
Section 4	Offering choice	Page 9
Section 5	Making an application to be accepted onto the Housing Register	Page 10
Section 6	Housing Needs & The Priority Banding scheme definitions	Page 12
Section 7	Letting & eligibility criteria for empty homes	Page 15
Section 8	Advertising	Page 18
Section 9	Bidding for Homes, Offers and Feedback	Page 19
Section 10	Review and Appeal procedure	Page 22
Section 11	Inclusion Strategy for CBL	Page 24
Section 12	Policy Review	Page 28
Appendices	See attached Appendices document	

Section 1: Aims & Principles

North East Derbyshire District Council's (NEDDC) Choice Based Lettings Allocations Policy aims to achieve the following key principles.

Provide local people with a choice of good quality housing that they want and can afford, in addition to providing as much choice and control as possible over where they live by:

- assisting people in urgent need to access a suitable home;
- providing quality housing options advice;
- ensuring that as part of the lettings service; potential and current residents will know what properties are available to rent.

Let Council properties fairly in an open and transparent way by:

- making sure that the lettings process is as transparent as possible and that bureaucracy is reduced as much as possible within the confines of our legislative duties;
- providing feedback to applicants through regular bulletins on how individual properties are let.

Be a part of helping residents feel safe and free from fear in their homes and neighbourhoods through:

- carrying out a system of checks for all applicants, and references where appropriate, to help ensure that this wider aim is achieved.

Ensure communities are stable, viable and balanced by:

- providing applicants with information about neighbourhoods and areas to assist choice;
- helping to promote social inclusion as a part of building sustainable communities.
- measuring and improving tenancy sustainability.
- giving local people the opportunity to have a say and to influence what happens in their neighbourhoods through the development of local lettings plans.

Fulfil our legal and statutory obligations by:

- ensuring that the process for assessing housing need and letting homes as detailed in this policy, meets the requirements of the Housing Act 1996 as amended by the Homelessness Act 2002, the Code of Guidance on the Allocation of Accommodation; the Data Protection Act; the Race Relations (Amendment) Act; the Disability Discrimination Act; the Human Rights Act; the Freedom of Information Act and all accompanying Codes of Guidance.
- providing quality preventative advice and practical help when required with respect to homelessness.

Promote and ensure equality of access to the services that we provide by:

- ensuring no customer or potential customer is treated less favourably than other on the grounds of religion, gender, marital status, race, nationality, ethnic or national origin, colour, disability, age, religion or belief, or sexual orientation.
- All information relating to this policy and accessing the system will be provided in a range of formats to meet applicant's particular circumstances. These may include audiotape, large print, symbols, braille, different languages, interpreting services and sign language. If there are any other requirements the Council and Rykneld Homes will endeavour to meet them.
- providing a range of housing and related support services for vulnerable people that are easy to access and understand;
- monitoring services to ensure that there is equality of opportunity, access and fair treatment for all persons, taking account of any specific needs of disadvantaged groups or individuals;

Balance the objectives of choice need and best use of the housing stock through:

- maximising efficiency and best value;
- letting properties quickly, efficiently and fairly;
- tackling low demand in specific areas;
- delivering improved service standards and customer satisfaction.

Promote partnership working

- Between the Council, Rykneld Homes (the Council's Arms-Length Management Organisation - ALMO), statutory organisations, voluntary sector, housing associations and other stakeholders, for the benefit of current and potential tenants and other service users.

Consult with all our stakeholders on:

- the setting up of this policy and any future reviews and amendments.

Section 2: Overview

The Council's Choice Based Lettings Allocations Policy details how it's Arms Length Management Organisation (ALMO), Rykneld Homes, who manage and maintain the Council's housing stock; will allocate the Council's properties and those of Housing Associations where the Council has nomination rights.

This policy, which applies to both new applicants and Council tenants who wish to transfer to another property, covers key areas such as:

- how people apply to join the housing register;
- the system of advertising and how 'bidding' operates;
- the priorities that will be used to determine successful applicants;
- eligibility criteria for properties.

The policy is designed, as far as possible to create a balance between:

- the Council as a landlord meeting housing need within the district by making best use of its properties to create balanced, sustainable communities;
- ensuring that applicants can exercise as much choice as possible and that homes are allocated in a clear, fair and transparent manner;
- the Council delivering its statutory duties under housing and related legislation.

The following sections provide further detail of each key area within the policy.

Section 3: Housing Register Eligibility Criteria

Who can apply

The Council operates an open housing register, so anyone can apply, including existing North East Derbyshire District Council tenants. The following exceptions will apply:

- applicants must be 16 or over to register, with the proviso that the applicant must be able to satisfy Rykneld Homes Ltd (RHL), the Council and (for young people aged between 16 and 17 years) Children's Services that they are able to live independently, sustain a tenancy & have an identified package of support available to them. The only exception to this being where the applicant is a child who is subject to Children Act 1989 provisions;
- applicants who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 and are not qualifying persons cannot be registered. The Secretary of State may in the future prescribe other persons or classes of persons who are not qualifying persons.

Applicants can register alone or jointly with a partner or another adult who lives or will be living with them. See section 5 below for full details of how to apply.

Checks and References

On application we will make a number of checks at registration to verify details before an offer is made (See **Appendix 3**).

Obligation to be Truthful

Section 171 of the Housing Act 1996 makes it an offence to withhold information that the Council reasonably require to assess an application, or to provide false information that leads to gaining a tenancy. We will take appropriate action, including possession proceedings, against anyone who gains a tenancy through knowingly providing false information. We will check if an applicant, or anyone in the household, is already registered. Only one application at any one time is allowed.

Forms of Identification

For every applicant on the application form we must see at least two forms of proof of identity, and proof of current address. (See **Appendix 3**)

Ineligibility, Suspensions and Other Restrictions

There are certain circumstances in which any application may be deemed to be ineligible or, more likely, suspended. All cases will be considered in their own right and special circumstances may be applicable on occasion. Rykneld Homes would not offer a property or put forward a nomination for a Housing Association property, whilst an application remains ineligible or suspended.

An application will be deemed as ineligible or suspended if an applicant or a member of their household has been guilty of certain unacceptable behaviour in line with the 'Code of Guidance for local housing authorities on the Allocation of Accommodation' (Issued 11/2002), and the provisions of the Rehabilitation of Offenders Act 1974. The following three-stage test will be applied where Rykneld Homes, on behalf of the Council, believe that an applicant may be responsible for unacceptable behaviour serious enough to make them unsuitable to be a tenant –

1. Rykneld Homes will consider whether it is reasonable that a possession order would be granted under s.84 Part 1, Schedule 2, Housing Act 1985, whether actually or notionally the applicant had been a secure tenant of the authority. 'Reasonable' means having regard to the interests of the parties and the interests of the public.
2. Having concluded that a possession order would be granted, Rykneld Homes will then need to be satisfied that this would not be suspended or postponed. The assessment of this will be based on the individual circumstances of each case taking into account all evidence available and current legislative/regulatory guidelines.
3. Rykneld Homes will then consider whether this behaviour was unacceptable at the time of the application. Previous unacceptable behaviour may not justify a decision to consider the applicant unsuitable where that behaviour can be shown to have improved.

Guidance on Unacceptable Behaviour

The following notes are provided for guidance and apply to current and former Council tenants and residents in housing association homes. Each application will be determined on its own merits and nothing within this guidance should be taken as a full and final definition of eligibility. Where Rykneld Homes is satisfied that special or exceptional circumstances exist, it may in its absolute discretion decide not to treat as ineligible a person whose behaviour falls within any of the three categories below.

1. Non-payment of rent or other tenancy charges

- Where the current amount of debt meets the three stage test of unacceptable behaviour (detailed above), the applicant would normally be excluded from the register.
- Applicants who have maintained either:
 - an account clear of outstanding tenancy charges, or
 - an agreement to pay off their outstanding tenancy charges,for a period of at least 6 months would normally be admitted to the register. Any offer of accommodation would normally be withheld until all outstanding tenancy charges are paid in full.
- Where outstanding rent or tenancy charges are due to the non-receipt of housing benefit and this is through no fault of the tenant, an applicant would be admitted. Help will be provided to an applicant to complete the required benefit forms, where special needs exist.

2. Tenancy Agreement Breaches

Having regard to the 'test of unacceptable behaviour', where an applicant has breached one or more conditions in their tenancy agreement, consideration will be given to the nature, seriousness and circumstances of these breaches and the length of time the tenancy has been free from problems.

3. Anti-Social Behaviour

- Anti-social behaviour (ASB) in this context can include relevant criminal convictions (within the provisions of the Rehabilitation of Offenders Act 1974); any relevant breach of a tenancy agreement; nuisance or annoyance to neighbours or using a property for immoral or illegal purposes.
- Having regard to the 'test of unacceptable behaviour' above, when considering whether an applicant should be excluded, the following factors will be taken into account.
 - The frequency and duration of the conduct.
 - The scale, severity and type of the anti-social behaviour and its effect on other people.
 - Any actions in progress by the landlord to address the conduct, such as possession proceedings.
- With due regard to the 'Rehabilitation of Offenders Act 1974' and paragraph 5.52 of the 'Allocation of Accommodation – Code of Guidance for local housing authorities', where Rykneld Homes believes that the nature of an applicant's

convictions might mean that they present a potential risk to the local community, that application will be assessed and if accepted considered for a Discretionary Let to enable the Authority to manage the risk.

Review

Rykneld Homes will be pro-active in its approach to suspended applicants. Mechanisms will be in place to automatically “flag-up” suspended applicants after 12 months in suspension. At that point Rykneld Homes will attempt to contact the suspended applicant in order to update the current position and assess whether the suspension can be lifted.

Transfers

Transfer applicants who then submit a Right to Buy application will be removed from the register.

Section 4: Offering Choice

Rykneld Homes will help customers to make informed choice by providing comprehensive, easy to understand information on the:

- total number of homes owned by the Council, by type and location (and partner landlords if relevant);
- total number and locations of properties currently available, including those undergoing development work and those for management lets;
- estimated waiting times for different areas and properties;
- outcomes of previous lettings;
- lettings criteria for each home (see Lettings Criteria in Section 7).

In addition, all applicants will be encouraged to look at the whole range of housing options available to them, for example mutual exchange, transfer, private sector, shared ownership, low-cost home ownership schemes.

All applicants have the following choices.

- Area/s of preference for re-housing across the whole district.
- Up to 6 bids for individual homes per advertising cycle (number will be subject to regular review).
- Unlimited refusals (unless a priority applicant with a time limit – see Section 6). However after 6 refusals the application will normally be subject to a review.
- To not bid (unless priority applicant with a time limit - see Section 6)
- Option to bid on any type of home where the lettings criteria can be met (see Lettings Criteria in Section 7)
- Option to bid only on homes that meet their own aspirations, for example with garden, ground floor only, close to public transport or particular health amenities.

Section 5: Making an Application to be Accepted onto the Housing Register

Every applicant must complete and return an application form which can be obtained from Rykneld Homes and partner agencies.

Lists of contact details will be published widely including in the Choice Based Lettings newsletters.

The following support will be available to all applicants.

- Help to complete the application form.
- Written and verbal information to ensure customers understand how applications will be dealt with.
- Contact with staff to find out if an applicant's needs can be met and if so, indicative guidance on waiting times.
- Support with the review, appeal and complaints procedures.
- Assistance in accessing advertising and 'bidding' (see Section 9) for properties.
- Liaison between CBL staff and relevant support agencies.

All information relating to this policy and accessing the system will be provided in a range of formats to meet applicant's particular circumstances. These may include audiotape, large print, symbols, braille, different languages, interpreting services and sign language. If there are any other requirements the Council and Rykneld Homes will endeavour to meet them.

An application (whether new or change of circumstances) will be registered from the date it is received fully completed and with the correct documentation attached (or with the registration date it had when transferred across from the previous allocations system). All applications will be subject to the same process of assessment. The information given on the application form will be stored on a computer and may be shared with other public agencies (such as the Department for Work and Pensions) and Council services (such as Housing Benefits and Council Tax) solely to detect and prevent fraud.

All applications will be reviewed annually, in line with the registration date, to ensure that the information is still up to date. At the one year anniversary each applicant will be written to and invited to confirm their application status and details – if there is no response within 21 days, the application will be cancelled and a letter sent confirming this.

Joint Tenants Who Want To Be Re-Housed Separately

Joint tenants of either the Council or a housing association will usually only be considered for re-housing with all other applicants, unless there are extenuating reasons, such as separation, divorce, relationship breakdown or their safety is threatened.

If we agree that an applicant can register for re-housing without the other joint tenant(s) then we will normally need a written guarantee stating that:

- the applicant will remain a joint tenant until such time as an offer of re-housing is accepted;
- when accepting and signing for a new tenancy, the applicant will assign their interest in the existing tenancy to those remaining joint tenant(s).

Support

Some people might need support in accessing the CBL service. We will use a number of ways to identify if an applicant has any support needs including information from:

- the application form;
- a referral from other agencies such as Social Services, Probation services or the Primary Care Trust;
- a support group/agency;
- a member of the family;
- our monitoring of bidding;
- the applicant themselves.

If support needs are identified we will need to make contact for further information, to ensure we offer the most appropriate support such as:

- advice on the CBL Allocations scheme;
- availability of support agencies/networks;
- help with bidding and finding a home.

The practical issues of supporting vulnerable groups are dealt with in more detail in Section 11 Inclusion Strategy.

Confirmation of Acceptance on to the Register

When an application is accepted it will be confirmed by letter, which will include the:

- registration date and registration number;
- any priority and banding awarded;
- detailed advice on how to bid;
- most recent adverts;
- information on local areas, numbers and types of homes and previous lettings.

This information should be retained for use during bidding and contacting housing staff.

Appeals and Review of Suspended Applications

Where an application is deemed to be ineligible/suspended, we will inform applicants of the decision in writing with the reasons for this, other options available to them and their right to a review in the first instance, followed by appeal if the applicant is not

satisfied by the review outcome (see section 10 for the Review & Appeals Procedure). Where an applicant has been unsuccessful in an appeal against ineligibility, a new application can be made when the applicant feels that the circumstances that created their ineligibility have changed.

Cancellation of Invalid Applications

Applications are no longer valid when a:

- Council tenancy or housing association nomination is accepted (as a sole or joint tenant);
- joint tenancy with an existing tenant is accepted;
- tenancy is assigned to an applicant;
- new secure tenancy is granted on the death of a successor;
- purchase/part-purchase of a property in a 'build for sale' or 'shared ownership' scheme results from a Council nomination;
- submission to purchase a Council property under the Right to Buy scheme is completed.

An application will therefore be cancelled if:

- it is no longer valid (see above)
- the applicant requests us to do so.
- there is no response to a review letter or other correspondence.
- the applicant moves and does not inform Rykneld Homes of the new address.
- the applicant leaves the country and is subsequently prevented from being registered because of the restrictions within the Asylum and Immigration Act.
- we find that the applicant has supplied false or incomplete information connected with that application

Section 6: Housing Need and Priority Banding Scheme Definitions

Awarding Priority Banding

All applicants who are accepted on to the Housing Register will have their application assessed and placed into one of four 'bands' summarised below, in line with their current housing need. Detailed definitions of each band's categories can be found in **Appendix 4**. There is no hierarchy of the categories within the bands.

Where an applicant fits into more than one band, the application will be placed in the band with the highest level of urgency. Priority bands 1 (with the exception of homelessness) and 2 require a 'Local Connection' (which is defined after the Band 4 summary).

Priority Band 1 – Emergency/Very Urgent Need

- Homelessness (note: Homeless households will be assessed by the Council under relevant legislation, and the local connection requirement may not apply in some cases)
- Domestic abuse
- Critical and/or crisis medical needs
- Special cases – for example: multiple band 2 needs. Includes *Management Lets* (see section 7)

Priority Band 2 – Urgent Need

- Medical needs (general)
- Significant care needs, where re-housing would improve health
- Statutory overcrowding
- Support needs – receiving or providing
- Racial and other harassment
- Anti-social behaviour – cases where re-housing of victim is appropriate
- Duties under the Children Act 1989
- Vulnerable young people aged 16 & 17
- Lack of basic amenities
- Moves that release a high demand Council or under occupied home for re-letting
- Moves that release a disabled persons adapted home
- Applications via the “Tenants Incentive Scheme & Adaptation Transfer” route
- Council and Rykneld Homes employees, whose home is a Council property tied to their job, who are leaving or retiring, and would have to give up their home.
- Re-designation of older persons homes
- Council tenants affected by development work to Council homes/decant/ creation of decant pools
- Multiple band 3 needs

Band 3 – Moderate Need

- Low level overcrowding
- Private sector tenants with no security of tenure
- Children living in flats
- Applicants who share basic amenities with other households
- Applicants without any local connection who otherwise meet the criteria of Band 1 or 2. Includes applicants referred through ‘MoveUK’, a Government scheme to facilitate re-housing across local authority boundaries, for example for employment reasons or to give or receive support.
- Special circumstance (for example: families with special needs children)

Band 4 - General Need

- This band will include applicants with none of the specific housing needs included in bands 1, 2 and 3, but who wish to be re-housed.

Definition of ‘Local District Connection’

Priority bands 1 & 2 require a local district connection before an applicant can be placed within these bands. For the purposes of this allocations policy, this is defined as applicants:

- living in the district for at least 6 months out of the last 12; or 3 out of the last 5 years, unless they came to the area to attend a further educational establishment;
- having a close family member (child, parent, brother or sister) who has lived in the district for at least the last 5 years;
- giving or receiving care/support from someone living in the district;
- who are children leaving care;
- moving for further education/training purposes;
- moving to receive specialist medical treatment;
- moving to or from supported housing which is near family;
- with employment reasons who have been working in the district for at least 6 out of the last 12 months;
- who are key workers or similar;
- with other special reason for living in the district, for example:-
 - applicants who are leaving accommodation in the armed forces will be assessed on the basis of where their principal home was when they moved into forces accommodation;
 - children for whom the County Council (Social Services) is acting as corporate parent and who are placed outside the district will be deemed to have a local connection with NEDDC;
 - people who need to move to the district, where failure to meet their need would cause hardship (to themselves or other family members).

In all the above cases, supporting documentary evidence will be required.

Medical Assessments

If an applicant thinks that their current home is unsuitable due to their medical or mobility needs they may ask to be assessed for medical needs. If the state of repair of the home is adding to these problems, where possible, the property should be repaired before re-housing can be considered.

The assessment will be carried out by an independent medical advisor or agency and the appropriate band, band 1 for crisis/critical needs and band 2 for general needs awarded. Further details are contained in **Appendix 5**

Time Limiting & Review

Where priority bands 1 & 2 are awarded, the time an applicant can stay within it will be subject to a full review including:

- Re-assessment of the applicant’s housing need
- Re-assessment of the applicant’s current banding
- An assessment of whether appropriate homes had become available to bid for or the number of homes where the applicant had been unsuccessful with their bids.

Outcomes of a full review could result in a number of outcomes including:

- “housing options” advice being provided to the applicant;
- extra support to the applicant;
- change or priority banding (up or down)

Priority Band 1 applications will be subject to a full review after 3 months with close monitoring between reviews. In the case of statutory homeless, after a period of 3 months a “proxy” bid will be made by the Housing Solutions Team in order to discharge its statutory duty. The bid/offer must be one which is appropriate under the terms of the Housing Act 1996 Part 7, as amended by the Homelessness Act 2002. Priority Band 2 applications will be subject to a full review after 12 months.

Applicants registered in priority bands 3 and 4 will be asked to update their application details annually, with any substantial changes potentially leading to re-categorisation.

In all of above cases, actual accrued waiting time is not limited and is a factor on which winning bids are determined within the bands.

Section 7: Lettings and Eligibility Criteria for Empty Homes

Overall Lettings Plan and Quotas

The Council wants to enable as many people as possible to get the home of their choice. Consultation has shown that tenants, applicants and other key stakeholders thought that:

- sometimes homes should be allocated to people in the lower bands;
- letting homes to people with a range of different needs is good for communities.

Therefore, all empty homes will be let according to an overall allocations quota plan, with a fair proportion across all four bands in order to provide balance and promote sustainability across our communities.

Quotas will apply across the district and will be subject to regular review and amendment, which will be based upon considered circumstances, such as fluctuating demand, changes in the wider housing market. They will also reflect need in each area and estate wherever it is practicable to do so. Quotas are an “aim”, not a performance measurement. Those applicants in the higher bands will always have less time to wait because more homes will be allocated to those bands.

Property Banding

In general, each home will be allocated a preference band. That is, which band of applicants will be considered first for that individual home.

Hard to let

If a property received no bids in the previous bidding cycle, there will be consideration of a relaxation of normal eligibility criteria when it is re-advertised. Offers will be made on the basis of highest band first, waiting time second.

Community Connection

This is a system of preference for applicants wishing to live in the community/parish where they:

- have been living for at least 6 months out of the last 12; or 3 out of the last 5 years
- have a close family member (child, parent, brother or sister) who has lived in the community/parish for at least the last 5 years.
- give or receive care/support from someone living in the community/parish
- need to live education/training purposes
- receive specialist medical treatment
- need to move to or from supported housing which is near family
- have employment reasons and have been working in the community/parish for at least 6 out of the last 12 months
- are, for example:-
 - applicants who are leaving accommodation in the armed forces will be assessed on the basis of where their principal home was when they moved into forces accommodation.
 - people who need to move to the community/parish, where failure to meet their need would cause hardship (to themselves or other family members)

In all the above cases, supporting documentary evidence would be required.

Applicants will be awarded an extra 6 months waiting time for those bids where they meet the above community/parish connection requirements. (see Section 9 for details of bidding)

Discretionary Lets

This criteria refers to a let being allocated which is not subject to the general allocations policy. Such a let will be considered in the rare occasions where needs cannot be met through the normal allocation policy and procedure, for example:

- temporary accommodation is required following a fire or flood, or other major incident and current property is uninhabitable;
- substantial development or repair work is being carried out and the tenant cannot safely or reasonably be expected to remain in-situ;
- applicant lives in a Council home built or specially adapted for a person with a disability & that person no longer lives there or no longer needs it;
- succession to the tenancy of a property built or specially adapted for a person with special needs and they do not need that home;
- referral by Police Authorities as part of their Witness Support programmes;

- re-housing required as part of the Council's Emergency Plan following a local disaster;
- other situations specified in this Policy or Appendices, or unspecified emergency situations;
- potential use in a "tie" situation where two applicants with the same banding and waiting time are at the top of a short-list.

The decision to make a Discretionary Let will be authorised by senior staff.

Local Lettings Plans / Rural Lettings Plan

We may adopt plans under this criteria for specific estates/areas. These have either been or will be agreed with local residents and other stakeholders and have considered the problems that need addressing, backed up by evidence and wide consultation with stakeholders. Further detail on these two criteria can be found in **Appendices 11 and 12** respectively.

Eligibility Criteria

Each advertised property will have two sets of criteria. These are the conditions an applicant must meet to be eligible to bid for a home.

Initially, the 'property' criteria detail any priority rules that apply to this particular property including:

the band from which applicants will be given first preference and the sequence in which bands will be looked at if there are no applicants in the preferred band;

- if the Rural lettings criteria apply (together with detail of rules that apply);
- if any local lettings criteria apply (together with detail of rules that apply);
- If the property has been re-advertised with relaxed criteria as no bids were received last cycle.

Secondly the 'applicant' criteria detail any extra conditions relating to the applicant that may apply in addition to the property criteria, and may include one or more of:

- minimum age of applicant for any offer of a home;
- minimum age of applicant for some flats and bungalows;
- adapted property for people with mobility priority;
- Extra Care Housing Schemes;
- Four bedroom and larger homes
- access arrangements for children under 16 (for example, if there are any steps)
- size of household (see **Table 1** below). Usually expressed as "min" &/or "max" household size.

Full details of all the above applicant criteria can be found in **Appendix 7**.

TABLE 1: General Guidance to Property Sizes / Types and Qualifying Household Size.

	Studio Flat/ Bed-sit	1 Bed bungalow	1 Bed flat	2 Bed flat/ Maisonette	2 Bed Bungalow	2 Bed House	3 Bed Flat/ Maisonette	3 Bed House	4 Bed House
Single Person	√	√	√	√	√				
Single Person + overnight access to 1 or more children	√		√	√		√			
Single Person + overnight access to 2 or more children			√	√		√			
Couple or 2 Adults		√	√	√	√				
Household with 1 child (or expecting baby)				√		√	√	√	
Household with 2 children (same sex) or 3 (individual) Adults				√		√	√	√	
Household with 2 children (opposite sex) or 3 or more children						√	√	√	
Household with 4 or more children or household of at least 6 people in total							√	√	√
Household with 5 or more children or household of at least 8 people in total							√	√	√

Section 8: Advertising

Advertisement of available homes

We will advertise all available Council homes on a cyclical basis. This will be at least fortnightly and as follows:

- On our website with free access available at numerous points around the district and a list of these locations being widely available.
- A lettings brochure produced at least fortnightly detailing all the available homes, available at various points across the district, including offices of the Council, Rykneld Homes and partner agencies or which can be posted out on request where there are evidenced mobility/vulnerability issues.

The advertisements explain:

- how to bid for a home;
- the closing date for bids;
- the details of each property including rent/charge, number of bedrooms, the maximum and/or minimum number of people who can live in it, special features;
- the band preference (which band will be considered first), letting and eligibility criteria for each home;
- wherever possible, an indication of the demand for similar homes that have been let recently, to give an idea to the applicant whether or not they have a realistic chance of being offered a specific home;
- whether any decoration allowance is applicable and if so what level;
- any relevant local information

The right to withdraw properties at short notice, in some cases even after advertising, is reserved. Withdrawal of properties will be kept to an absolute minimum.

Mutual Exchanges

Within some of the advertising media will be a section detailing homes and tenants who wish to move under mutual exchange procedures.

A Mutual Exchange is a swap of accommodation between two or more tenants, where each party moves permanently into their exchange partner's home. A tenant cannot exchange into an empty property. Council and Housing Association tenants can apply to exchange their accommodation, subject to certain conditions, with the consent of their landlords being required before moving.

Looking for a mutual exchange gives applicants another option to obtaining a move.

Section 9: Bidding for Homes, Offers and Feedback

Every applicant will normally be able to make up to 6 bids in each cycle of adverts.

If an applicant is at the top of more than one short-list, they will be contacted and asked to express a preference. That preference will be their one and only offer in that cycle. In these circumstances, once a preference is made the other homes will immediately be eliminated and offered to the next eligible applicant on the shortlist(s). If an applicant expresses a preference to us prior to deadline we will endeavour to record and act upon that preference wherever feasible.

Before making a bid an applicant should seriously consider if the property:

- is in an area they would like to live in, information on areas is provided with the advert and application forms;
- is the type they would be happy with, the property details are on each advert;
- has letting criteria they are eligible for.

If applicants consider the above then waiting times can be kept lower as we reduce the chances of making offers that people don't want.

How Bids are Made

"Bidding" refers to the way applicants let us know they are interested in a home. It doesn't involve any money; it is an expression of interest only. Acknowledgements will be provided on request.

Bids can be made:

- in person or by post
- by telephone;
- by SMS (text);
- on the website;
- on an applicant's behalf by Rykneld Homes by prior mutual agreement (we will inform you if this is to be done on your behalf e.g. for priority applicants and in some circumstances vulnerable applicants);
- on an applicant's behalf by a support agency/worker (by agreement).

Bidding for Applicants in Priority Bands 1 and 2

Applicants in Priority Bands 1 or 2 will need to search and bid for homes in the normal way. However, they will also need to be aware of the following conditions.

- Priority will only be given for homes that meet the applicants need. For example, if an applicant has mobility needs for level access, they will not be given priority to move from a house with stairs to another house.
- Applicants will be expected to bid on all types of homes for which they meet the letting criteria, for example 2 bedroom flats as well as houses, and may need to compromise on their ideal choice in order to move quickly.
- With valid reason we can make a bid on applicants' behalf or review or cancel a priority at any time.

Advice and assistance can be provided to help applicants through this process.

Sorting Bids

All bids received by the closing date for a property are placed in descending order, in line with the eligibility criteria for the property. Where two or more applicants are in the same priority band, **and** meet any additional 'property' eligibility criteria, **and** meet the 'applicant' eligibility criteria, referred to in Section 7 above, then order will be determined by the longest application waiting time.

If there are no applicants who meet the 'property' and 'applicant' criteria within the band from which applicants have been given first preference, then the property will be cascaded through the bands.

Full details on the bid sorting procedure for bands 1 to 4 is provided in **Appendix 8**.

Homes Available in Rural Lettings and Local Lettings Plan Areas

Homes in areas with these plans will be subject to additional lettings criteria which have been agreed and operate in specific localities. In the case of rural lettings a local connection needs to be established in the first instance, prior to checking further criteria, full details of which are in **Appendix 12**.

Discretionary Let

Properties used for a Discretionary Let will be clearly detailed as such in the feedback information and they will not have been subject to bids. At the time a discretionary let is needed, all suitable homes available will be considered and on occasion this may mean the withdrawal of a home already advertised.

Successful Bids and Offers

Successful bidders will be contacted shortly after the closing date to arrange an accompanied viewing of the property. Offers will be made to the applicant within the preferred band, who has been waiting longest, subject to eligibility. See **Appendix 9** for full detail of offer procedure.

Each successful applicant will receive 1 offer only per cycle. If an applicant has bid on a number of homes and is successful for more than one, then their preferred property will be the only one offered to them in that cycle and we will proceed down the list to find the next suitable applicant for the other homes.

An accompanied viewing will be arranged, after which the successful applicants will normally have up to 24 hours to make a decision.

If we find that information has not been provided and that a successful applicant does not in fact meet the lettings criteria then the offer can be withdrawn.

Feedback

At the end of each cycle, a list of all properties that have been let will be available. This will be included within the advertising for the next round of available homes. Feedback will show the address of the property (not house/flat number), the band and waiting time of the applicant who was offered the property following the closing date. No personal information about the successful applicant will be shown. In exceptional cases, due to the nature and/or circumstances of a particular let, it may be necessary to withhold details of a letting.

The feedback is provided for transparency and information, so that unsuccessful applicants can see the banding and waiting time of the successful applicant and also get an indication of how long they may have to wait for a particular locality/dwelling type to help them to make more informed bids in the future.

Homes which have been discretionarily let or are held back for reasons such as modernisation works, will also be listed.

Refusing Offers

Offers can be refused and applicants will not be penalised for this. However, reasons must be given for refusal. When an applicant has been offered and refused 6 homes they will be interviewed to review housing need and provide any other housing advice that they may need.

Non bidders

If applicants on the Housing Register do not express an interest in any property over an extended period of time we will contact them to see if they need any help using this system or if their circumstances have changed.

If an applicant has Band 1 priority and has not made a bid within 4 weeks we (via the Housing Solutions Team for statutory homeless cases) will contact them to find out why and to offer any support, help or advice.

If applicants have a Band 2 urgent priority we will make contact after 6 weeks if they have not made a bid, again so that we can find out why and offer any help and advice required.

Section 10: Review and Appeal Procedure

If applicants are unhappy with any decisions that Rykneld Homes make, they can request a review in the first instance. Examples of where this may happen include:

- decisions relating to applications to join the Council's Housing Register including where applicants have been suspended or excluded unfairly in their view;
- offers of property made;
- if an applicant believes that they are in the wrong band, or that their band has been changed unfairly in their view after a time-based review;
- if an applicant believes that a property has not been allocated according to this allocation policy. For instance, if they expressed an interest for a home, and were in the same priority band and had longer waiting time than, the successful applicant.

An identified officer, who is independent of the original decision making process, will carry out these reviews. This will normally be the appropriate Rykneld Homes service manager.

Procedure

Stage 1 - Review

- A request for a review must be made within 21 days from:
 - the date on which you were notified of Rykneld Homes' decision and the reasons for it, or

- the date of publication of feedback of properties let, where an applicant believes that a property has not been allocated according to this allocation policy

You can make this request in writing, in person, by telephone or by email. Your request will be acknowledged in writing within 3 working days of receipt.

- The reviewing officer will have up to 56 working days from the date of receipt to carry out the review. This may be extended by mutual agreement. The reviewing officer will take into account the relevant contents of the Council's Allocations Policy together with any legislative requirements, statutory instruments and the prevailing Code of Guidance. They may seek information from any agency that supports the applicant. Applicants may be asked to provide a written explanation to describe the grounds of your review.
- If the reviewing officer finds that applicants have given additional relevant information, which had not been taken into account when the original decision was made, the case will be referred back to the officer who originally dealt with the case. This officer will reconsider their original decision in view of the new information provided.
- When the review is complete, the reviewing officer will write to applicants within 3 working days to advise them whether the original decision is upheld or rejected, and their reasons for this outcome. Applicants will also be advised of their right of appeal at stage 2.

Stage 2 - Appeal

Where applicants are not satisfied with the decision of the reviewing officer, they can appeal to the Solution and Support Manager within 21 days of the review decision.

The SSM who has not been involved in the original decision, will consider the request for an appeal. The decision on the appeal will be based on the facts known to RH at the date of the review. The SSM may need to ask the applicant for more information to assist in making a decision.

The applicant may attend the appeal for themselves or a friend or representative to present the case. .

This review and appeal process is over and above customers' general rights to complain about any Council service.

Discretion

Where a review or appeal made by an applicant, on the grounds that a property has not been allocated according to this allocation policy, is upheld, and the applicant has missed out on the offer of a property as a result of this, then consideration will be given to offering the applicant another property as a 'discretionary let'. This will be at the discretion of the reviewing officer or the Solution and Support Manager, depending on which stage of the procedure is being followed.

Section 11: Inclusion Strategy for Choice Based Lettings

Aims & Objectives

The Council is committed to assisting vulnerable and hard to reach applicants access homes. Our Homelessness Strategy underpins this commitment, but in addition the Inclusion Strategy for the lettings service will provide equality of access for all.

Principles:

- Pro-active in that we will set up mechanisms to identify potentially vulnerable applicants.
- Recognise that we cannot always provide the support ourselves, but deliver a co-ordinating role with partner and support agencies
- Work with support and partner agencies to:
 - Provide training and information on the CBL system
 - Ensure they receive copies of advertisements
 - Provide them with feedback on the results of applications from their clients
 - Encourage them to provide advocacy to assist clients to bid
 - Widely publicise available properties
- Have a two-way approach to meeting the housing & support needs of vulnerable people, enabling support agencies to direct vulnerable people to us and ensuring we refer vulnerable people who apply to us for homes to them.

Purpose

Twenty seven pilot CBL schemes, funded by the then Office of the Deputy Prime Minister, ran in various locations in the UK from April 2001 to March 2003. One of the main points raised by these pilots was the need to provide equal access to the system, particularly for vulnerable groups:

"Strategies for protecting vulnerable and excluded groups involve ensuring that information on vacancies and processes is available in appropriate formats, including minority languages; that bidding mechanisms are accessible to all; and that systems are set up to provide assistance to those who would struggle to participate in the CBL process on their own. All pilots recognised this to be a core element of a comprehensive CBL service, but they differed in how much they felt it was the landlords' responsibility to ensure participation and how much it was legitimate to expect the applicant to do. Taking the pilot programme as a whole, the development of support for vulnerable groups was an area of weakness." Piloting Choice-Based Lettings: An evaluation (Full report) Chapter 15, p.173

The purpose of the strategy is therefore to ensure the effective inclusion of people from vulnerable groups in the Allocation and Letting process, by identifying and removing or reducing barriers to access and participation, and effectively monitoring ongoing performance and implementing any further improvements.

Defining Vulnerability

This strategy is based upon consultation with a wide range of stakeholders and specific groups who may need support in accessing CBL in NEDDC, the following groups may be considered, in this sense, potentially vulnerable. They include groups and individuals who are or have experienced for example:

- Chaotic lifestyles and those of no fixed abode, including rough sleepers
- 16-17 year olds
- Care leavers
- Deaf
- Domestic violence and other serious harassment victims
- Dual sensory impairment
- Equality group - religion and belief
- Equality group - sexual orientation
- Families with identified needs
- Homeless or in temporary accommodation (individuals and families). Learning disabilities
- Low literacy levels
- Mental health issues
- Offenders/Ex-offenders
- Older people and housebound people
- People in hospital ready for discharge
- People with HIV/AIDS
- Physical disabilities
- Refugees and others for whom English is not their first language
- Substance misuse
- Teenage parents and lone parents
- Travellers
- Unemployed and those on low incomes
- Visual impairment
- Youth offenders

Some individuals will fall into more than one category and the level to which they need support will vary. Different client groups will require different approaches in terms of support and assistance and it is clear that the level to which each group/category is already supported currently differs across the district.

A distinction must be made between those who need hands on support in searching and bidding for properties, and those who simply need to be provided with more information and advice in varied formats. As such, there are three main identified barriers to CBL:

1. Lack of access to advertising / scheme information
2. Lack of access to bidding mechanisms
3. Difficulty with making or articulating choices

Identifying vulnerable people

There are various ways of identifying those who may need help in accessing CBL. We will use the following methods.

- Identify those who are aided or supported by a statutory or voluntary agency, including referrals.
- Ask people to indicate whether they consider themselves in need of support in accessing the system.
- CBL staff and housing management staff to identify them by their own judgement at the point of application to the housing register.
- Identify those who are not bidding, or bidding for unsuitable properties, from the feedback.

Who Should Support Vulnerable People

A recent report stated:

"Partnership working between a wide range of stakeholders is essential in designing and delivering an inclusive scheme that meets local requirements" (Implementing and Developing Choice Based Lettings: A guide to key issues. Tim Brown, Ros Lishman and Jo Richardson. ODPM: March 2005. Page 30)

Consultation, both face to face and from the CBL survey suggested that support requirements depend on the needs of the individual and should be provided by:

- the housing provider, via support officers in the CBL team, together with the Council's Housing Options Team;
- the partner/support agency, via direct or floating support;
- a combination of both .

In short, a mixture of mechanisms, co-ordinated, but not necessarily provided directly by Rykneld Homes. Co-operation and good communication between partners in the scheme and all appropriate agencies is therefore vital to CBL.

Whilst this strategy document can provide the overall structure, detailing the different aspects and level of support that can be provided, links with agencies need to be further developed and formalised where necessary to enable the two-way process of referral to take place.

How Support Will Be Provided.

Technical & systematic provision will include the following.

- Information available in a range of formats, e.g. minority languages, larger print, tape.
- Use of symbols and clear labelling in adverts.
- Clear labelling for adapted properties.

- Automated processes to free CBL staff to concentrate their efforts on those applicants who are not participating effectively but do not have recognised support needs.
- Procurement of suitable IT & telephone systems
- System rolled out to partners and other support agencies (such as libraries and other community contact points) via the web.
- Web-based IT system providing effective access for some vulnerable applicants (particularly, disabled, people with access issues) and also afford partner agencies easy access to advertising, bids and feedback.
- Use of advertising to flag up points and agencies that can provide support.
- Partner agencies providing a useful focal point or a place to view and collect advertising and other information, and application forms.
- Ensure partner/support agencies receive the advertising.
- Monitoring of bids (through the IT system) to ensure that people are bidding and identify people who are not participating.
- Housing Options Team delivering a preventative approach to homelessness.
- System of referral (in both directions) between Rykneld Homes and partner/support agencies
- Pro-active analysis of application forms
- Promotion of scheme throughout the district & partner agencies to pro-actively encourage engagement with the scheme.
- A maintained list of vulnerable applicants who are not linked into agencies and who may require direct support and/or direct mail-outs of advertising.
- Proxy bidding by agencies/support worker where required.
- Training with partner/support agencies on the procedures of the CBL system.
- Development of robust monitoring processes.

Direct & co-ordinated support:

- Information in the required format sent to individuals, e.g. minority languages, larger print, tape etc.
- Central CBL team to contain support workers who can:
 - provide direct support to individuals, including home visits to these who need them;
 - refer new clients to floating support and/or other agencies as necessary;
 - identify individuals who need support in accessing CBL;
 - provide localised drop-in sessions around the district;
 - develop, maintain and co-ordinate links with partner/support agencies;
- CBL team as a unit providing training, information and support on the CBL system to partner/support agencies
- negotiate agreements with partner/support agencies for support /advocacy /referral system;
- maintain up to date lists of contacts for statutory/support agencies/networks

General:

It is vital that all staff, elected members, customers, potential customers and all agencies affected by the introduction of CBL are made aware of the scheme.

A range of training and information outputs/events will be provided before the launch of the CBL system and on an ongoing basis. Some of these will be aimed at front line staff of organisations and groups that provide housing support and advice. It will inform them how to use the scheme and enable them to fully assist their clients in accessing CBL.

Additionally information packs and booklets will be developed which will include all the basic information of how CBL works, how to register, where to access advertising, how to bid, where to find outcomes etc.

Detailed procedures will be developed and agreed both during service design stage and post-launch. The procedures and listings of agreements with partner agencies are detailed in **Appendix 10**

Section 12: Policy Review

During the first year of the service we will closely monitor the effectiveness and outcomes of various aspects of the CBL service. This will include:

- outcomes of who is housed, the banding system and time limits
- lettings criteria and the categories within them.
- advertising methods and media.
- bidding methods, procedures, timescales and other criteria attached to the bidding process.

This list is not exhaustive

The allocations policy will be subject to periodic review and amendment, based upon customer feedback, the ad-hoc trialling of different methods and upon the principles of best value. Following review it may be necessary to make adjustments to the allocations policy to facilitate the fair and efficient running of the CBL system. Where adjustments are made these will be communicated widely through the available CBL advertising methods.